

By: Representative Smith (35th)

To: Judiciary A

## HOUSE BILL NO. 520

1 AN ACT TO CREATE THE TEN COMMANDMENTS DEFENSE ACT; TO STATE  
2 LEGISLATIVE FINDINGS; TO DECLARE RELIGIOUS LIBERTY RIGHTS; TO  
3 REQUIRE THE EXERCISE OF JUDICIAL POWER CONSISTENT WITH THOSE  
4 DECLARATIONS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. This act may be cited as the "Ten Commandments  
7 Defense Act."

8 SECTION 2. The Legislature finds the following:

9 (a) The Declaration of Independence declares that  
10 governments are instituted to secure certain unalienable rights,  
11 including life, liberty and the pursuit of happiness, with which  
12 all human beings are endowed by their Creator and to which they  
13 are entitled by the laws of nature and of nature's God.

14 (b) The organic laws of the United States Code and the  
15 constitutions of every state, using various expressions, recognize  
16 God as the source of the blessings of liberty.

17 (c) The First Amendment to the Constitution of the  
18 United States secures rights against laws respecting an  
19 establishment of religion or prohibiting the free exercise thereof  
20 made by the United States Government.

21 (d) The rights secured under the First Amendment have  
22 been interpreted by courts of the United States Government to be  
23 included among the provisions of the Fourteenth Amendment.

24 (e) The Tenth Amendment reserves to the states,  
25 respectively, the powers not delegated to the United States  
26 Government nor prohibited to the states.

27 (f) Disputes and doubts have arisen with respect to

28 public displays of the Ten Commandments and to other public  
29 expression of religious faith.

30 (g) Section 5 of the Fourteenth Amendment grants the  
31 Congress power to enforce the provisions of said amendment.

32 (h) Article I, Section 8, of the United States  
33 Constitution, grants the Congress power to constitute tribunals  
34 inferior to the Supreme Court, and Article III, Section 1, grants  
35 the Congress power to ordain and establish courts in which the  
36 judicial power of the United States Government shall be vested.

37 SECTION 3. (1) The power to display the Ten Commandments on  
38 or within property owned or administered by the state or political  
39 subdivisions thereof is hereby declared to be among the powers  
40 reserved to the state.

41 (2) The expression of religious faith by individual persons  
42 on or within property owned or administered by the state or  
43 political subdivisions thereof is hereby:

44 (a) Declared to be among the rights secured against  
45 laws respecting an establishment of religion or prohibiting the  
46 free exercise of religion made or enforced by the United States  
47 Government and the State of Mississippi or by any department or  
48 executive or judicial officer thereof; and

49 (b) Declared to be among the liberties of which no  
50 state shall deprive any person without due process of law made in  
51 pursuance of powers reserved to the states, respectively.

52 (3) The courts constituted, ordained and established by the  
53 state shall exercise the judicial power in a manner consistent  
54 with the foregoing declarations.

55 SECTION 4. This act shall take effect and be in force from  
56 and after July 1, 1999.