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**HOUSE JOINT MEMORIAL 4005**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Shea, McCaslin, Taylor, Buys, and Young

TO THE HONORABLE DONALD TRUMP, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitutions of the United States and the state of Washington; 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) held that, "This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"; and

WHEREAS, The United States supreme court in *Troxel v. Granville* (2000) produced six different opinions on the nature and enforceability of parental rights under the United States Constitution; and

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

WHEREAS, The United Nations convention on the rights of the child has been proposed and may soon be considered for ratification by the United States senate, which would drastically alter the fundamental right of parents to direct the upbringing of their children; and

WHEREAS, This convention has been acceded to by one hundred ninety-two nations worldwide and cited by United States courts as "customary international law"; and

WHEREAS, International influence is being exerted on the United States supreme court, as demonstrated in *Roper v. Simmons* (2005), where "the Court has referred to the laws of other countries and to the international authorities as instructive for its interpretation" of the United States Constitution; and

WHEREAS, The following has been introduced in the United States congress as an amendment to the United States Constitution to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights:

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

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

SECTION THREE: Neither the United States nor any state shall infringe these rights without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

SECTION FOUR: This article shall not be construed to apply to a parental action or decision that would end life.

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

WHEREAS, This amendment will add text to the Constitution of the United States to explicitly protect the rights of parents as they are now enjoyed, without substantive change to current state or federal laws respecting these rights; and

WHEREAS, The enumeration of these rights in the text of the Constitution will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States supreme court; and

WHEREAS, The enumeration of these rights in the text of the Constitution will preserve them from being infringed upon by treaty or international law;

NOW, THEREFORE, Your Memorialists, the Senate and House of Representatives of the state of Washington, hereby affirm their support of the parental rights amendment to the United States Constitution as presented to the United States congress and as referenced herein, and respectfully pray that all the members of congress, including each member of Washington state's delegation, support the proposed amendment by cosponsoring the joint resolution presented in their legislative body as appropriate and proposing the parental rights amendment to the states for ratification.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Donald Trump, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.