



Written by [Alex Newman](#) on June 7, 2012

Congress Introduces Constitutional Amendment for Parental Rights

As the [global battle](#) over parental rights [heats up](#), Republicans in Congress responded on Tuesday by introducing a proposed amendment to the U.S. Constitution enshrining the liberty of parents to direct the upbringing and education of their children. Activists and lawmakers say the move is needed to permanently and explicitly guarantee what has long been recognized as a fundamental freedom.



Known as the Parental Rights Amendment (PRA), if approved, the measure would also protect the rights of Americans against any international treaties purporting to infringe on them. Additionally, the PRA would ensure that the right of parents to choose how to educate their children — homeschooling, private school, or religious instruction, for example — would be protected nationwide.

“We must protect the liberty of parents to direct the upbringing and education of their children,” [explained](#) Sen. Jim DeMint (R-S.C.), the lead sponsor of the measure in the Senate. “Unfortunately, parental rights are under attack, and a safeguard like this amendment is necessary.”

One of the most controversial global measures cited by supporters of the constitutional amendment is known as the [United Nations Convention on the Rights of the Child](#) (CRC). The treaty, which has never been ratified by the U.S. Senate, remains extraordinarily unpopular among liberty-minded Americans.

Opponents of the global child-rearing regime, however, warn that the UN and its U.S. government allies have not given up on ratification despite loud warnings by critics of the danger it represents to parental rights. And without an explicit constitutional guarantee enshrining the unalienable rights of parents, PRA advocates warn that lawmakers and courts could wage a UN-backed war on parental liberties — even if the treaty was never ratified.

“Neither the federal government nor international law should micromanage how parents are able to raise their children,” Sen. DeMint added in a statement explaining why the PRA is needed. “Parents are best equipped to decide how their children are raised and educated, not bureaucrats from Washington and the United Nations.”

The measure, introduced on June 5, already has more than 10 co-sponsors in the Senate. The House version of the PRA was introduced by lead sponsor Rep. Trent Franks (R-Ariz.), chairman of the Judiciary Committee’s Constitution Subcommittee to which the bill will be assigned.

“In my three decades of public service, I have consistently focused on protecting the right of parents to make decisions for their children,” Rep. Franks said in a statement. “Put simply, there are really only two options when it comes to who will determine the substance of a child’s education: it will be either a bureaucrat who doesn’t know the child’s name, or a parent who would pour out their last drop of blood for the child.”



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The House version has already garnered more than 33 co-sponsors and is expected to gain many more in the coming weeks and months, according to supporters. And with Rep. Franks' crucial subcommittee chairmanship, the Congressman and PRA backers hope to finally succeed in the effort to enshrine the rights of parents as part of the Supreme Law of the Land — a massive campaign that has been building steam since the popular measure was first introduced in 2008.

"I intend to continue that fight in my role as Chairman of the Constitution Subcommittee, doing everything in my power to help advance the vital Parental Rights Amendment through Congress," Franks added. "Nothing is more important to America's future than making sure that the education of the hearts and minds of our children is securely in the purview of the parents who love and understand them most."

The PRA is being pushed by a grassroots organization known as ParentalRights.org, led by [legendary constitutional attorney Michael Farris](#). And the effort has already attracted overwhelming support from a broad array of activists and influential organizations across the political spectrum.

Among the [allies backing the amendment](#): the Justice Foundation, the Home School Legal Defense Association, Americans for Tax Reform, the American Family Association, Concerned Women for America, Focus on the Family, Eagle Forum, Citizens Commission on Human Rights, Gun Owners of America, National Black Home Educators, Faith and Freedom Coalition, Liberty Institute, the Traditional Values Coalition, and many more.

In the House and Senate, the effort has widespread support, too. "Just about every member of Congress agrees with the legal principle that parents have the fundamental right to make decisions for the upbringing of their children," [explained](#) Parentalrights.org President Farris. "The PRA had 141 cosponsors in the House during the last session of Congress, but we expect to see even more support this time around."

Some critics of the measure argue that the 9th Amendment to the Constitution already protects parental rights, claiming that because the protections already exist, the PRA might not be needed. Others note that the 10th amendment makes family law a state or individual issue and that it could be unwise to "federalize" parental rights — especially considering the federal government's dismal track record of obeying the Constitution and respecting individual liberty.

"If the Constitution has not specifically granted a power to the federal government, then that power is reserved to the States and to the people," [noted](#) attorney Deborah Stevenson, the executive director of National Home Education Legal Defense, an organization that opposes the PRA because it believes the amendment could actually further erode parental rights by giving Washington, D.C. jurisdiction over the matter.

"The federal government, right now, has absolutely no Constitutional authority to tell you, the parent, what to do about anything involving your children," she added. "If the newly proposed Constitutional amendment is adopted, however, the federal government will have the power to tell you, the parents, whatever it chooses to tell you about anything involving your children."

PRA supporters counter those objections by insisting that it would be better to specifically recognize parental rights before they are eroded further by government. Also, according to some backers of the amendment, giving federal courts solid jurisdiction to protect parents from state-level abuses would be a positive development.

"The Supreme Court has accurately said that parental rights are 'perhaps the oldest of the fundamental



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liberty interests recognized by [the] Court,' yet those rights now lack sufficient legal protection under the Constitution," Farris continued in a [statement](#). "Thanks to concerned citizens and engaged leaders in Congress, we look forward to correcting that problem through the adoption of this amendment."

The full proposed amendment reads: "SECTION 1. The liberty of parents to direct the up-bringing, education, and care of their children is a fundamental right; SECTION 2. Neither the United States nor any state shall infringe this right without demonstrating that its governmental interest, as applied to the person, is of the highest order and not otherwise served; SECTION 3. This article shall not be construed to apply to a parental action or decision that would end life; SECTION 4. 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."

If approved by two thirds of both houses of Congress, the PRA would be sent to state governments — at least five of which have already adopted resolutions calling for the amendment. President Obama would have no say in the matter, supporters point out. Upon ratification by three fourths of the states, the rights of parents would officially be enshrined in the American Constitution. And that, PRA supporters say, is desperately needed.

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