

FEB - 2 2010

SENATE 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

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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

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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

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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
29 WHEREAS, Representative Peter Hoekstra of Michigan has
30 introduced in the U.S. House of Representatives the following as



1 an amendment to the U.S. Constitution to prevent the erosion of
2 the long-standing American tradition of treating parental rights
3 as fundamental rights:

4
5 *"Section 1: The liberty of parents to direct the*
6 *upbringing and education of their children is a*
7 *fundamental right.*

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

14
15 *Section 3: No treaty may be adopted nor shall*
16 *any source of international law be employed to*
17 *supersede, modify, interpret, or apply to the rights*
18 *guaranteed by this article." (Parental Rights*
19 *Amendment); and*

20
21 WHEREAS, this amendment will explicitly add provisions to
22 the U.S. Constitution to protect in perpetuity the rights of
23 parents as they are now enjoyed, without substantively changing
24 current state or federal laws regarding these rights; and

25
26 WHEREAS, such enumeration of these rights in the U.S.
27 Constitution will preserve them from being infringed upon by the
28 shifting ideologies and interpretations of the U.S. Supreme
29 Court; now, therefore,

30
31 BE IT RESOLVED by the Senate of the Twenty-fifth
32 Legislature of the State of Hawaii, Regular Session of 2010,
33 that this body hereby affirms the Parental Rights Amendment to
34 the U.S. Constitution, introduced in Congress by Representative
35 Peter Hoekstra of Michigan; and

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37 BE IT FURTHER RESOLVED that the Senate urges Congress to
38 propose the Parental Rights Amendment to the states for
39 ratification; and



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

