Sponsors: Representatives Ford and Warren (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 2, 2013

A JOINT RESOLUTION TO PROCLAIM THE ROWAN COUNTY, NORTH CAROLINA, DEFENSE OF RELIGION ACT OF 2013.

Whereas, the Establishment Clause of the First Amendment of the Constitution of the United States reads:"...Congress shall make no law respecting an Establishment of Religion, or prohibiting the free exercise thereof;..."; and

Whereas, this prohibition does not apply to states, municipalities, or schools; and

Whereas, in recent times, the federal judiciary has incorporated states, municipalities, and schools into the Establishment Clause prohibitions on Congress; and

Whereas, the Tenth Amendment to the Constitution of the United States reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the Tenth Amendment of the Constitution of the United States prohibits the federal government and prohibits the federal courts from expanding the powers of the federal government beyond those powers which are explicitly enumerated; and

Whereas, the Constitution of the United States does not grant the federal government and does not grant the federal courts the power to determine what is or is not constitutional; therefore, by virtue of the Tenth Amendment to the Constitution of the United States, the power to determine constitutionality and the proper interpretation and proper application of the Constitution is reserved to the states and to the people; and

Whereas, each state in the union is sovereign and may independently determine how that state may make laws respecting an establishment of religion; and

Whereas, Rowan County, North Carolina, asserts that the protections afforded to citizens of the United States under the First Amendment are not in any way to be abridged when such citizens become government actors by virtue of their appointment, election, contract, employment, or otherwise engagement; and

Whereas, Rowan County, North Carolina, requests and encourages the North Carolina General Assembly to pass a resolution declaring that the State of North Carolina does not recognize the authority of federal judicial opinions arising from the exertion of powers not granted to the federal government by the Constitution of the United States; Now, therefore, Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The North Carolina General Assembly asserts that the Constitution of the United States of America does not prohibit states or their subsidiaries from making laws respecting an establishment of religion.

SECTION 2. The North Carolina General Assembly does not recognize federal court rulings which prohibit and otherwise regulate the State of North Carolina, its public



- 1 schools, or any political subdivisions of the State from making laws respecting an 2 3 establishment of religion.
 - **SECTION 3.** This resolution is effective upon ratification.

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