
HOUSE CONCURRENT RESOLUTION

AFFIRMING THE PARENTAL RIGHTS AMENDMENT TO THE UNITED STATES
CONSTITUTION AND URGING MEMBERS OF THE UNITED STATES
CONGRESS TO PROPOSE THE PARENTAL RIGHTS 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 United States Constitution as well as the Hawaii
4 Constitution; and

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

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10 WHEREAS, the interests of our 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 state
13 interference; and

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

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

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25 WHEREAS, this decision has created confusion and ambiguity
26 about the fundamental nature of parental rights in the laws and
27 society of the several States; and

28
29 WHEREAS, Representative Peter Hoekstra of Michigan has
30 introduced in the United States House of Representatives the



1 following as an amendment to the United State Constitution to
2 prevent the erosion of the long-standing American tradition of
3 treating parental rights as fundamental rights:
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5 *"Section 1. The liberty of parents to direct the*
6 *upbringing and education of their children is a*
7 *fundamental right.*
8

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; H.J. Res. 42, 2009);*
20

21 and
22

23 WHEREAS, this amendment will add explicit text to the
24 United States Constitution to protect in perpetuity the rights
25 of parents as they are now enjoyed without substantive change to
26 current State or federal law respecting these rights, including
27 the preservation of the Supreme Court's tradition of upholding
28 state laws against child abuse or neglect as representing a
29 "governmental interest...of the highest order"; and
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31 WHEREAS, this amendment will not impair the tradition of
32 granting parental rights to any individual who has legal custody
33 of a child, which may include other family members; and
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35 WHEREAS, an enumeration of parental rights in the text of
36 the Constitution will preserve them from being infringed upon by
37 the shifting ideologies and interpretations of the United States
38 Supreme Court; now, therefore,
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40 BE IT RESOLVED by the House of Representatives of the
41 Twenty-sixth Legislature of the State of Hawaii, Regular Session
42 of 2011, the Senate concurring, that these bodies hereby affirm
43 the Parental Rights Amendment to the United States Constitution



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1 as presented to the United States Congress by Representative
2 Peter Hoekstra of Michigan; and
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4 BE IT FURTHER RESOLVED that these bodies urge the members
5 of the United States Congress to propose the Parental Rights
6 Amendment to the States for ratification; and
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8 BE IT FURTHER RESOLVED that certified copies of this
9 Concurrent Resolution be transmitted to the President of the
10 United States, President Pro Tempore of the United States
11 Senate, Speaker of the United States House of Representatives,
12 and to the Chief Clerk of each legislative body of each State.
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OFFERED BY:

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Rep. Hoekstra

MAR 15 2011

