

Rep. Agema offered the following concurrent resolution:

**House Concurrent Resolution No. 45.**

A concurrent resolution to memorialize Congress to adopt and present to the states for ratification an amendment to the Constitution of the United States to establish fundamental parental rights.

Whereas, The rights of parents to direct the upbringing and education of their children is a fundamental right that must be protected by the Constitution of the United States and the Michigan Constitution; and

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

Whereas, The interests of children are best served when parents are free to make childrearing decisions about education, religion, and other areas of a child's life without state interference; and

Whereas, The United States Supreme Court in *Wisconsin v. Yoder* (1972) has held that "This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"; and

Whereas, However, the United States Supreme Court in *Troxel v. Granville* (2000) produced 6 different opinions on the nature and enforceability of parental rights under the Constitution of the United States; and

Whereas, This decision has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of several states; and

Whereas, Senator James DeMint of South Carolina and Representative Peter Hoekstra of Michigan have introduced in the United States Congress a proposed amendment to the Constitution of the United States (Senate Joint Resolution 16 and House Joint Resolution 42) that would prevent erosion of the enduring American tradition of treating parental rights as fundamental rights:

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

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

Section Three: No treaty may be adopted nor shall any source of international law be employed to supercede, modify, interpret, or apply to the rights guaranteed by this article.

; and

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

Whereas, Such enumeration of these rights in the text of our nation's constitution will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to adopt and present to the states for ratification an amendment to the Constitution of the United States to establish fundamental parental rights; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.