

Rights Of Parents In America

Parents possess a fundamental right, long upheld by the Supreme Court, to raise their children as they see fit. The excerpts below are drawn from key Supreme Court cases that reflect the American people's longstanding commitment to parental rights and that protect the right of parents to raise their children. It is critical that we understand the current Supreme Court doctrine on parental rights in respect to the explicit language of the United States Constitution in order to preserve the vital child-parent relationship and sanctity of the family.

Meyer v. State of Nebraska, 262 U.S. 390 (1923)

- It is the natural duty of the parent to give his children education suitable to their station in life.

Pierce v. Society of Sisters, 268 U.S. 510 (1925)

- "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. 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."

Prince v. Commonwealth of Massachusetts, 321 U.S. 158 (1944)

Ginsberg v. New York, 390 U.S. 629 (1968)

Wisconsin v. Yoder, 406 U.S. 205 (1972)

- The values of parental direction of the religious upbringing and education of their children in their early and formative years have a high place in our society.
- Even more markedly than in Prince, therefore, this case involves the fundamental interest of parents, as contrasted with that of the State, to guide the religious future and education of their children.
- The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.

Cleveland Board of Education v. LaFleur, 414 U.S. 632 (1974)

Moore v. East Cleveland, 431 U.S. 494 (1977)

Smith v. Organization of Foster Families, 431 U.S. 816 (1977)

- The liberty interest in family privacy has its source, and its contours are ordinarily to be sought, not in state law, but in intrinsic human rights, as they have been understood in "this Nation's history and tradition."

Quilloin v. Walcott, 434 U.S. 246 (1978)

Parham v. J. R., 442 U.S. 584 (1979)

- The Statist notion that governmental power should supersede parental authority in all cases because some parents abuse and neglect children is repugnant to American tradition.
- Simply because the decision of a parent is not agreeable to a child or because it involves risks does not automatically transfer the power to make that decision from the parents to some agency or officer of the state.

Santosky v. Kramer, 455 U.S. 745 (1982)

- The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life.
- Until the State proves parental unfitness, the child and his parents share a vital interest in preventing erroneous termination of their natural relationship

Reno v. Flores, 507 U.S. 292 (1993)

Washington v. Glucksburg, 521 U.S. 702 (1997)

- In a long line of cases, we have held that, in addition to the specific freedoms protected by the Bill of Rights, the "liberty" specially protected by the Due Process Clause includes the rights [...] to direct the education and upbringing of one's children."

Troxel v. Granville, 530 U.S. 57 (2000)

- The Due Process Clause does not permit a State to infringe on the fundamental right of parents to make childrearing decisions simply because a state judge believes a 'better' decision could be made.
- Chief Justice Robin Davis summed up the case in one simple question. "Why does a natural parent have to prove fitness when she has never been found unfit?" he asked.