

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE CONCURRENT
4 RESOLUTION 1017

By: Faught

5
6 AS INTRODUCED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
2 OF THE 1ST SESSION OF THE 53RD OKLAHOMA LEGISLATURE, THE SENATE
3 CONCURRING THEREIN:

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

8 THAT the Oklahoma State Legislature urges the members of the
9 United States Congress to propose the Parental Rights Amendment to
10 the States for ratification.

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

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16 53-1-7570 AM 04/13/11

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