

By: Burkett, Flynn, Brown, Paxton, et al.

H.C.R. No. 60

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, The right of parents to direct the upbringing of
2 their children is fundamental, and the interests of children are
3 best served when parents are free to make decisions regarding their
4 education, religion, and other aspects of their lives without
5 governmental interference; and

6 WHEREAS, In its 1972 *Wisconsin v. Yoder* decision, the United
7 States Supreme Court held that the "primary role of the parents in
8 the upbringing of their children is now established beyond debate
9 as an enduring American tradition," yet the more recent *Troxel v.*
10 *Granville* case resulted in a splintered six-way decision by the
11 supreme court that has caused ambiguity about the rights of parents
12 for courts at the state and federal levels; and

13 WHEREAS, Moreover, the U.S. Senate may be poised to ratify
14 the United Nations Convention on the Rights of the Child, which
15 would drastically alter the fundamental right of parents to direct
16 the upbringing of their own children; international law can
17 influence the supreme court's rulings, as illustrated in the 2005
18 decision *Roper v. Simmons*, raising the possibility that a future
19 court might allow external authorities to erode the American
20 tradition of treating parental rights as fundamental rights; and

21 WHEREAS, The proposed Parental Rights Amendment to the U.S.
22 Constitution states that "[t]he liberty of parents to direct the
23 upbringing and education of their children is a fundamental right,"
24 that "[n]either the United States nor any state shall infringe upon

1 this right without demonstrating that its governmental interest as
2 applied to the person is of the highest order and not otherwise
3 served," and that "[n]o treaty may be adopted nor shall any source
4 of international law be employed to supersede, modify, interpret,
5 or apply to the rights guaranteed by this article"; and

6 WHEREAS, Explicitly enumerating the rights of parents in the
7 Constitution of the United States will protect these rights in
8 perpetuity from the shifting ideologies and interpretations of the
9 supreme court and from the threat of being placed under the
10 jurisdiction of the international community, thereby preserving
11 the cherished American tradition of entrusting parents to raise
12 their own children; now, therefore, be it

13 RESOLVED, That the 82nd Legislature of the State of Texas
14 respectfully urge the Congress of the United States to propose and
15 submit to the states for ratification the Parental Rights Amendment
16 to the United States Constitution; and, be it further

17 RESOLVED, That the Texas secretary of state forward official
18 copies of this resolution to the president of the United States, to
19 the president of the Senate and speaker of the House of
20 Representatives of the United States Congress, and to all the
21 members of the Texas delegation to Congress with the request that
22 this resolution be entered in the Congressional Record as a
23 memorial to the Congress of the United States of America.