

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40043-MM-30

Short Title: Marriage Amendment Reaffirmation Act. (Public)

Sponsors: Representatives Pittman, Brody, and Kidwell (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO REAFFIRM THE VOTE OF THE PEOPLE OF NORTH CAROLINA TO ADOPT
2 ARTICLE XIV, SECTION 6 OF THE CONSTITUTION OF THE STATE OF NORTH
3 CAROLINA, KNOWN AS THE MARRIAGE AMENDMENT, TO STATE WHY THE
4 AMENDMENT SHOULD BE UPHELD, TO DECLARE NULL AND VOID FOR THE
5 STATE OF NORTH CAROLINA THE OBERGEFELL V. HODGES DECISION OF THE
6 UNITED STATES SUPREME COURT, AND TO CALL ON THE UNITED STATES
7 SUPREME COURT TO OVERTURN THE OBERGEFELL V. HODGES DECISION.
8

9 Whereas, the First Amendment to the United States Constitution prohibits the
10 establishment of any one religion as the one all Americans are required to espouse, and at the
11 same time, declares that all are free to exercise whatever religion they espouse; and

12 Whereas, the sovereign People of the State of North Carolina, in May 2012, approved
13 the Marriage Amendment to the Constitution of the State of North Carolina by a vote of 61% to
14 39%, and this amendment became Article XIV, Section 6 of the Constitution of the State of North
15 Carolina and remains so; and

16 Whereas, the United States Supreme Court has found that Secular Humanism is a
17 religion for the purpose of the First Amendment Establishment Clause in *Torcaso v. Watkins*,
18 367 U.S. 488 (1961); and

19 Whereas, the only model for marriage that simply follows the scientifically obvious
20 biology of human beings is the ancient model of marriage between a man and a woman, and
21 therefore, marriage policies that endorse marriage as being between a man and a woman are thus
22 secular in nature as relates to the Establishment Clause in the First Amendment to the United
23 States Constitution; and

24 Whereas, marriage between a man and a woman arose out of the nature of the human
25 species, and marriage between a man and a woman is natural, uncontrived, and noncontroversial,
26 unlike forms of marriage that do not involve a man and a woman and thus may be defined as
27 "parody marriages" for the purposes of this Act; and

28 Whereas, marriage policies that endorse a marriage between a man and a woman are
29 based on self-evident neutral morality and do not put religion over nonreligion upon their
30 enforcement, while all forms of "parody marriages" are equally nonsecular in nature; and

31 Whereas, all forms of marriage that do not involve a man and a woman and all
32 self-asserted sex-based identity narratives and sexual orientations that do not follow the
33 scientifically obvious biology of the human species are inseparably part of the religion of Secular
34 Humanism; and

35 Whereas, the decision of the United States Supreme Court known as *Obergefell v.*
36 *Hodges*, 135 S. Ct. 2584 (2015) in effect has imposed the views of Secular Humanism on the



1 People and the States of these United States in the matter of marriage law, which authority is not
2 given to the federal government in the United States Constitution, and is, therefore, an
3 unconstitutional establishment of religion and also an unconstitutional usurpation by the United
4 States Supreme Court of powers reserved to the People or to the States; and

5 Whereas, the State of North Carolina, while obligated to uphold the United States
6 Constitution, is therefore also obligated to hold any law or court opinion that is contrary to the
7 United States Constitution to be null and void and unenforceable; and

8 Whereas, the Internal Revenue Service has from its inception conceded that marital
9 status for all federal tax returns is determined according to state law; and

10 Whereas, in the wake of the Obergefell opinion, there have been increased efforts by
11 the proponents of Secular Humanism to persecute nonobservers of the religion of Secular
12 Humanism and to infiltrate public schools with the intent to indoctrinate minors to the Secular
13 Humanist worldview, against the wishes of many of their parents, and to inculcate them with the
14 Secular Humanist view on faith, morality, sex, and marriage; and

15 Whereas, it is an unsettled matter of opinion whether sexual orientation is immutable
16 or genetic, and therefore, for a person to suggest that he/she was born homosexual or the wrong
17 gender or that to disagree with their beliefs makes the dissenter a bigot, is nothing more than a
18 series of unproven faith-based assumptions and naked assertions that are implicitly religious and
19 may not be enforced by government upon anyone; and

20 Whereas, "parody marriages" have historically never been a part of American
21 tradition and heritage and have nothing to do with the Substantive Due Process Clause of the
22 Fourteenth Amendment to the United States Constitution; and

23 Whereas, the history of "parody marriages" is that most forms were illegal until
24 recently or they remain illegal today; and

25 Whereas, there are hundreds of thousands of taxpayers living in the State of North
26 Carolina who sincerely believe that all forms of marriage that do not involve one man and one
27 woman are immoral and that for their tax dollars to enable immorality and the erosion of
28 community standards of decency is itself an act of immorality that is a violation of their
29 conscience; and

30 Whereas, it is unconstitutional under the Establishment Clause in the First
31 Amendment to the United States Constitution for tax dollars of nonobservers of the religion of
32 Secular Humanism to be appropriated by the government to finance the distribution of a
33 constellation of benefits to individuals who enter a form of marriage based solely on their
34 self-asserted sex-based identity narrative, when there are hundreds of thousands of taxpayers who
35 believe that "parody marriages" are immoral, nonsecular, subversive to human flourishing, and
36 go against community standards of decency; and

37 Whereas, "stare decisis" does not render *Obergefell v. Hodges* incapable of being
38 overturned because of the overriding principle that Constitutional questions which merely lurk
39 in the record, neither brought to the attention of the court nor ruled upon, are not to be considered
40 as having been so decided as to constitute precedents; and

41 Whereas, the question whether the Establishment Clause has exclusive jurisdiction
42 over informing the States as to which marriages they can legally recognize was lurking in the
43 shadows but was undecided by the United States Supreme Court in *Obergefell v. Hodges*; and

44 Whereas, the decision in *Obergefell v. Hodges* was a nonsecular sham based on an
45 unprincipled ploy and the misapplication of the Fourteenth Amendment that has had the effect
46 of excessively entangling the government of these United States with the religion of Secular
47 Humanism and eroding the fundamental rights of nonbelievers of the religion of Secular
48 Humanism; and

49 Whereas, the First Amendment Free Exercise Clause and the First Amendment
50 Establishment Clause have exclusive jurisdiction over how the State of North Carolina may
51 respond to marriage requests of all types, and the power to interfere with those policies which

1 are the province of each State does not appear anywhere in the listed powers of the federal
2 government in the United States Constitution; Now, therefore,
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 51-1.2 reads as rewritten:

5 "**§ 51-1.2. Marriages between persons of the same gender not valid.**

6 (a) The North Carolina General Assembly hereby reaffirms the vote of the people of the
7 State of North Carolina by a margin of sixty-one percent (61%) to thirty-nine percent (39%) to
8 amend the Constitution of the State of North Carolina by adding Article XIV, Section 6, known
9 as the Marriage Amendment, to the Constitution of the State of North Carolina. The North
10 Carolina General Assembly hereby declares that it will uphold the United States Constitution, as
11 well as the Constitution of the State of North Carolina, which includes considering null and void
12 and unenforceable the *Obergefell v. Hodges* opinion of the United States Supreme Court, as
13 should be the response to any law or court decision which violates either or both Constitutions.
14 Thus, the State of North Carolina shall enforce the Marriage Amendment, Article XIV, Section
15 6 of the Constitution of the State of North Carolina, and the General Assembly of the State of
16 North Carolina calls upon the United States Supreme Court to overturn the *Obergefell v. Hodges*
17 decision and respect the rights of each State and its People to decide matters over which the
18 United States Constitution has not given jurisdiction specifically to the federal government.

19 (b) Marriages, whether created by common law, contracted, or performed outside of
20 North Carolina, between individuals of the same gender are not valid in North Carolina."

21 **SECTION 2.** This act is effective when it becomes law.