



WISCONSIN FAMILY ACTION
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TESTIMONY IN SUPPORT OF ASSEMBLY BILL 963
ASSEMBLY COMMITTEE ON EDUCATION
THURSDAY, FEBRUARY 10, 2022
JULAIN K. APPLING, PRESIDENT

Thank you, Chairman Thiesfeldt and committee members, for the opportunity to testify on Assembly Bill 963. I am Julaine Appling, president of Wisconsin Family Action. Wisconsin Family Action supports this bill.

This bill deserves some historical context because the idea of a bill deemed a parents' bill of rights should give most citizens pause. We should all be asking, "Why is this bill necessary?" Followed by, "Of course parents have rights related to their children. After all, children belong to parents. It is the responsibility of parents, not anyone else, to rear their children, to make important decisions for them, to care for them, to know anything and everything that concerns them."

That's the self-talk and the across-the-backyard-fence talk that should be happening upon hearing about this bill. To be blunt, a bill of this nature should not be necessary in Wisconsin or anywhere else in this country. And yet, in recent years a number of states have enacted laws similar to the provisions in AB 963. Talk of a federal parents' bill of rights is ramping up.

We assert that parents absolutely have every right enumerated in this bill—and even more importantly, as this bill appropriately states: "A parent of a child in this state has inalienable rights that are more comprehensive than those listed in this section, unless such rights have been legally waived or terminated" (p. 5, ll, 8-10).

"Inalienable rights" – defined legally as rights that "are not transferable or capable of being taken away or nullified." Our Declaration of Independence speaks of "inalienable rights": "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights..." This founding document actually acknowledges the source for "inalienable rights": our Creator, who is, as the founders would acknowledge, God. Frankly, their source is what makes "inalienable rights" inalienable. Because government doesn't create or bestow these rights, government cannot revoke or transfer them.

When the Declaration was written and 100 years later when the US Constitution was signed and ultimately ratified, parents having rights—inalienable rights—when it came to their children was considered to be "self-evident." That's why the Constitution doesn't spell out any parents' rights. Our founders couldn't imagine that a bill of this nature would ever be necessary.

But the times, they have definitely changed—and today, sadly, maybe even tragically, we need to specifically codify certain rights parents have. Assembly Bill 963 does that with the 15 delineations it contains. Why these 15? Because we have seen multiple times and places where the state and/or its agents have abused their power and encroached on these rights of parents when it comes to their children. You can go down the list on pages 3 and 4 and most of us can immediately recall recent incidents where egregious wrongs were done to parents and their children in each cited right—whether regarding a child's education, medical care, or mental health.

Children are not wards of the state or any of its agents. But time and again, the state and its agents are acting as if they have territorial, legal rights that trump those of parents. This bill is designed to make sure these entities and agents, as well as the courts, are very clear about where the right to decide for and know about children rests—and it is with parents.

This bill has been introduced as a part of a package of education bills, and I believe that is appropriate given that several of the delineated rights have to do with education.

Horror stories abound today about how schools, for instance, have withheld critically important information from parents about what is happening with their child at school. Some schools even have policies informing school personnel that it is fine (even expected) to lie to parents in some instances. Fortunately, our friends at Wisconsin Institute for Law and Liberty are suing a couple of these schools on behalf of aggrieved parents—and I hope these lawsuits prevail and cause other schools in this state to closely examine their policies and practices.

I am sure lawyers can cite numerous court decisions and pertinent case law that show specific rights of parents being recognized and protected. In light of that, some might argue this bill is unnecessary. We disagree. Spelling out certain rights to make it abundantly clear about the limitations of the state and any of its agents is necessary for all the reasons I've just mentioned and more. Clarifying the legal standard by which to assess whether parents' rights have been abrogated and creating a cause of action for parents is imperative. This is prudential law. No parent should be left defenseless when government tries to strip them of their right to decide what is best for their child. This parental rights bill creates a balancing test that directs judges to take seriously in court every parent's right to determine what is best for their child.

One aspect of the bill that I've already mentioned bears repeating, and that is that parents retain other inalienable rights that are not stated in this bill. If there were time, I would discuss more in depth how this relates to the little-understood and little-invoked Ninth Amendment of our US Constitution, which says, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." This amendment should be invoked and language such as is included in AB 963 should be included more and more as we see our self-evident, Creator-endowed, inalienable rights stripped away by every level of government—including the rights of parents to bring up their children.

We urge the committee to support AB 963 and move it to the full Assembly expediently.

Thank you for your time today and for your careful consideration of our position on this bill.