

Rep. Kurtz offered the following concurrent resolution:

House Concurrent Resolution No. 13.

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

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

Whereas, Our nation has historically relied first and foremost on parents to meet the real and constant needs of children. The United States Supreme Court in *Wisconsin v. Yoder* (1972) has held, "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 six different opinions on the nature and enforceability of parental rights under the United States Constitution. This decision has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of several states; and

Whereas, A proposed amendment to the United States Constitution (House Joint Resolution 50) has been introduced in the 113th Congress that would prevent erosion of the enduring American tradition of treating parental rights as a fundamental right. It states:

Section 1. The liberty of parents to direct the upbringing, education, and care of their children is a fundamental right.

Section 2. The parental right to direct education includes the right to choose public, private, religious, or home schools, and the right to make reasonable choices within public schools for one's child.

Section 3. Neither the United States nor any State shall infringe these rights without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

Section 4. This article shall not be construed to apply to a parental action or decision that would end life.

Section 5. 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 United States Constitution to protect in perpetuity the right of parents as it is now enjoyed, without substantive change to current state or federal laws respecting this right. The enumeration of this right in the text of our nation's constitution would preserve it 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 the Congress of the United States to adopt and present to the states for ratification an amendment to the United States Constitution that would establish a fundamental parental right; 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.