

By Senator Flores

38-00425-11

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Senate Memorial

A memorial to the Congress of the United States,
urging Congress to propose to the states for
ratification an amendment to the United States
Constitution relating to parental rights.

WHEREAS, the right of parents to direct the upbringing and
education of their children is a fundamental right protected by
the Constitutions of the United States and the State of Florida,
and

WHEREAS, our nation has historically relied first and
foremost on parents to meet the real and constant needs of
children, and

WHEREAS, 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 state
interference, and

WHEREAS, the United States Supreme Court in *Wisconsin v.*
Yoder held that "This primary role of the parents in the
upbringing of their children is now established beyond debate as
an enduring American tradition," and

WHEREAS, the United States Supreme Court in *Troxel v.*
Granville produced six different opinions on the nature and
enforceability of parental rights under the United States
Constitution, creating confusion and ambiguity about the
fundamental nature of parental rights in the laws and society of
the several states, and

WHEREAS, a number of members of Congress have introduced
joint resolutions that propose an amendment to the United States

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30 Constitution to prevent erosion of the enduring American
31 tradition of treating parental rights as fundamental rights,
32 commonly referred to as the Parental Rights Amendment, and

33 WHEREAS, the Parental Rights Amendment will add explicit
34 text to the Constitution of the United States to forever protect
35 the rights of parents as they are now enjoyed, without
36 substantive change to current state or federal laws respecting
37 these rights, and

38 WHEREAS, such enumeration of these rights in the text of
39 the United States Constitution will preserve them from being
40 infringed upon by the shifting ideologies and interpretations of
41 the United States Supreme Court, NOW, THEREFORE,

42
43 Be It Resolved by the Legislature of the State of Florida:

44
45 That the Florida Legislature respectfully petitions the
46 Congress of the United States to propose to the states an
47 amendment to the Constitution of the United States to read as
48 follows:

49 ARTICLE ____

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

52 Section 2. Neither the United States nor any State shall
53 infringe upon this right without demonstrating that its
54 governmental interest as applied to the person is of the highest
55 order and not otherwise served.

56 Section 3. No treaty may be adopted nor shall any source of
57 international law be employed to supersede, modify, interpret,
58 or apply to the rights guaranteed by this article.

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59 BE IT FURTHER RESOLVED that copies of this memorial be
60 dispatched to the President of the United States, to the
61 President of the United States Senate, to the Speaker of the
62 United States House of Representatives, and to each member of
63 the Florida delegation to the United States Congress.