

House Resolution No. 6009

By Representatives O'Brien, Arpke, Calloway, Garber, Goodman, Gregory, Grosserode, M. Holmes, Huebert, Kelley, Knox, Mast, Meigs, O'Hara and Scapa

2-7

1 A RESOLUTION urging the United States Congress to adopt the parental
2 rights amendment, a joint resolution proposing an amendment to the
3 Constitution of the United States relative to parental rights.

4 WHEREAS, The right of parents to direct the upbringing and education
5 of their children is a fundamental right protected by the Constitution of the
6 United States and the state of Kansas; and

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

9 WHEREAS, The interests of children are best served when parents are
10 free to make child-rearing decisions about education, religion and other
11 areas of a child's life without state interference; and

12 WHEREAS, The United States Supreme Court in *Wisconsin v. Yoder*,
13 406 U.S. 205 (1972), held that "This primary role of the parents in the
14 upbringing of their children is now established beyond debate as an
15 enduring American tradition"; and

16 WHEREAS, The United States Supreme Court in *Troxel v. Granville*,
17 530 U.S. 57 (2000), however, produced six different opinions on the nature
18 and enforceability of parental rights under the Constitution of the United
19 States; and

20 WHEREAS, This decision created confusion and ambiguity about the
21 fundamental nature of parental rights in the laws and society of the several
22 states; and

23 WHEREAS, Representative John Fleming of the state of Louisiana
24 introduced House Joint Resolution 3 in the United States House of
25 Representatives, proposing an amendment to the Constitution of the
26 United States to prevent erosion of the enduring American tradition of
27 treating parental rights as fundamental rights, which reads as follows:

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

30 Section 2. Neither the United States nor any State shall infringe upon
31 this right without demonstrating that its governmental interest as applied to
32 the person is of the highest order and not otherwise served.

33 Section 3. No treaty may be adopted nor shall any source of
34 international law be employed to supersede, modify, interpret, or apply to
35 the rights guaranteed by this article."; and

1 WHEREAS, This amendment will add explicit text to the Constitution
2 of the United States to protect in perpetuity the rights of parents as they are
3 now enjoyed, without substantive change to current state or federal laws
4 respecting these rights; and

5 WHEREAS, Such enumeration of these rights in the text of the
6 Constitution of the United States will preserve them from being infringed
7 upon by the shifting ideologies and interpretations of the United States
8 Supreme Court: Now, therefore,

9 *Be it resolved by the House of Representatives of the State of Kansas:*
10 That the Congress of the United States is urged to adopt and submit to the
11 states for ratification the Parental Rights Amendment to the Constitution of
12 the United States proposed by Representative John Fleming in House Joint
13 Resolution 3; and

14 *Be it further resolved:* That the Chief Clerk of the House of
15 Representatives shall send an enrolled copy of this resolution to the
16 President of the Senate, each member of the United States Senate, the
17 speaker of the United States house of Representatives and each member of
18 the United States House of Representatives.
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