

**SENATE JOINT RESOLUTION NO. 26**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

**BY SENATOR DYSON**

**Introduced: 1/20/10**  
**Referred: Judiciary**

**A RESOLUTION**

1 **Relating to support for the Parental Rights Amendment; and urging the United States**  
2 **Congress to submit the Parental Rights Amendment to the states for ratification.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the right of parents to direct the upbringing and education of their  
5 children is a fundamental right protected by the Constitution of the United States and the  
6 Constitution of the State of Alaska; and

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

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

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

15 **WHEREAS**, in 2000, in *Troxel v. Granville*, six justices of the United States Supreme  
16 Court filed opinions questioning the nature and enforceability of parental rights under the

1 Constitution of the United States; and

2       **WHEREAS** the separate opinions filed in *Troxel v. Granville* have created confusion  
3 and ambiguity about the fundamental nature of parental rights in the laws and society of the  
4 states; and

5       **WHEREAS** the United Nations Convention on the Rights of the Child, which would  
6 drastically alter the fundamental right of parents to direct the upbringing of their children, has  
7 been proposed and may soon be considered for ratification by the United States Senate; and

8       **WHEREAS** the United Nations Convention on the Rights of the Child has been  
9 acceded to by 192 nations worldwide and has been cited by courts in the United States as  
10 "customary international law"; and

11       **WHEREAS** international influence is being exerted on the United States Supreme  
12 Court, as demonstrated in *Roper v. Simmons* (2005), in which the Court referred to the laws  
13 of other countries and to international authorities as instructive for its interpretation of the  
14 Constitution of the United States; and

15       **WHEREAS** U.S. Representative Peter Hoekstra of Michigan introduced H. J. RES.  
16 42 in the United States House of Representatives proposing an amendment to the Constitution  
17 of the United States to prevent erosion of the enduring American tradition of treating parental  
18 rights as fundamental rights as follows:

19               "SECTION ONE: The liberty of parents to direct the upbringing and education  
20 of their children is a fundamental right.

21               "SECTION TWO: Neither the United States nor any State shall infringe upon  
22 this right without demonstrating that its governmental interest as applied to the person  
23 is of the highest order and not otherwise served.

24               "SECTION THREE: No treaty may be adopted nor shall any source of  
25 international law be employed to supersede, modify, interpret, or apply to the rights  
26 guaranteed by this article."; and

27       **WHEREAS** the amendment in H. J. RES. 42 would add explicit text to the  
28 Constitution of the United States to protect forever the rights of parents as those rights are  
29 now enjoyed, without substantive change to current state or federal laws related to those  
30 rights; and

31       **WHEREAS** enumeration of those rights in the text of the Constitution of the United

1 States will preserve those rights from being infringed upon by the shifting ideologies and  
2 interpretations of the United States Supreme Court; and

3 **WHEREAS** enumeration of those rights in the text of the Constitution of the United  
4 States will preserve them from being infringed upon by treaty or international law;

5 **BE IT RESOLVED** that the Alaska State Legislature affirms H. J. RES. 42, the  
6 Parental Rights Amendment to the United States Constitution, as presented to the United  
7 States Congress by Representative Peter Hoekstra of Michigan; and be it

8 **FURTHER RESOLVED** that the Alaska State Legislature urges the members of the  
9 United States Congress to submit H. J. RES. 42, the Parental Rights Amendment, to the states  
10 for ratification.

11 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of  
12 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and  
13 President of the U.S. Senate; the Honorable Harry Reid, Majority Leader of the U.S. Senate;  
14 the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable  
15 Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don  
16 Young, U.S. Representative, members of the Alaska delegation in Congress; all other  
17 members of the 111th United States Congress; and the presiding officers of the legislatures of  
18 each of the other 49 states.