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HOUSE JOINT MEMORIAL 4003

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Shea, Scott, Klippert, Taylor, McCaslin, Holy, G. Hunt, Young, and Condotta

Read first time 01/28/15. Referred to Committee on Judiciary.

1            TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES,  
2 AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF  
4 THE 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,  
7 respectfully 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  
14 are free to make childrearing decisions about education, religion,  
15 and 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

20            WHEREAS, The United States supreme court in *Troxel v. Granville*  
21 (2000) produced six different opinions on the nature and  
22 enforceability of parental rights under the United States  
23 Constitution; and

1       WHEREAS, This decision has created confusion and ambiguity about  
2 the fundamental nature of parental rights in the laws and society of  
3 the several states; and

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

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

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

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

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

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

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

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

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

35       WHEREAS, This amendment will add text to the Constitution of the  
36 United States to explicitly protect the rights of parents as they are  
37 now enjoyed, without substantive change to current state or federal  
38 laws respecting these rights; and

39       WHEREAS, The enumeration of these rights in the text of the  
40 Constitution will preserve them from being infringed upon by the

1 shifting ideologies and interpretations of the United States supreme  
2 court; and

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

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

15 BE IT RESOLVED, That copies of this Memorial be immediately  
16 transmitted to the Honorable Barack Obama, President of the United  
17 States, the President of the United States Senate, the Speaker of the  
18 House of Representatives, and each member of Congress from the State  
19 of Washington.

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