

By: Senator(s) Fillingane

To: Rules

SENATE CONCURRENT RESOLUTION NO. 523

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 42 were introduced during the Second Session of the
33 112th 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.

