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HOUSE JOINT RESOLUTION NO. 285

Offered January 23, 2004

Memorializing the Congress of the United States to preserve Virginia's sovereignty in matters related to certain public expressions of religious faith in the Commonwealth.

Patrons—Black, Cole, Marshall, R.G. and Weatherholtz

Referred to Committee on Rules

WHEREAS, the Declaration of Independence declared that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature's God; and

WHEREAS, the Tenth Amendment to the United States Constitution clearly recognizes that a state retains all rights not specifically delegated by the Constitution to the federal government of the United States of America; and

WHEREAS, Article III, Section 2, of the United States Constitution grants the Congress the authority to except certain matters from the jurisdiction of the federal courts inferior to the United States Supreme Court; and

WHEREAS, over the last several decades, the federal courts have claimed legal jurisdiction in matters pertaining to religion within an individual state; and

WHEREAS, disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expressions of religious faith; and

WHEREAS, legislation has been introduced in Congress to except subject matter jurisdiction from the federal courts in certain matters pertaining to the power to make a public expression of religious faith; now, therefore be it

RESOLVED by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to preserve Virginia's sovereignty in matters related to certain public expressions of religious faith in the Commonwealth. The General Assembly requests the Congress of the United States to pass legislation declaring that the power: (i) to display the Ten Commandments, (ii) to recite the Pledge of Allegiance, and (iii) to recite the national motto on or within property owned or administered by the several states or political subdivisions thereof be among the powers reserved to the states respectively; that the words to the Pledge of Allegiance are "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with Liberty and Justice for all."; that the words to the national motto are "In God We Trust"; and requesting the Congress of the United States to pass legislation making the subject matter of these declarations exceptions to the subject matter jurisdiction of federal courts inferior to the United States Supreme Court; and be it

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Honorable Mark R. Warner, Governor of Virginia; the Honorable Timothy M. Kaine, Lieutenant Governor; John H. Chichester, President Pro Tempore of the Virginia Senate and William J. Howell, Speaker of the House of Delegates; and be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

INTRODUCED

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