

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE CONCURRENT
RESOLUTION 1

By: Standridge of the Senate

and

Echols of the House

AS INTRODUCED

A Concurrent Resolution urging the ratification of the Parental Rights Amendment to the United States Constitution; and directing distribution.

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

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

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

WHEREAS, the United States Supreme Court in Wisconsin v. Yoder (1972) has held that "this primary role of the parents in the

1 upbringing of their children is now established beyond debate as an
2 enduring American tradition"; and

3 WHEREAS, however, the United States Supreme Court in *Troxel v.*
4 *Granville* (2000) produced six different opinions on the nature and
5 enforceability of parental rights under the United States
6 Constitution; and

7 WHEREAS, this decision has created confusion and ambiguity about
8 the fundamental nature of parental rights in the laws and society of
9 several states; and

10 WHEREAS, Senator Lindsey Graham of the State of South Carolina
11 and Representative Jim Banks of the State of Indiana introduced in
12 the United States Congress an amendment to the United States
13 Constitution to prevent erosion of the enduring American tradition
14 of treating parental rights as fundamental rights:

15 SECTION ONE: The liberty of parents to direct the upbringing,
16 education, and care of their children is a fundamental right.

17 SECTION TWO: The parental right to direct education includes the
18 right to choose, as an alternative to public education, private,
19 religious or home schools and the right to make reasonable choices
20 within public schools for one's child.

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

1 SECTION FOUR: The parental rights guaranteed by this article
2 shall not be denied or abridged on account of disability.

3 SECTION FIVE: This article shall not be construed to apply to a
4 parental action or decision that would end life; and

5 WHEREAS, this amendment will add explicit text to the
6 Constitution of the United States to protect in perpetuity the
7 rights of parents as they are now enjoyed, without substantive
8 change to current state or federal laws respecting these rights; and

9 WHEREAS, such enumeration of these rights in the text of the
10 Constitution will preserve them from being infringed upon by the
11 shifting ideologies and interpretations of the United States Supreme
12 Court.

13 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 1ST SESSION
14 OF THE 57TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES
15 CONCURRING THEREIN:

16 THAT we hereby affirm the Parental Rights Amendment to the
17 United States Constitution as presented to the United States
18 Congress by Senator Lindsey Graham of the State of South Carolina
19 and Representative Jim Banks of the State of Indiana and as
20 referenced herein.

21 THAT this Legislature urges the members of the United States
22 Congress to propose the Parental Rights Amendment to the States for
23 ratification.

1 THAT a certified copy of this resolution be transmitted to the
2 President of the United States Senate, the Speaker of the United
3 States House of Representatives and to the Oklahoma Congressional
4 Delegation.

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