

S.F. No. 570, as introduced - 87th Legislative Session (2011-2012) [11-1559]

2.1 WHEREAS, the United Nations Convention on the Rights of the Child, has been proposed
2.2 and may soon be considered for ratification by the United States Senate, which would drastically
2.3 alter this fundamental right of parents to direct the upbringing of their children; and

2.4 WHEREAS, this convention, has been acceded to by 192 nations worldwide, and has
2.5 already been cited by United States courts as customary international law; and

2.6 WHEREAS, international influence is being exerted on the United States Supreme Court,
2.7 as demonstrated in *Roper v. Simmons* (2005), where the court referred to the laws of other
2.8 countries and to the international authorities as instructive for its interpretation of the United
2.9 States Constitution; and

2.10 WHEREAS, Senator James DeMint of the State of South Carolina and Representative Jeff
2.11 Fortenberry of the State of Nebraska have introduced in the United States Congress the following
2.12 amendment to the United States Constitution to prevent erosion of the enduring American
2.13 tradition of treating parental rights as fundamental rights:

2.14 Section 1: The liberty of parents to direct the upbringing and education of their children is
2.15 a fundamental right.

2.16 Section 2: Neither the United States nor any state shall infringe upon this right without
2.17 demonstrating that its governmental interest as applied to the person is of the highest order
2.18 and not otherwise served.

2.19 Section 3: No treaty may be adopted nor shall any source of international law be employed
2.20 to supersede, modify, interpret, or apply to the rights guaranteed by this article;

2.21 WHEREAS, this amendment will add explicit text to the Constitution of the United States
2.22 to forever protect the rights of parents as they are now enjoyed, without substantive change to
2.23 current state or federal laws respecting these rights; and

2.24 WHEREAS, the enumeration of these rights in the text of the Constitution will preserve
2.25 them from being infringed upon by the shifting ideologies and interpretations of the United
2.26 States Supreme Court; and

2.27 WHEREAS, the enumeration of these rights in the text of the Constitution will preserve
2.28 them from being infringed upon by treaty or international law; NOW, THEREFORE,

2.29 NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of Minnesota
2.30 that it affirms the Parental Rights Amendment to the United States Constitution as presented

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3.1 to the United States Congress by Senator James DeMint of the State of South Carolina and
3.2 Representative Jeff Fortenberry of Nebraska.

3.3 BE IT FURTHER RESOLVED, that it urges the members of Minnesota's Congressional
3.4 delegation to support the proposed Amendment by cosponsoring H.J. Res. 42 in the United States
3.5 House of Representatives or S.J. Res. 16 in the United States Senate, as appropriate.

3.6 BE IT FURTHER RESOLVED that it urges the members of the United States Congress to
3.7 propose the Amendment to the Constitution of the United States to the states for ratification.

3.8 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is
3.9 directed to prepare copies of this memorial and transmit them to the President and the Secretary of
3.10 the United States Senate, the Speaker and the Clerk of the United States House of Representatives,
3.11 and Minnesota's Senators and Representatives in Congress.