
HOUSE 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 and the State of Hawaii;
4 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 United States Supreme Court held in *Wisconsin*
16 *v. Yoder* (1972) that the "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, however, the United States Supreme Court in *Troxel*
21 *v. Granville* (2000) produced six differing opinions on the
22 nature and enforceability of parental rights under the United
23 States Constitution; and

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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

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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 States 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.*

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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*

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

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27 WHEREAS, such enumeration of these rights in the United
28 States Constitution will preserve them from being infringed upon
29 by the shifting ideologies and interpretations of the United
30 States Supreme Court; now, therefore,

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32 BE IT RESOLVED by the House of Representatives of the
33 Twenty-sixth Legislature of the State of Hawaii, Regular Session
34 of 2011, the Senate concurring, that the Legislature hereby
35 affirms the Parental Rights Amendment to the United States
36 Constitution, introduced in Congress by Representative Peter
37 Hoekstra of Michigan; and

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39 BE IT FURTHER RESOLVED that the Legislature urges Congress
40 to propose the Parental Rights Amendment to the states for
41 ratification; and

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43 BE IT FURTHER RESOLVED that certified copies of this
44 Concurrent Resolution be transmitted to the President of the



1 United States, the President Pro Tempore of the United States
2 Senate, the Speaker of the United States House of
3 Representatives, the members of Hawaii's congressional
4 delegation; the presiding officer of each chamber of the
5 legislature of each state, and to the presiding officers of
6 Parental Rights Organization and Generation Joshua in Hawaii,
7 respectively.

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OFFERED BY: John M. G. [Signature]
Karen Awanae

MAR 7 2011