

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

839R0780

HOUSE CONCURRENT RESOLUTION NO. 1014

Introduced by: Representatives Brunner, Bolin, Carson, Cronin, Feickert, Greenfield, Hamiel, Hoffman, Hunt, Jensen, Juhnke, Kopp, Novstrup (David), Olson (Betty), Putnam, Rave, Rounds, Russell, Schlekeway, Sly, Van Gerpen, and Verchio and Senators Howie, Ahlers, Brown, Fryslie, Gant, Gray, Kloucek, Maher, Novstrup (Al), Olson (Russell), Peterson, and Rhoden

1 A CONCURRENT RESOLUTION, Urging the members of the United States Congress to
2 propose the Parental Rights Amendment to the states for ratification.

3 WHEREAS, the right of parents to direct the upbringing and education of their children is
4 a fundamental right protected by the Constitutions of the United States and the State of South
5 Dakota, and our nation has historically relied first and foremost on parents to meet the real and
6 constant needs of children; and

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

10 WHEREAS, the United States Supreme Court, in *Wisconsin v. Yoder* (1972), held that the
11 primary role of parents in the upbringing of their children is established beyond debate as an
12 American tradition; and later, in *Troxel v. Granville* (2000), produced six different opinions on
13 the nature and enforceability of parental rights under the United States Constitution that create



1 confusion and ambiguity about the fundamental nature of parental rights in the laws of our
2 nation and in the states; and

3 WHEREAS, United States Senator James DeMint of South Carolina and United States
4 Representative Peter Hoekstra of Michigan have introduced in the United States Congress an
5 amendment to the United States Constitution providing that the liberty of parents to direct the
6 upbringing and education of their children is a fundamental right that may not be infringed upon
7 by the United States or any state without demonstrating that its governmental interest as applied
8 to the person is of the highest order and not otherwise served; and

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

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

15 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
16 fifth Legislature of the State of South Dakota, the Senate concurring therein, that the South
17 Dakota Legislature hereby affirms the Parental Rights Amendment to the United States
18 Constitution as referenced herein and as presented to the United States Congress by Senator
19 James DeMint and Representative Peter Hoekstra, and urges Congress to propose the Parental
20 Rights Amendment to the states for ratification; and

21 BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the President of the
22 United States, the Majority Leader and the Minority Leader of the United States Senate, the
23 Speaker of the United States House of Representatives, and to each member of South Dakota's
24 congressional delegation.