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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 97 Session of 2011

INTRODUCED BY TALLMAN, BOYD, CLYMER, COX, CREIGHTON, DALEY, DENLINGER, GABLER, GINGRICH, METCALFE, MOUL, PICKETT, READSHAW AND STERN, MARCH 1, 2011

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MARCH 1, 2011

A RESOLUTION

Memorializing the Congress of the United States to pass the Parental Rights Amendment and submit it to the states for ratification.

WHEREAS, The right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitution of the United States; 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 child-rearing 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*, 406 U.S. 205 (1972), held that "(t)his primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"; and

WHEREAS, However, in *Troxel v. Granville*, 530 U.S. 57 (2000), Supreme Court justices issued five concurring and dissenting opinions on the nature and enforceability of parental rights under the Constitution of the United States; and

WHEREAS, The decision in *Troxel v. Granville* has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of several states; and

WHEREAS, The United Nations Convention on the Rights of the Child has been proposed and soon may be considered for ratification by the United States Senate; and

WHEREAS, The United Nations Convention on the Rights of the Child would drastically alter the fundamental right of parents to direct the upbringing of their children; and

WHEREAS, The United Nations Convention on the Rights of the Child has been acceded to by 192 nations worldwide and has been cited by United States courts as "customary international law"; and

WHEREAS, International influence is being exerted on the United States Supreme Court, as demonstrated in *Roper v. Simmons*, 543 U.S. 551 (2005), in which it was expressed that "the Court has referred to the laws of other countries and to the international authorities as instructive for its interpretation" of the Constitution of the United States; and

WHEREAS, H.J. Res. 42 was introduced in the United States House of Representatives during the first session of the 111th Congress to provide for an amendment to the Constitution of the United States to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights, and the legislation states:

"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 supersede, 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 forever protect the rights of parents as they are now enjoyed, without substantive change to current Federal or State laws respecting these rights; and

WHEREAS, The enumeration of these rights in the text of the Constitution of the United States will preserve them from being infringed upon by treaty or international law; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress of the United States to pass the Parental Rights Amendment to the Constitution of the United States and submit it to the states for ratification; and be it further

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania affirm the Parental Rights Amendment to the Constitution of the United States; and be it further

RESOLVED, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, to the President of the United States Senate and each member of Congress from Pennsylvania.