

FEB - 2 2010

SENATE CONCURRENT RESOLUTION

AFFIRMING THE PARENTAL RIGHTS AMENDMENT TO THE UNITED STATES
CONSTITUTION AND URGING THE UNITED STATES CONGRESS TO
PROPOSE THIS CONSTITUTIONAL AMENDMENT TO THE STATES FOR
RATIFICATION.

1 WHEREAS, the right of parents to direct the upbringing and
2 education of their children is a fundamental right protected by
3 the Constitutions of the United States (U.S.) and the State of
4 Hawaii; and
5

6 WHEREAS, our nation has historically relied first and
7 foremost on parents to meet the real and continuing needs of
8 their children; and
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10 WHEREAS, the interests of children are best served when
11 parents are free to make childrearing decisions about education,
12 religion, and other areas of a child's life without government
13 interference; and
14

15 WHEREAS, the U.S. Supreme Court held in *Wisconsin v. Yoder*
16 (1972) that the "primary role of the parents in the upbringing
17 of their children is now established beyond debate as an
18 enduring American tradition"; and
19

20 WHEREAS, however, the U.S. Supreme Court in *Troxel v.*
21 *Granville* (2000) produced six differing opinions on the nature
22 and enforceability of parental rights under the U.S.
23 Constitution; and
24

25 WHEREAS, the decision in *Troxel v. Granville* has created
26 confusion and ambiguity about the fundamental nature of parental
27 rights in the laws and societies of the several states; and
28



1 WHEREAS, Representative Peter Hoekstra of Michigan has
2 introduced in the U.S. House of Representatives the following as
3 an amendment to the U.S. Constitution to prevent the erosion of
4 the long-standing American tradition of treating parental rights
5 as fundamental rights:
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7 *"Section 1: The liberty of parents to direct the*
8 *upbringing and education of their children is a*
9 *fundamental right.*

10
11 *Section 2: Neither the United States nor any*
12 *state shall infringe upon this right without*
13 *demonstrating that its governmental interest as*
14 *applied to the person is of the highest order and not*
15 *otherwise served.*

16
17 *Section 3: No treaty may be adopted nor shall*
18 *any source of international law be employed to*
19 *supersede, modify, interpret, or apply to the rights*
20 *guaranteed by this article." (Parental Rights*
21 *Amendment); and*

22
23 WHEREAS, this amendment will explicitly add provisions to
24 the U.S. Constitution to protect in perpetuity the rights of
25 parents as they are now enjoyed, without substantively changing
26 current state or federal laws regarding these rights; and
27

28 WHEREAS, such enumeration of these rights in the U.S.
29 Constitution will preserve them from being infringed upon by the
30 shifting ideologies and interpretations of the U.S. Supreme
31 Court; now, therefore,
32

33 BE IT RESOLVED by the Senate of the Twenty-fifth
34 Legislature of the State of Hawaii, Regular Session of 2010, the
35 House of Representatives concurring, that affirms the Parental
36 Rights Amendment to the U.S. Constitution, introduced in
37 Congress by Representative Peter Hoekstra of Michigan; and
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39 BE IT FURTHER RESOLVED that the Senate urges Congress to
40 propose the Parental Rights Amendment to the states for
41 ratification; and



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

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OFFERED BY:

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