



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RELATING TO SUPPORT FOR THE PARENTAL RIGHTS AMENDMENT; AND URGING THE MEMBERS OF THE UNITED STATES CONGRESS TO SUBMIT THE PARENTAL RIGHTS AMENDMENT TO THE STATES FOR RATIFICATION.

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

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

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

WHEREAS, in 1972, the United States Supreme Court, in *Wisconsin v. Yoder*, 406 U.S. 205, held that the "primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"; and

WHEREAS, in 2000, in *Troxel v. Granville*, 530 U.S. 57, the United States Supreme Court produced six different opinions on the nature and enforceability of parental rights under the Constitution of the United States that have created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of our nation and in the states; and

WHEREAS, United States Senator James DeMint of South Carolina and United States Representative Peter Hoekstra of Michigan have introduced in the United States Congress an amendment to the United States Constitution providing that the liberty of parents to direct the upbringing and education of their children is a fundamental right that may not be infringed upon by the United States or any state without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served; and

WHEREAS, this amendment will add explicit text to the Constitution of the United States to protect in perpetuity the rights of parents as they are now enjoyed without substantive change to current federal or state laws relating to 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 or by treaty or international law.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature affirms the Parental Rights Amendment to the United States Constitution as referenced in this resolution and as presented to the United States Congress by Senator James DeMint and Representative Peter Hoekstra.

BE IT FURTHER RESOLVED that the Montana Legislature urges the members of the United States Congress to submit the Parental Rights Amendment to the states for ratification.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of the Montana Congressional Delegation, all other members of the United States Congress, and the presiding officers of the legislatures of each of the other 49 states.

- END -

I hereby certify that the within joint resolution,
SJ 0009, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2011.

Speaker of the House

Signed this _____ day
of _____, 2011.

SENATE JOINT RESOLUTION NO. 9

INTRODUCED BY R. HUTTON, HINKLE, ARTHUN, MURPHY, BALLYEAT, WITTICH, ZINKE, WALKER,
MOORE, BUTTREY

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