

JOHN C. FLEMING, M.D.  
4TH DISTRICT, LOUISIANA

COMMITTEE ON NATURAL RESOURCES  
CHAIRMAN  
FISHERIES, WILDLIFE, OCEANS AND INSULAR AFFAIRS  
SUBCOMMITTEE

ENERGY AND MINERAL RESOURCES SUBCOMMITTEE

COMMITTEE ON ARMED SERVICES  
TACTICAL AIR AND LAND FORCES SUBCOMMITTEE

STRATEGIC FORCES SUBCOMMITTEE

REPUBLICAN POLICY COMMITTEE

REPUBLICAN STUDY COMMITTEE

Congress of the United States  
House of Representatives  
Washington, DC 20515-1804

December 14, 2011

WASHINGTON OFFICE  
416 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
PHONE: 202-225-2777  
FAX: 202-225-8039

SHREVEPORT OFFICE  
6425 YOUREE DRIVE  
SUITE 350  
SHREVEPORT, LA 71105  
PHONE: 318-798-2254  
FAX: 318-798-2063

LEESVILLE OFFICE  
103 NORTH THIRD STREET  
LEESVILLE, LA 71446  
PHONE: 337-238-0778  
FAX: 337-238-0566

Mr. Douglas Johnson  
Federal Legislative Director  
National Right to Life Committee  
512 10<sup>th</sup> St. NW  
Washington, D.C. 20004

Dear Mr. Johnson,

As a fellow defender of the unborn, and co-chairman of the Values Action Team, I appreciate your November 12, 2011 letter in which you formally conveyed the National Right to Life Committee's (NRLC) concerns regarding H.J.Res.3, the Parental Rights Amendment. I deeply value the support and views of NRLC, which shares my abiding commitment to the pro-life cause. Consequently I agree with the concerns you raised and look forward to resolving them with you.

As you know, during the 111<sup>th</sup> Congress, I, along with 140 of my colleagues in the House of Representatives, cosponsored H.J.Res.42, the Parental Rights Amendment (PRA). On the eve of the 112<sup>th</sup> Congress, knowing that the original author of this legislation would not be returning to Congress, I decided to take up the PRA effort by reintroducing it in the new session. It was subsequent to this reintroduction that the NRLC shared with me some possible unintended consequences the legislation might have with the current language. In response, I suspended my efforts to advance H.J.Res.3 until appropriate language could be agreed upon by all interested parties. Like you, I firmly believe every child has an independent right to life, and any unintended affect the PRA might have should be reviewed and studied in this new light.

I still believe in the underlying objective of the PRA to uphold and affirm the primacy of the family, which sadly is under attack on numerous fronts. H.J.Res.3 and its predecessor were created principally to confront the encroachment on parental rights by treaty-based law, particularly the United Nations Convention on the Rights of the Child. This treaty, if ratified, would fundamentally compromise the rights of parents by giving governments broad authority to intervene in the lives of children under the auspices of protecting the children's "best interests" – irrespective of federal, state, and local laws to the contrary.

Serious gaps in domestic law also underscore the importance of the PRA's objective. While court decisions have upheld that "the child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations," (Pierce v. Society of Sisters, 268 U.S. 510, 1925) there have also been rulings that have generated great uncertainty. After the U.S. Supreme Court case Troxel v. Granville in 2000 ended with six different opinions, and no five-vote majority, a dangerous level of ambiguity resulted that lower courts have interpreted as a lack of constitutional basis for protecting parental rights. For these and other reasons, I chose to advance the PRA to permanently enshrine parental rights within the U.S. Constitution.

As you are aware, I have been exploring acceptable alternative language with NRLC and other interested stakeholders to advance the PRA. Throughout this process, it is my intent to amend the PRA in such a way that it does not diminish the protections of the unborn. Until consensus is reached and such language can be agreed upon, the advancement of H.J.Res.3, in its current form, will be suspended. But I remain hopeful that such language can be found and that we can once again move my PRA through Congress.

Thank you again for making your concerns regarding the Parental Rights Amendment known to Congress. I appreciate NRLC's continued leadership and engagement, which has ensured pro-life advocacy remains at the forefront of conservative policy discourse where it belongs. I am confident that together we can work towards a tenable solution that affirms the indispensable rights of parents while protecting the unborn.

Sincerely,

A handwritten signature in blue ink that reads "John Fleming". The signature is fluid and cursive, with a large, sweeping flourish at the end.

JOHN FLEMING, M.D.  
Member of Congress