WHEREAS, the right of parents to direct the upbringing and
education of their children is a fundamental right protected by
the Constitutions of the United States (U.S.) and the State of
Hawaii; and

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

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

WHEREAS, the U.S. Supreme Court held in Wisconsin v. Yoder
(1972) that the "primary role of the parents in the upbringing
of their children is now established beyond debate as an
enduring American tradition"; and

WHEREAS, however, the U.S. Supreme Court in Troxel v.
Granville (2000) produced six differing opinions on the nature
and enforceability of parental rights under the U.S.
Constitution; and

WHEREAS, the decision in Troxel v. Granville has created
confusion and ambiguity about the fundamental nature of parental
rights in the laws and societies of the several states; and

WHEREAS, Representative Peter Hoekstra of Michigan has
introduced in the U.S. House of Representatives the following as
an amendment to the U.S. Constitution to prevent the erosion of the long-standing American tradition of treating parental rights as fundamental rights:

"Section 1: The liberty of parents to direct the upbringing and education of their children is a fundamental right.

Section 2: Neither the United States nor any state shall infringe upon this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

Section 3: No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article." (Parental Rights Amendment); and

WHEREAS, this amendment will explicitly add provisions to the U.S. Constitution to protect in perpetuity the rights of parents as they are now enjoyed, without substantively changing current state or federal laws regarding these rights; and

WHEREAS, such enumeration of these rights in the U.S. Constitution will preserve them from being infringed upon by the shifting ideologies and interpretations of the U.S. Supreme Court; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that this body hereby affirms the Parental Rights Amendment to the U.S. Constitution, introduced in Congress by Representative Peter Hoekstra of Michigan; and

BE IT FURTHER RESOLVED that the House of Representatives urges Congress to propose the Parental Rights Amendment to the states for ratification; and

HR HMS 2010-1070
H.R. NO. 20

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the President of the U.S., President Pro Tempore of the U.S. Senate, Speaker of the U.S. House of Representatives, state legislative bodies of each of Hawaii's sister states, Parental Rights Organization, and Generation Joshua in Hawaii.

OFFERED BY:

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