
HOUSE 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

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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

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29 WHEREAS, Representative Peter Hoekstra of Michigan has
30 introduced in the United States House of Representatives the
31 following as an amendment to the United State Constitution to
32 prevent the erosion of the long-standing American tradition of
33 treating parental rights as fundamental rights:



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

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5 *Section 2. Neither the United States nor any*
6 *State shall infringe upon this right without*
7 *demonstrating that its governmental interest as*
8 *applied to the person is of the highest order and not*
9 *otherwise served.*

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11 *Section 3. No treaty may be adopted nor shall*
12 *any source of international law be employed to*
13 *supersede, modify, interpret, or apply to the rights*
14 *guaranteed by this article." (Parental Rights*
15 *Amendment; H.J. Res. 42, 2009);*

16
17 and

18
19 WHEREAS, this amendment will add explicit text to the
20 United States Constitution to protect in perpetuity the rights
21 of parents as they are now enjoyed without substantive change to
22 current State or federal law respecting these rights, including
23 the preservation of the Supreme Court's tradition of upholding
24 state laws against child abuse or neglect as representing a
25 "governmental interest...of the highest order"; and

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27 WHEREAS, this amendment will not impair the tradition of
28 granting parental rights to any individual who has legal custody
29 of a child, which may include other family members; and

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31 WHEREAS, an enumeration of parental rights in the text of
32 the Constitution will preserve them from being infringed upon by
33 the shifting ideologies and interpretations of the United States
34 Supreme Court; now, therefore,

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36 BE IT RESOLVED by the House of Representatives of the
37 Twenty-sixth Legislature of the State of Hawaii, Regular Session
38 of 2011, that this body hereby affirms the Parental Rights
39 Amendment to the United States Constitution as presented to the
40 United States Congress by Representative Peter Hoekstra of
41 Michigan; and



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BE IT FURTHER RESOLVED that this body urges the members of the United States Congress to propose the Parental Rights Amendment to the States for ratification; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the President of the United States, President Pro Tempore of the United States Senate, Speaker of the United States House of Representatives, and to the Chief Clerk of each legislative body of each State.

OFFERED BY:

Mele Carroll

Tom Bunn

AS

John M. [Signature]
[Signature]

MAR 15 2011

