

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.J.R. 494  
Apr 1, 2013  
HOUSE PRINCIPAL CLERK

H

D

HOUSE JOINT RESOLUTION DRHJR10194-MM-54 (03/19)

---

Sponsors: Representatives Ford and Warren (Primary Sponsors).

---

Referred to:

---

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

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

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

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

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

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

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

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

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

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

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

34 **SECTION 2.** The North Carolina General Assembly does not recognize federal  
35 court rulings which prohibit and otherwise regulate the State of North Carolina, its public  
36 schools, or any political subdivisions of the State from making laws respecting an  
37 establishment of religion.



\* D R H J R 1 0 1 9 4 - M M - 5 4 \*

1

**SECTION 3.** This resolution is effective upon ratification.