SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

A resolution

urging the members of the United States Congress to propose the Parental Rights

S.F. No. 570

(SENATE AUTHORS: JUNGBAUER, Nienow, Gazelka and Brown)

| DAIL | D-PG | OFFICIAL STATUS |
|------------|------|---|
| 03/03/2011 | 330 | Introduction and first reading |
| | | Referred to Judiciary and Public Safety |
| 03/09/2011 | 450 | Author added Gazelka |
| 04/18/2011 | 1393 | Author added Brown |
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Amendment to the Constitution of the United States relating to parental rights. 1.3 WHEREAS, the right of parents to direct the upbringing and education of their children 1.4 is a fundamental right protected by the Constitutions of the United States and the State of 1.5 Minnesota; and 1.6 WHEREAS, our nation has historically relied first and foremost on parents to meet the 1.7 real and constant needs of their children; and 1.8 WHEREAS, the interests of children are best served when parents are free to make 1.9 child rearing decisions about education, religion, and other areas of a child's life without state 1.10 interference; and 1.11 WHEREAS, the United States Supreme Court in Wisconsin v. Yoder (1972) held that this 1 12 primary role of parents in the upbringing of their children is now established beyond debate as an 1.13 enduring American tradition; and 1.14 WHEREAS, the United States Supreme Court in Troxel v. Granville (2000) produced six 1 15 different opinions on the nature and enforceability of parental rights under the United States 1.16 Constitution; and 1.17 WHEREAS, that decision has created confusion and ambiguity about the fundamental 1.18 nature of parental rights in the laws and society of the several states; and 1.19

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| WHEREAS, the United Nations Convention on the Rights of the Child, has been proposed |
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| and may soon be considered for ratification by the United States Senate, which would drastically |
| alter this fundamental right of parents to direct the upbringing of their children; and |
| WHEREAS, this convention, has been acceded to by 192 nations worldwide, and has |
| already 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 (2005), where the court referred to the laws of other |
| countries and to the international authorities as instructive for its interpretation of the United |
| States Constitution; and |
| WHEREAS, Senator James DeMint of the State of South Carolina and Representative Jeff |
| Fortenberry of the State of Nebraska have introduced in the United States Congress the following |
| amendment to the United States Constitution to prevent erosion of the enduring American |
| tradition of treating parental rights as fundamental rights: |
| Continue 1. The liberty of moments to direct the symbolic and advection of their children is |
| Section 1: The liberty of parents to direct the upbringing and education of their children is |
| a fundamental right. |
| Section 2: 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 3: 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; |
| 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 state or federal laws respecting these rights; and |
| WHEREAS, the enumeration of these rights in the text of the Constitution will preserve |
| them from being infringed upon by the shifting ideologies and interpretations of the United |
| States Supreme Court; and |
| States Supreme Court, and |
| WHEREAS, the enumeration of these rights in the text of the Constitution will preserve |
| them from being infringed upon by treaty or international law; NOW, THEREFORE, |
| NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of Minnesota |
| that it affirms the Parental Rights Amendment to the United States Constitution as presented |

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| 3.2 | Representative Jeff Fortenberry of Nebraska. |
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| 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 3.7 | BE IT FURTHER RESOLVED that it urges the members of the United States Congress to 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. |

to the United States Congress by Senator James DeMint of the State of South Carolina and