

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 HOUSE CONCURRENT
5 RESOLUTION 1028

By: Faught

6
7 AS INTRODUCED

8 A Concurrent Resolution affirming the Parental Rights
9 Amendment to the Constitution of the United States;
10 urging Congress to propose the Parental Rights
11 Amendment to the States for ratification; and
12 directing distribution.

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14 WHEREAS, the right of parents to direct the upbringing and
15 education of their children is a fundamental right protected by the
16 Constitutions of the United States and the State of Oklahoma; and

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

19 WHEREAS, the interests of children are best served when parents
20 are free to make child-rearing decisions about education, religion,
21 and other areas of a child's life without state interference; and

22 WHEREAS, the United States Supreme Court in *Wisconsin v. Yoders*
23 has held that "This primary role of the parents in the upbringing of
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1 their children is now established beyond debate as an enduring
2 American tradition"; and

3 WHEREAS, however, the United States Supreme Court in *Troxel v.*
4 *Granville* produced six different opinions on the nature and
5 enforceability of parental rights under the United States
6 Constitution; and

7 WHEREAS, this decision has created confusion and ambiguity about
8 the fundamental nature of parental rights in the laws and society of
9 the several States; and

10 WHEREAS, the United Nations Convention on the Rights of the
11 Child has been proposed and may soon be considered for ratification
12 by the United States Senate, which would drastically alter this
13 fundamental right of parents to direct the upbringing of their
14 children; and

15 WHEREAS, this Convention has already been acceded to by 192
16 nations worldwide, and has already been cited by United States
17 courts as "customary international law"; and

18 WHEREAS, international influence is being exerted on the United
19 States Supreme Court, as demonstrated in *Roper v. Simmons*, where
20 "the Court has referred to the laws of other countries and to the
21 international authorities as instructive for its interpretation" of
22 the United States Constitution; and

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1 WHEREAS, Senator James DeMint of the State of South Carolina and
2 Representative Peter Hoekstra of the State of Michigan have
3 introduced in the United States Congress an Amendment to the United
4 States Constitution to prevent erosion of the enduring American
5 tradition of treating parental rights as fundamental rights:

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

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

12 Section Three: No treaty may be adopted nor shall any source of
13 international law be employed to supersede, modify, interpret, or
14 apply to the rights guaranteed by this article"; and

15 WHEREAS, this amendment will add explicit text to the
16 Constitution of the United States to protect in perpetuity the
17 rights of parents as they are now enjoyed, without substantive
18 change to current state or federal laws respecting these rights; and

19 WHEREAS, such enumeration of these rights in the text of the
20 Constitution will preserve them from being infringed upon by the
21 shifting ideologies and interpretations of the United States Supreme
22 Court; and

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1 WHEREAS, such enumeration of these rights in the text of the
2 Constitution will preserve them from being infringed upon by treaty
3 or international law.

4 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
5 OF THE 2ND SESSION OF THE 53RD OKLAHOMA LEGISLATURE, THE SENATE
6 CONCURRING THEREIN:

7 THAT the Oklahoma State Legislature affirms the Parental Rights
8 Amendment to the United States Constitution as presented to the
9 United States Congress by Senator James DeMint of the State of South
10 Carolina and Representative Peter Hoekstra of Michigan.

11 THAT the Oklahoma State Legislature urges the members of the
12 United States Congress to propose the Parental Rights Amendment to
13 the States for ratification.

14 THAT a copy of this resolution be distributed to the President
15 and Members of the United States Senate, the Speaker and Members of
16 the United States House of Representatives, and to the clerk of the
17 legislative body of each of our sister States.

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19 DIRECT TO CALENDAR.
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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.