

1 SENATE JOINT RESOLUTION NO. 9

2 INTRODUCED BY R. HUTTON

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

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

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

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

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

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

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

27 WHEREAS, this amendment will add explicit text to the Constitution of the United States to protect in
28 perpetuity the rights of parents as they are now enjoyed without substantive change to current federal or state
29 laws relating to these rights; and

30 WHEREAS, the enumeration of these rights in the text of the Constitution will preserve them from being

1 infringed upon by the shifting ideologies and interpretations of the United States Supreme Court or by treaty or
2 international law.

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

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

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

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

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