

By: Senator(s) Fillingane

To: Rules

SENATE CONCURRENT RESOLUTION NO. 530

1 A CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED  
2 STATES TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED  
3 STATES RELATING TO PARENTAL RIGHTS AND URGING THE LEGISLATIVE  
4 BODIES OF THE SEVERAL STATES TO CALL ON THE CONGRESS TO PROPOSE  
5 SUCH AN AMENDMENT.

6 WHEREAS, the United States Constitution provides that "The  
7 Congress, whenever 2/3 of both Houses shall deem it necessary,  
8 shall propose Amendments to the [United States] Constitution,"  
9 which amendments when so proposed must be ratified by the  
10 Legislatures of, or conventions in, 3/4 of the states to become  
11 valid; and

12 WHEREAS, the right of parents to direct the upbringing and  
13 education of their children is a fundamental right, and  
14 historically, our nation has relied first and foremost upon  
15 parents to meet the real and constant needs of children; and

16 WHEREAS, the interests of children are best served when  
17 parents are free to make child-rearing decisions about education,  
18 religion and other aspects of a child's life without government  
19 interference; and



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

24 WHEREAS, however, in the case of *Troxel v. Granville*, 530  
25 U.S. 57 (2000), six justices of the United States Supreme Court  
26 filed opinions on the nature and enforceability of parental rights  
27 under the Constitution of the United States, and the number of  
28 written opinions in the *Troxel v. Granville* case has created  
29 confusion and ambiguity about the fundamental nature of parental  
30 rights in the laws and society of the several states; and

31 WHEREAS, House Joint Resolution 110 and Senate Joint  
32 Resolution were introduced during the Second Session of the 112th  
33 Congress to provide for an amendment to the United States  
34 Constitution, to prevent erosion of the enduring American  
35 tradition of treating parental rights as fundamental rights; and

36 WHEREAS, the enumeration of parental rights in the text of  
37 the Constitution of the United States would preserve these rights  
38 from being infringed by shifting ideologies and interpretations of  
39 the United States Supreme Court; and

40 WHEREAS, an amendment to the United States Constitution  
41 regarding parental rights would add explicit text to the  
42 Constitution of the United States to forever protect the rights of  
43 parents as they are now enjoyed, without substantive change to  
44 current state or federal laws respecting these rights:



45           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF  
46 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That  
47 the Congress of the United States is hereby requested to propose,  
48 pursuant to Article V of the United States Constitution, an  
49 amendment to the United States Constitution, which amendment shall  
50 be substantially as follows:

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

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

57           Section 3. This article shall not be construed to apply to a  
58 parental action or decision that would end life.

59           Section 4. No treaty may be adopted nor shall any source of  
60 international law be employed to supersede, modify, interpret, or  
61 apply to the rights guaranteed by this article.

62           BE IT FURTHER RESOLVED, That the Congress of the United  
63 States is hereby requested to provide that said amendment shall be  
64 valid to all intents and purposes and become a part of the  
65 Constitution of the United States when ratified by the  
66 Legislatures of 3/4 of the several states.

67           BE IT FURTHER RESOLVED, That the Legislature of the State of  
68 Mississippi does hereby urge and request the legislative bodies of



69 the several states to call on the Congress of the United States to  
70 propose this amendment to the Constitution of the United States.

71 BE IT FURTHER RESOLVED, That a copy of this resolution shall  
72 be transmitted to the Secretary of the United States Senate and  
73 the Clerk of the United States House of Representatives; to each  
74 member of the congressional delegation of the State of  
75 Mississippi; and to the presiding officers of each house of the  
76 legislative bodies of the several states of the union.

