



June 9, 2017

Dear Representative,

We the undersigned, on behalf of organizations across the nation representing millions of Americans, respectfully request that you co-sponsor the Parental Rights Amendment which is being introduced by Congressman \_\_\_\_\_.

The Parental Rights Amendment has three specific goals:

1. To faithfully translate the traditional Supreme Court standard for parental rights from an implied right into the actual text of the Constitution;
2. To put the rights of parents with disabilities on the same level as the rights of able-bodied parents; and
3. To prevent international law from supplanting American law on the subject of parents and children.

The reason that this Amendment is necessary arises principally from the fact that parental rights are not explicitly in the text of the Constitution. As a result, we are seeing an ever-growing number of conflicts where local, state, and federal governments seek to intervene in parental decisions for their own children without any semblance of a showing of harm.

A recent situation in Massachusetts illustrates the problem. Fourteen-year-old Justina Pelletier was taken from her parents by the Massachusetts Department of Children and Families because doctors at Boston Children's Hospital disagreed with the diagnosis and direction of care she had received previously at nearby Tufts Medical Center. The parents were faithfully and carefully following her doctor's orders, but when she ended up in the ER due to influenza, the intern there decided she belonged in the hospital's psych ward instead.

For 18 months her parents fought for her return, while she languished in the hospital and in Massachusetts group homes. By the time she was returned to her parents (and her previous medical regimen), her body was severely deteriorated and her family devastated.

The Justina Pelletier case is not isolated. There are hundreds of other stories of such interference by the hand of government in medicine, education, religious training, and other matters of day-to-day decisions by parents for their children.

**James R. Mason**, President • **Shaun Alexander**, Vice President

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When government impedes a loving parent from making crucial, life-giving decisions for his or her own children, we must act for the ultimate good of our children.

The Supreme Court began to undermine the traditional parental rights test in its decision of *Troxel v. Granville*, 530 U.S. 57 (2000). The Court splintered into six different opinions in that case. The plurality opinion (four justices) remarked that parental rights had been historically considered a fundamental right but refused to actually use the traditional strict judicial scrutiny standard. Justice Thomas was the only member of the Court who found parental rights to be fundamental and to employ the correct legal standard which follows from that status.

The late Justice Scalia wrote that there are no constitutional protections for parental rights at all since there is no explicit text in the Constitution for such rights. Justices Souter, Stevens, and Kennedy each wrote separately, but each was clear on one point—parental rights did not merit the fundamental rights test.

As a result of this decision, the lower federal courts and many state courts have refused to treat parental rights as a fundamental right. Good parents are losing too many cases that would go in the opposite direction if the correct legal standard were clear.

A fundamental right cannot be invaded by the government without proof of a compelling government interest that is imposed in the least restrictive means possible. When parental rights are not fundamental, government can invade family decisions on very little basis.

The importance of good parents in the life of their child is undeniable; their role should not depend on shifting majorities of the Supreme Court. America's families deserve explicit protection in the Constitution of the United States.

Sincerely,