
HOUSE JOINT MEMORIAL 4004

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Shea, Scott, Taylor, Overstreet, and Buys

Read first time 01/17/14. Referred to Committee on Judiciary.

1 TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES, AND
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
4 UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of
6 the State of Washington, in legislative session assembled, respectfully
7 represent and petition as follows:

8 WHEREAS, The right of parents to direct the upbringing and
9 education of their children is a fundamental right protected by the
10 Constitutions of the United States and the state of Washington; and

11 WHEREAS, Our nation has historically relied first and foremost on
12 parents to meet the real and constant needs of children; and

13 WHEREAS, The interests of children are best served when parents are
14 free to make childrearing decisions about education, religion, and
15 other areas of a child's life without state interference; and

16 WHEREAS, The United States supreme court in *Wisconsin v. Yoder*
17 (1972) held that, "This primary role of the parents in the upbringing
18 of their children is now established beyond debate as an enduring
19 American tradition"; and

1 WHEREAS, The United States Supreme Court in *Troxel v. Granville*
2 (2000) produced six different opinions on the nature and enforceability
3 of parental rights under the United States Constitution; and

4 WHEREAS, This decision has created confusion and ambiguity about
5 the fundamental nature of parental rights in the laws and society of
6 the several states; and

7 WHEREAS, The United Nations convention on the rights of the child
8 has been proposed and may soon be considered for ratification by the
9 United States senate, which would drastically alter the fundamental
10 right of parents to direct the upbringing of their children; and

11 WHEREAS, This convention has been acceded to by one hundred ninety-
12 two nations worldwide and cited by United States courts as "customary
13 international law"; and

14 WHEREAS, International influence is being exerted on the United
15 States supreme court, as demonstrated in *Roper v. Simmons* (2005), where
16 "the Court has referred to the laws of other countries and to the
17 international authorities as instructive for its interpretation" of the
18 United States Constitution; and

19 WHEREAS, The following has been introduced in the United States
20 congress as an amendment to the United States Constitution to prevent
21 erosion of the enduring American tradition of treating parental rights
22 as fundamental rights:

23 SECTION ONE: The liberty of parents to direct the upbringing,
24 education, and care of their children is a fundamental right.

25 SECTION TWO: The parental right to direct education includes the
26 right to choose public, private, religious, or home schools, and the
27 right to make reasonable choices within public schools for one's child.

28 SECTION THREE: Neither the United States nor any state shall
29 infringe these rights without demonstrating that its governmental
30 interest as applied to the person is of the highest order and not
31 otherwise served.

32 SECTION FOUR: This article shall not be construed to apply to a
33 parental action or decision that would end life.

34 SECTION FIVE: No treaty may be adopted nor shall any source of
35 international law be employed to supersede, modify, interpret, or apply
36 to the rights guaranteed by this article; and

37 WHEREAS, This amendment will add text to the Constitution of the

1 United States to explicitly protect the rights of parents as they are
2 now enjoyed, without substantive change to current state or federal
3 laws respecting these rights; and

4 WHEREAS, The enumeration of these rights in the text of the
5 Constitution will preserve them from being infringed upon by the
6 shifting ideologies and interpretations of the United States supreme
7 court; and

8 WHEREAS, The enumeration of these rights in the text of the
9 Constitution will preserve them from being infringed upon by treaty or
10 international law;

11 NOW, THEREFORE, Your Memorialists, the Senate and House of
12 Representatives of the state of Washington, hereby affirm their support
13 of the parental rights amendment to the United States Constitution as
14 presented to the United States congress and as referenced herein, and
15 respectfully pray that all the members of congress, including each
16 member of Washington state's delegation, support the proposed amendment
17 by cosponsoring the joint resolution presented in their legislative
18 body as appropriate and proposing the parental rights amendment to the
19 states for ratification.

20 BE IT RESOLVED, That copies of this Memorial be immediately
21 transmitted to the Honorable Barack Obama, President of the United
22 States, the President of the United States Senate, the Speaker of the
23 House of Representatives, and each member of Congress from the State of
24 Washington.

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