

**Evangelicals and Democracy in America:
Timeline of Juridical Decisions, Legislation, and Presidential Executive Orders**

1925: *Scopes v. State*, 152 Tenn. 424, 278 S.W. 57 (Tenn. 1925), (aka, the “Scopes Monkey Trial”), tests a law (“The Butler Act” or “The Tennessee Evolution Statutes”) that forbids the teaching of evolution in state-funded schools. Defendant Scopes is found guilty and fined. The Tennessee Supreme Court finds the Evolution Statutes constitutional but nevertheless sets the verdict aside because the trial judge had exceeded the amount he could legally fine. (*Scopes v. State*, 154 Tenn. 105, 289 S.W. 363 (1927)). The prosecutor does not retry.

1940: *Cantwell v. State of Connecticut*, 310 U.S. 296 (1940). A SCOTUS decision (9-0) finds that regulations and/or local ordinances concerning proselytizing, such as an ordinance requiring Jehovah's Witnesses to obtain a permit in order to engage in their door-to-door ministry, violates the right to freedom of speech and the Free Exercise Clause of the First Amendment. This case also finds that while the state's concern for public order is a valid interest, it can not be used to suppress the free communication of views and ideas. Finally, this case is also notable because the Court incorporates the Free Exercise Clause into the Fourteenth Amendment.

1940: *Minersville School District v. Gobitis*, 310 U.S. 586(1940). A SCOTUS decision (8-1) upholding the practice of compelling public school children to recite the pledge allegiance/flag-salute. The Court reasons that national cohesion and unity is the basis of national security and that the flag is an important symbol of unity. The Court further finds that “religious convictions do not relieve the individual from obedience to an otherwise valid general law.”

1943: *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943). A SCOTUS decision (6-3) finds that a state's (WV) practice of compelling public school children to recite the pledge allegiance/flag-salute violates the First and Fourteenth Amendments. This case overturns *Minersville School District v. Gobitis*, 310 U.S. 586 (1940).

1947: *Everson v. Board of Education*, 330 U.S. 1 (1947). A landmark SCOTUS decision (5-4) finds that a state's (NJ) practice of reimbursing parents the cost of bussing their children to parochial school does not violate the Establishment Clause of the First Amendment. The Court reasons that like fire and police protection services, bussing is “separate [from parochial schools] and so indisputably marked off from the religious function.”

1948: *McCullum v. Board of Education*, 333 U.S. 203 (1948). A landmark SCOTUS decision (8-1) finds that the close cooperation of a school board and religious authorities in the use of tax-supported facilities (classrooms) for voluntary religious instruction of public school children violates the Establishment Clause of the First Amendment.

1954: *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), aka “Brown I.” A seminal SCOTUS decision (9-0) finds that “separate educational facilities are inherently unequal” and thereby rules *de jure* racial segregation violates the Equal Protection Clause of the Fourteenth Amendment.

1955: *Brown v. Board of Education of Topeka (II)*, 349 U.S. 294 (1955), aka “Brown II.” A SCOTUS directive (9-0) in which the Court urges local school authorities to comply with the principles outlined in Brown I “with all deliberate speed.”

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1962: *Engel v. Vitale*, 370 U.S. 421 (1962). A landmark SCOTUS decision (6-1) finds that a state's (NY) practice of reading nondenominational and voluntary prayers in public schools at the start of the school day violates the Establishment Clause of the First Amendment.

1965: The National Voting Rights Act of 1965 outlaws state administered tests (e.g., literacy tests) and devices that disqualify citizens from voting, provides federal registration of voters in areas that have less than 50% of their eligible minority voters registered, provides Department of Justice oversight of voter registration, and requires Department of Justice approval for any changes in the voting laws in "covered jurisdiction" (e.g., districts that had used voting tests/devices and districts in which less than 50% of eligible minority voters were registered).

1966: *South Carolina v. Katzenbach*, 383 U.S. 301 (1966). A SCOTUS decision (8-1) finds that federal examiners may intervene to investigate state's practices that are proscribed under The Voting Rights Act of 1965 through the Fifteenth Amendment. The present case involves a state's (SC) challenge to the "preclearance" provisions of the Act. It is also noteworthy that this case presents a rare example of the SCOTUS operating under its original jurisdiction.

1963: *Sherbert v. Verner*, 374 U.S. 398 (1963). A SCOTUS decision (7-2) finds that a state's unemployment compensation regulations impose a significant burden on an individual's ability to exercise her religious beliefs in contradiction of the First and Fourteenth Amendments. The present case involves the state's decision to withhold unemployment compensation from an individual who belongs to the Seventh-day Adventist Church and had been dismissed from her job for refusing to work on Saturdays. Finally, this case is also known for the "Sherbert Test," which is used to determine whether the Free Exercise Clause of the First Amendment has been violated: 1) If the individual's beliefs are sincere, and 2) the governments actions have imposed a substantial burden on the individual's ability to exercise his or her belief, then the government must prove that 3) it is acting from a compelling state interest, and 4) it has chosen a course of action that is least restrictive or burdensome to religion.

1963: *Abington School District v. Schempp*, 374 U.S. 203 (1963). A SCOTUS decision (8-1) finds a state's (PA) daily practice of requiring students in public school to read at least ten verses from the Christian Bible and a township's school authority (Abington Township, PA) daily practice of requiring students in public school to recite the Lord's Prayer violates both the Free Exercise Clause and the Establishment Clause of the First Amendment. (See also, *Murray v. Curlett*, 374 U.S. 203 (1963).)

1964: The Civil Rights Act of 1964 (Pub.L. 88-352, 78 Stat. 241, July 2, 1964). Landmark legislation outlaws segregation in public schools and public places. Also creates the Equal Employment Opportunity Commission.

1964: *Heart of Atlanta Motel Inc. v. United States*, 379 U.S. 241 (1964). A landmark SCOTUS decision (9-0) finds that the Interstate Commerce Clause allows Congress to regulate local incidents of commerce involving privately owned businesses, such as refusing public accommodation on the grounds of race. Upholds Title II of the Civil Rights Act of 1964. (See also, *Katzenbach v. McClung*, 379 U.S. 294 (1964)).

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1965: *Griswold v. Connecticut*, 381 U.S. 479 (1965). A seminal SCOTUS decision (7-2) finds that the First, Third, Fourth, and Ninth Amendments create a constitutional right to privacy in marital relations and that a state's (CT) statute forbidding the use of contraceptives violates that right. Additionally, some concurring opinions also rely on the Due Process Clause of the Fourteenth Amendment for the right to privacy. The present case involves the state's criminal prosecution of medical professionals for giving "information, instruction, and medical advice to married persons as to the means of preventing conception."

1970: *Waltz v. Tax Commission of the City of New York*, 397 U.S. 664 (1970). A SCOTUS decision (7 -1) finds that a city's (New York City, NY) practice of extending tax exemption to religious institutions does not violate the Establishment Clause of the First Amendment. The Court reasons that the exemptions are granted to non-religious institutions and that levying taxes would entangle the state in religious affairs. Appellant asserts that "grant[ing] [...] an exemption to church property indirectly requires the appellant to make a contribution to religious bodies and thereby violates provisions prohibiting establishment of religion [...]."

1971: *Lemon v. Kurtzman*, 403 U.S. 602 (1971). A seminal SCOTUS decision (8-0 with Marshall not participating and 8-1 with White dissenting in part) finds the states' practice (RI and PA) of subsidizing parochial schools (e.g., teachers' salaries, textbooks, and instructional materials) furthers a process of religious inculcation and thereby violates the Establishment Clause of the First Amendment. This case also introduces the three-pronged "Lemon Test." To be constitutional, a law must: 1) have a secular legislative purpose, 2) neither advance nor inhibit religion, and 3) avoid excessive government entanglement with religion.

1972: *Eisenstadt v. Baird*, 405 U.S. 438 (1972). A SCOTUS decision (6-1) finds that a state's (MA) statute reserving contraception to only married couples and allowing only medical doctors and pharmacists to distribute them fails to satisfy the "rational basis test" of the Equal Protection Clause of the Fourteenth Amendment.

1972: *Wisconsin v. Yoder*, 406 U.S. 205 (1972). A SCOTUS decision (7-0) finds that a state's (WI) practice of compelling school attendance beyond the eighth grade by criminalizing the conduct of the parents violates the Free Exercise Clause of the First Amendment. The present case involves members of the Conservative Amish Mennonite Church.

1973: *Roe v. Wade*, 410 U.S. 113 (1973). A seminal SCOTUS decision (7-2) finds a woman's desire for an abortion falls within her right to privacy and is thereby protected by the Fourteenth Amendment. The decision gives a woman complete autonomy over a pregnancy during the first trimester and the state varying levels of interest during the second and third trimesters.

1974: *Bob Jones University v. Simon, Secretary of the Treasury et al*, 416 US 725 (1974). A SCOTUS decision (8-0) finds that the Department of the Treasury decision to revoke the tax-exempt charitable status of a private university that practices racial discrimination does not violate the Free Exercise Clause of the First Amendment, the right to free association, the Due Process Clause, or the Equal Protection Clause.

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1980: *City of Rome v. United States*, 446 U.S. 156 (1980). A SCOTUS decision (6-3) finds that a city (Rome, GA) who is designated a “covered jurisdiction” under The Voting Rights Act of 1965 cannot change its electoral process without “preclearance,” even if those changes are not discriminatory on their face. In the present case, the city fails to comply with certain “preclearance” requirements prior to an election. SCOTUS rules that Congress was acting within its Section 2, Fifteenth Amendment powers when it enacted The Voting Rights Act of 1965.

1983: *Marsh v. Chambers*, 463 U.S. 783 (1983). A SCOTUS decision (6-3) finds that a state’s (NE) practice of beginning its legislative sessions with a prayer offered by a chaplain who is paid from state funds does not violate the Establishment Clause of the First Amendment. In the present case, the Court abandons the “Lemon Test” (See *Lemon v. Kurtzman*, 403 U.S. 602 (1971)) in favor of historical custom.

1983: *Mueller v. Allen*, 463 U.S. 388 (1983). A SCOTUS decision (5-4) finds that a state’s (MN) practice of allowing the parents of students attending parochial school to deduct from their state income tax returns tuition, textbooks, and transportation costs does not violate the Establishment Clause of the First Amendment. The primary reasoning of the Court is that since the deductions are available to all parents, the state is not in effect approving of parochial education nor does such a provision in the tax code create excessive entanglements between church and state.

1984: *Lynch v. Donnelly*, 465 U.S. 668 (1984). A SCOTUS decision (5-4) finds that a town’s (Pawtucket, RI) practice of erecting an annual Christmas display (a Santa Claus house, a Christmas tree, a “Seasons Greetings” banner, and a Christian Nativity Scene) does not violate the Establishment Clause of the First Amendment. The Court reasons that the display is not a purposeful effort to advocate a particular religious belief, that the display has a legitimate secular purposes, and that “[it is] far too late in the day to impose a crabbed reading of the [Establishment] Clause on the country.”

1984: The Equal Access Act of 1984 makes it unlawful “for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.” (§ 4071 (a))

1985: *Wallace v. Jaffree*, 472 U.S. 38 (1985). A SCOTUS decision (6-3) finds that a state’s (AL) law authorizing teachers in public schools to set one minute a day for “silent meditation or voluntary prayer” violates the Establishment Clause of the First Amendment. The Court rules that the contested statute is an affirmative endorsement of religion by the state.

1986: *Bowers v. Hardwick*, 478 U.S. 186 (1986). A SCOTUS decision (5-4) finds that a state’s (GA) statute proscribing consensual sodomy and fellatio between two males does not violate the Due Process Clause of the Fourteenth Amendment. The Court reasons that there is no constitutional protection for said acts.

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1987: *Edwards v. Aguillard*, 482 U.S. 578 (1987). A SCOTUS decision (7-2) finds that a state's (LA) practice of requiring public schools to teach creation science (the religious belief that advanced life appeared abruptly on this planet) if it elects to teach evolution (and vice versa) violates the Establishment Clause of the First Amendment as applied to the states through the Fourteenth Amendment. The Court rules that the law (the "Balanced Treatment for Creation-Science and Evolution-Science in Public School Instruction Act") fails all three prongs of the "Lemon Test."

1988: *Bowen v. Kendrick*, 487 U.S. 589 (1988). A SCOTUS decision (5-4) finds that certain contested provisions of the Adolescent Family Life Act of 1981 (AFLA) do not violate the Establishment Clause of the First Amendment. AFLA legislation is centered on premarital teenage sexuality and provides funding for research and organizational services. It is asserted that over time the contested provisions requiring ALFA beneficiaries to involve religious and governmental agencies benefit several organizations with institutional ties to religious organizations. The Court reasons that the primary effect of ALFA is not the advancement of religion and that oversight can protect against abuse by ALFA beneficiaries, while not creating excessive entanglements between church and state.

1989: *Allegheny County v. Greater Pittsburgh ACLU*, 492 U.S. 573 (1989). A SCOTUS decision (5-4) finds that a holiday Christian Nativity Scene with a banner containing the Latin phrase "*Gloria in Excelsis Deo*" ("Glory to God in the Highest"), sponsored by a Roman Catholic group, and displayed inside a courthouse (Allegheny County Courthouse) violates the Establishment Clause of the First Amendment and that a holiday display of a large Chanukah menorah, sponsored by a Jewish group, and displayed outside the City-County building (Pittsburgh, PA) does not. The present case was decided with *Chabad v. ACLU*, No. 88-90 and *City of Pittsburgh v. ACLU*, *Greater Pittsburgh Chapter*, No. 88-96.

1989: *Webster v. Reproductive Health Services*, 492 U.S. 490 (1989). A SCOTUS decision (5-4) finds that a state's (MO) statute prohibiting public employees and public facilities from performing, assisting, counseling, or encouraging a woman to have an abortion when termination of the pregnancy is not necessary to save the mother's life and requiring physicians to perform viability tests on women who are in the twentieth week of pregnancy (or more) does not violate the right to privacy or the Equal Protection Clause of the Fourteenth Amendment. Additionally, the Court declines to rule on the preamble of the statute, which states that "[t]he life of each human being begins at conception," by characterizing a statement found in an earlier SCOTUS opinion as *dicta*. That statement read, "a State may not adopt one theory of when life begins to justify its regulation of abortions" *City of Akron v. Akron Center for Reproductive Health*, 462 U.S. 416 (1983).

1990: *Board of Education of Westside Community Schools v. Mergens*, 496 U.S. 226 (1990). A SCOTUS decision (8-1) finds that a school's denial of permission to students to form an after-school Christian club (on par with other after-school student clubs) violates the Equal Access Act. The Court reasons that there is no violation of the Establishment Clause of the First Amendment if a religious club is a "noncurriculum" one (i.e., no prerequisite course requirements to join), the subject matter is not taught in the classroom, and its members do not receive academic credit for participation. The Court further reasons that the Equal Access Act

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serves an overriding secular purpose by prohibiting discrimination on the basis of philosophical, political, or other types of speech.

1990: *Employment Division v. Smith*, 494 U.S. 872 (1990). A SCOTUS decision (6-3) finds that an individual's religious beliefs do not preclude the individual from complying with otherwise valid laws. The present cases involves a state's (OR) decision to withhold unemployment compensation from two Native American individuals who had been dismissed from a private drug rehabilitation center for using peyote (a hallucinogen). These individuals maintain that the use of peyote is sacramental to their faith.

1992: *Lee v. Weisman*, 505 U.S. 577 (1992). A SCOTUS decision (5-4) finds that a state's (RI) practice on inviting clergy to deliver invocations and/or benedictions at public school promotional and graduation ceremonies violates the Establishment Clause of the First Amendment. The ruling explicitly relies on *Engel v. Vitale*, 370 U.S. 421 and *Abington School District v. Schempp*, 374 U.S. 203.

1992: *Planned Parenthood v. Casey*, 505 U.S. 833 (1992). A landmark SCOTUS decision (plurality or divided judgment) finds that a state's (PA) regulations requiring informed consent for women seeking abortions, a 24-hour waiting period, consent of a parent (if the woman is a minor), spousal notification, and imposing reporting requirements on facilities performing abortions does and does not violate the right to abortion as constructed in *Roe v. Wade*, 410 U.S. 113 (1973). The provisions that require informed consent, a waiting period, parental consent (if the woman is a minor), and reporting requirements are saved while the provision requiring spousal notification is not. This case is generally thought to be important because it is viewed as a direct challenge to *Roe v. Wade*, many of the concurring opinions dismiss as *dicta* provisions of *Roe v. Wade* that had earlier been thought to have carried precedence, and because there is no one opinion in which at least four other justices joined. Finally, the case is often characterized as a bitter one.

1993: *Baehr v. Lewin*, 74 Haw. 645, 852 P.2d 44 (1993). A Hawai'i State Supreme Court decision finds that a statute denying same-sex couples the right to marry violates the equal rights provision of the state constitution and remands the case to trial to determine if the state could provide a compelling interest that would justify the statute. In **1999**, the state constitution is amended to proscribe same-sex marriage and plaintiffs are subsequently denied relief.

1993: The Religious Freedom Restoration Act of 1993 (RFRA) is designed to provide "a claim or defense to persons whose religious exercise is substantially burdened by government" and restore the "Compelling Interest Test" (aka, the "Sherbert Test") (See *Sherbert v. Verner*, 374 U.S. 398 (1963)).

1995: *Rosenberger v. Rector and Visitors of the University of Virginia*, 515 U.S. 819 (1995). A SCOTUS decision (5-4) finds that a university's (University of Virginia) decision to deny funding to a college-based Christian magazine staff ("Wide Awake: A Christian Perspective at the University of Virginia") violates the students' First Amendment right to freedom of speech. The court reasons that if the university chooses to promote speech at all, it must promote all speech. The university had primarily based their denial of funding on the Establishment Clause

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of the First Amendment; however, the Court rules that “the guarantee of neutrality is not offended where, as here, the government follows neutral criteria and even-handed policies to extend benefits to recipients whose ideologies and viewpoints, including religious ones, are broad and diverse [...]” (See also, *Lamb’s Chapel v. Center Moriches School District*, 508 U.S. 384 (1993)).

1996: The Defense of Marriage Act of 1996 (DOMA) bars federal recognition of same-sex marriages and allows states, if they choose, to do the same. Critics argue that DOMA contradicts the Due Process Clause of the Fourteenth Amendment, the Equal Protection Clause of the Fourteenth Amendment, and/or the Full Faith and Credit Clause of the US Constitution.

1996 - 2000: The “Charitable Choice Laws” are signed into law by President William Jefferson Clinton. These laws allow for government funding (directly and indirectly) of religious organizations engaged in social service activities. Further, these laws apply to four types of Federal programs: Temporary Assistance to Needy Families (TANF), the Community Services Block Grant (CSBG) programs, programs for substance abuse and mental health, and the Welfare-to-Work program. A point of controversy with Charitable Choice is its allowing the use of “religious criteria when hiring staff, [to] maintain religious symbols in areas where programs are administered, and [to] use faith-based concepts in providing services.”¹

1997: *City of Boerne v. Flores*, 521 U.S. 507, 512-13 (1997). A SCOTUS decision (6-3) finds that Congress exceeded its Fourteenth Amendment enforcement authority in The Religious Freedom Restoration Act of 1993 by subjugating local ordinances to federal regulations. The present case involves a city’s (Bourne, TX) decision to block construction designed to expand a preexisting church (St. Peter Catholic Church) in an area that had been designated an historic preservation district.

1999: *Baker v. State* 744 A.2d 864 (Vt. 1999). A Supreme Court of Vermont decision (5-0) finds same-sex couples are entitled to the same benefits and protections as married opposite-sex couples. The Court reasons that “the State is constitutionally required to extend to same-sex couples the common benefits and protections that flow from marriage under Vermont law.” The Court further suggests that the state legislature “determine the appropriate means and scope of relief compelled by this constitutional mandate [...]”

2000: *Mitchell v. Helms*, 530 U.S. 793 (2000). A SCOTUS decision (6-3) finds that the provisions of the Education Consolidation and Improvement Act of 1981, as applied in a particular locale – Jefferson Parish, LA – does not violate the Establishment Clause of the First Amendment. The Act provides funds for educational material and hardware (computers) to public and private elementary and intermediate schools. The suit alleges that since approximately 30% of the schools in Jefferson Parish are private and parochial, the act of funding them is unconstitutional.

2001: President George Walker Bush creates the White House Office of Faith-Based and Community Initiatives (OFBCI) by executive order with the express goal of allowing Faith Based Organizations (FBOs), “the fullest opportunity permitted by law to compete on a level playing field [with private and charitable community groups], so long as they achieve valid

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public purposes.”² Subsequently, the following Departments and Offices now have Centers of Faith Based Initiatives: Homeland Security, Commerce and Veterans Affairs, Small Business Administration, Attorney General, Secretary of Education, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Agriculture, and Administrator of the Agency for International Development.³

2002: *Glassroth v. Moore*, CV-01-T-1268-N, 229 F. Supp. 2d 1290 (M.D. Ala. 2002). A federal district court decision finding that a “10 Commandments” monument in the Alabama State Judiciary Building’s rotunda violates the Establishment Clause of the First Amendment. In August 2001, Chief Justice of the Alabama Supreme Court, Roy Moore, installed a 2.5 ton “10 Commandments” monument in the State Judiciary Building’s rotunda. Attorneys Stephen R. Glassroth, Melinda Maddox and Beverly Howard, with the ACLU and Americans United for the Separation of Church and State serving as co-counsel, sued Chief Justice Moore, alleging his actions violated the Establishment Clause of the First Amendment and the principle of separation of church and state. The district court found in favor of the plaintiffs and ordered Chief Justice Moore to remove the monument but the judgment was stayed pending appeal. On 1 July 2003, the United States Court of Appeals for the Eleventh Circuit affirmed (2003 WL 21499258 (11th Cir. Ala.)) and the lower court ordered Chief Justice Moore to remove the monument by 20 August 2003. Moore failed to comply with the order, which resulted in the other eight Justices of the Supreme Court of Alabama ordering the removal of the monument in contradiction to Moore’s “administrative decision.” On 13 November 2003, Moore was removed from his post as Chief Justice of the Alabama Supreme Court. In 2006, Moore unsuccessfully ran against incumbent Robert “Bob” Riley for the Republican nomination for the Alabama Governorship. (See also, *Maddox and Howard v. Moore*, CV-01-T-1269-N.).

2002: *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002). A SCOTUS decision (5-4) finds that a state’s (OH) school voucher program, which distributes aid according to financial need and whose beneficiaries heavily favor private schools with religious affiliation (82% in the 1999-2000 school year), does not violate the Establishment Clause of the First Amendment. The Court reasons that aid reaches religious institutions only through the choices of individual recipients and any advancement of religion is incidental and attributable to the individual recipients (not the government).

2003: *Lawrence and Garner v. Texas*, 539 U.S. 558 (2003). A landmark SCOTUS (6-3) decision finds that a state’s (TX) statute proscribing sexual acts between two persons of the same sex violates the Due Process Clause of the Fourteenth Amendment. The present case overturns *Bowers v. Hardwick*, 478 U.S. 186 (1986).

2003: *Goodridge v. Dept. of Public Health*, 440 Mass. 309 (Mass 2003). A landmark Massachusetts Supreme Judicial Court decision (4-3) finds that the Massachusetts Constitution does not proscribe same-sex marriage. The Court notes that the Massachusetts Constitution “affirms the dignity and equality of all individuals. It forbids the creation of second-class citizens. [...]. [And the state] [...] has failed to identify any constitutionally adequate reason for denying civil marriage to same-sex couples.”

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2004: *McCorvey v. Hill*, 385 F.3d 846 (5th Cir. 2004). Norma Leah McCorvey, appellant “Jane Roe” in *Roe v. Wade*, 410 U.S. 113 (1973), petitions The U.S. Court of Appeals for the Fifth Circuit to overturn *Roe v. Wade*, 410 U.S. 113 (1973). The Court of Appeals dismisses McCorvey’s motion. SCOTUS denies certiorari.

2006: *Lewis v. Harris*, 908 A.2d 196 (N.J. 2006). A New Jersey Supreme Court decision (7-0) finds that same-sex couples are entitled to the same rights and protections as heterosexual couples under the state constitution. The Court reasons that denial of such privileges “bears no substantial relationship to a legitimate governmental purpose” and further orders the state legislature to enact legislation to that end: “The name to be given to the statutory scheme that provides full rights and benefits to same-sex couples, whether marriage or some other term, is a matter left to the democratic process.”

2008 – 2009: *in re Marriage Cases* (2008) 43 Cal.4th 757. A Supreme Court of California decision (4-3) finds that a statutory ban on same-sex marriages violates the Constitution of the State of California. While historically the State of California never licensed marriages between same-sex couples, California Family Code said that marriages contracted in another state and that were valid within the contracting state’s jurisdiction would be treated as valid in California (§308). In **2000**, **California Proposition 22** (a ballot initiative) amended the California Family Code so that only a marriage between a man and woman would be valid or recognized in California (§308.5), regardless of whether a same-sex marriage was contracted and valid in another a state’s jurisdiction. On **15 May 2008**, the Supreme Court of California in *Marriage Cases* ruled that the statutory ban on same-sex marriages was in contradiction to the Constitution of the State of California (Art.1, §7). On **4 November 2008**, **Proposition 8** (a ballot initiative) was passed that amended the state constitution so that “[o]nly [a] marriage between a man and a woman is valid or recognized in California” (Art.1, §7.5). On **26 May 2009**, the Supreme Court of California, answering challenges to Proposition 8, upheld the amendment (e.g., the Court found that the amendment was in fact an amendment and not a revision, the former of which would have required a two-third’s majority vote in the state senate and assembly). See also, *Strauss et al. v. Horton et al.* (2009) S168047 and its companion cases *Tyler et al. v. State of California et al.* S168066 and *The City and County of San Francisco et al. v. Horton et al.* S1680780.

¹ De Vita, Carol and Sarah Wilson. “Faith-Based Initiatives: Sacred Deeds and Secular Dollars.” Urban Institute. 1 Jul 2001. Mar 2008. <<http://www.urban.org/publications/310351.html>>.

² “Executive Order 13199.” White House - Office of the Press Secretary.

³ See Executive Orders 13397, 13198, 13280, & 13342. White House - Office of the Press Secretary.