

SENATE CONCURRENT RESOLUTION NO. 38

BY SENATOR LONG AND REPRESENTATIVES LABRUZZO AND SCHRODER

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to adopt and submit to the states for ratification the Parental Rights Amendment to the Constitution of the United States.

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 the Constitution of Louisiana; and

WHEREAS, our nation has historically relied first and foremost upon 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 "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, in *Troxel v. Granville*, 530 U.S. 57 (2000), six justices of the United States Supreme Court filed opinions on the nature and enforceability of parental rights under the Constitution of the United States; and

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

WHEREAS, H. J. Res. 42 and S.J. Res. 16 were introduced during the First Session of the 111th Congress to provide for an amendment to the United States Constitution 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 would 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 state or federal laws respecting these rights; and

WHEREAS, the enumeration of these rights in the text of the Constitution of the United States would preserve these rights from being infringed upon by shifting ideologies and interpretations of the United States Supreme Court.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana memorializes the Congress of the United States to adopt and submit to the states for ratification the Parental Rights Amendment to the Constitution of the United States.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES