



THE ALLIANCE DEFENSE FUND HELPS WIN MORE THAN 4 OF 5 MARRIAGE CASES IN AMERICA

For 16 years, the Alliance Defense Fund (ADF) and our allied attorneys have been at the very forefront of the battle to preserve marriage in America as the union of one man and one woman. ADF and allied attorneys have won 39 of 48 marriage cases litigated to completion—a victory rate of better than 4 in 5 cases. The current epicenter of the battle is again in California where ADF is defending marriage in *Perry v. Schwarzenegger*. Regardless of the early decision, the case may reach the U.S. Supreme Court. ADF and our allied attorneys are determined to win the legal battle for marriage and *Our First Liberty*—religious freedom.

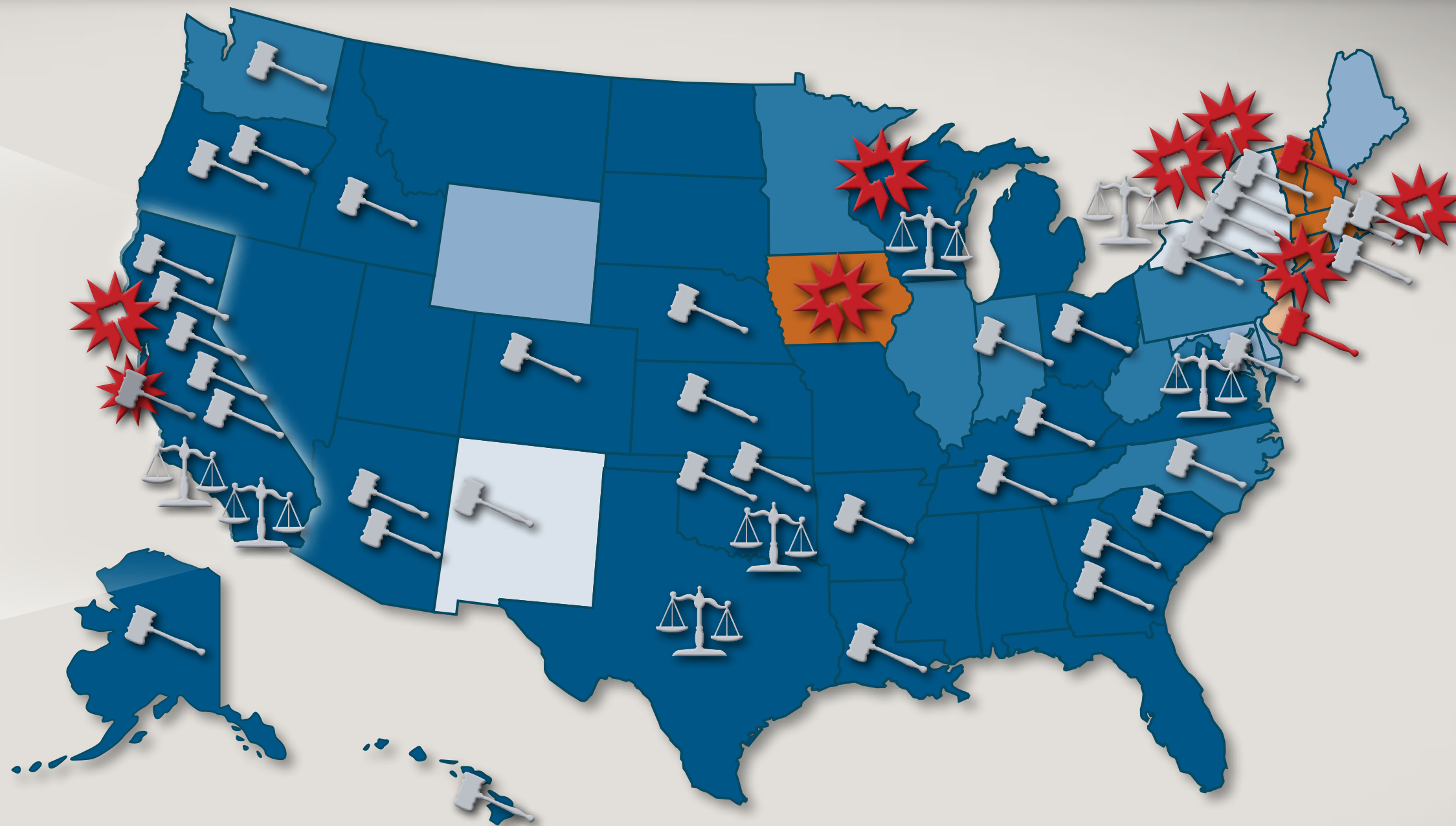
The map below shows the results of battles waged over marriage in the United States. See the reverse side for details of particular marriage cases and the role of ADF you have enabled (John 15:5).

CALIFORNIA

Perry v. Schwarzenegger (2010)

The Alliance Defense Fund (ADF) and allied attorneys are defending Proposition 8, the state constitutional marriage amendment enacted by 7 million California voters in 2008. Radical opponents are trying to use a federal court to overturn the popular vote of the people and fabricate same-sex “marriage.” The stakes are extraordinarily high in this battle because it could advance all the way to the U.S. Supreme Court and could impact many other states.

See reverse for state-by-state details
Updated as of February 1, 2010 / map version #9



LOSS



MIXED DECISION




PENDING



VICTORY




REVERSED

 States with constitutional amendments protecting marriage

 States with Defense of Marriage Acts (DOMAs)

 States with other statutes protecting marriage

 States with court decisions affirming marriage

 States with fabricated same-sex “marriage”

 States with so-called “civil unions”

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VICTORIES

Alaska – *Bess v. Ulmer* (1998) – Less than 96 hours after ADF-trained and -backed attorneys made oral arguments before the Alaska Supreme Court, a marriage amendment was allowed to go before the voters, who overwhelmingly approved the measure.

Arizona – *Stanhardt v. Superior Court* (2004) – In this ADF-assisted case, the Arizona Supreme Court let stand a lower court ruling that the state’s DOMA law was constitutional.

Arizona – *Arizona Together v. Brewer* (2006) – ADF and allied attorneys successfully argued that the state’s proposed constitutional amendment did not violate the “single subject” rule.

Arkansas – *May v. Daniels* (2004) – ADF attorneys assisted with amicus briefs and trial preparation in a lawsuit brought by the ACLU to block citizens from voting on a marriage amendment. The suit failed.

California – *Lewis v. Alfaro* (2004) – ADF attorneys filed suit after the mayor of San Francisco ordered “marriage” licenses to be issued to same-sex couples. The California Supreme Court not only ordered a halt to the practice, but also invalidated the 4,000-plus illegally issued licenses.

California – *Proposition 22 Legal Defense Fund et al. v. Gonzales, et. al* (2005) – ADF and its allies filed a lawsuit against the city of San Jose’s decision to recognize the illegal same-sex “marriages” from San Francisco. A state superior court judge agreed that the city’s decision was contrary to California law and halted the recognition.

California – *Smelt et al. v. County of Orange* (2006) – The U.S. Court of Appeals for the Ninth Circuit dismissed an appeal brought by two men who challenged the constitutionality of the federal Defense of Marriage Act. ADF attorneys participated in the oral argument of the case.

California – *Bennett v. Bowen* (2008) – The California Supreme Court dismissed a lawsuit brought by same-sex “marriage” advocates to block the marriage amendment—Proposition 8. In November 2008, California voters restored marriage as the union between one man and one woman in the state’s constitution.

California – *Strauss v. Horton, CCSF v. Horton, Tyler v. California* (2008) – An ADF ally led the legal defense of Proposition 8, the state’s marriage amendment passed by the voters in 2008, which restored marriage between one man and one woman, against three attempts by same-sex “marriage” advocates to overturn the will of the people.

Colorado – *Dubofsky v. Lundberg* (2006) – An ADF-allied attorney successfully defended the language of the Colorado marriage amendment, which passed in November 2006.

Georgia – *Burns v. Burns* (2002) – The Georgia Supreme Court ruled that a Vermont civil union would not be recognized in Georgia. ADF-backed attorneys participated in the case.

Georgia – *Perdue v. O’Kelly* (2006) – The Georgia Supreme Court ruled that the state’s amendment affirming marriage was constitutional. ADF filed an amicus brief in support of the amendment.

Hawaii – *Baehr v. Milke* (1999) – The Hawaii Supreme Court dismissed this case because of the passage of the state’s marriage-related amendment giving the state legislature the power to reserve marriage for opposite-sex couples. ADF provided support for allied attorneys in the Hawaii marriage battles.

Idaho (2006) – ADF attorneys provided legal assistance for a proposed marriage amendment, which passed in November 2006.

Indiana – *Morrison v. Sadler* (2003-2005) – ADF attorneys helped win a case before the Indiana Court of Appeals, which ruled that the state constitution does not require government recognition of same-sex “marriages.”

Kansas – *In the Estate of Marshall G. Gardiner, Deceased* (2002) – The Kansas Supreme Court ruled that a gender-disordered male was a male under the law, voiding his “marriage” license to another man. ADF-allied attorneys wrote key amicus briefs in this case.

Kentucky – *Wood v. Commonwealth of Kentucky* (2004-2005) – Advocates of same-sex “marriage” attempted to throw out the commonwealth’s marriage amendment. ADF, representing the Kentucky Family Foundation, had the case dismissed.

Louisiana – *Forum for Equality PAC v. McKeithan et al.* (2006) – The Louisiana Supreme Court unanimously agreed with ADF, upholding the state’s marriage amendment.

Maryland – *Deane v. Conaway* (2007) – Maryland’s highest court ruled there was “no fundamental right” to same-sex “marriage.” ADF coordinated the amicus brief effort on behalf of Family Research Council.

Massachusetts – *Schulman v. Reilly* (2006) – The commonwealth’s Supreme Judicial Court ruled that the effort to place a constitutional amendment on the ballot to reverse its fabrication of same-sex “marriage”

could go forward. ADF attorneys participated in the oral arguments on behalf of Massachusetts voters.

Massachusetts – *Cote-Whitacre v. Department of Public Health* (2006) – ADF helped win a crucial Massachusetts Supreme Judicial Court decision preserving the law against non-residents marrying in the commonwealth, stopping the exportation of same-sex “marriage” to other states.

Nebraska – *Citizens for Equal Protection v. Bruning* (2005-2006) – The U.S. Court of Appeals for the Eighth Circuit affirmed the state’s marriage amendment. ADF filed an amicus brief on behalf of Focus on the Family and Family Research Council.

New Mexico – *Dunlap v. Madrid* (2004) – After a rogue county clerk began issuing “marriage” licenses to same-sex couples, ADF attorneys filed an amicus brief that she had no authority to do so. The New Mexico Supreme Court agreed.

New York – *Hernandez v. Robles (and four other cases)* (2006-2007) – The state highest court ruled that any decision on same-sex “marriage” must be made by the state legislature. ADF filed amicus briefs in five different cases on behalf of Family Research Council.

North Carolina – *Mullinax v. Covington, Durham* (2004) – A state district court judge dismissed a lawsuit brought by two men seeking a license to “marry.” An ADF-allied attorney filed a motion to intervene on behalf of two ministers, asking the case to be dismissed.

Ohio – *State ex. Rel. Essig v. Blackwell* (2004) – After an eleventh-hour lawsuit was filed to stop a proposed marriage amendment, ADF-allied attorneys made appearance before multiple courts, eventually winning at the Ohio Supreme Court.

Oklahoma – *In re: Legislative Referendum No. 334, State Question 711* (2004) – An ADF-allied attorney helped defend the right for Oklahoma citizens to vote on a marriage amendment.

Oklahoma – *O’Darling v. O’Darling* (2008) – The Oklahoma Supreme Court upheld the decision to vacate a divorce granted unknowingly to two women and remanded the case back to trial court to resolve other issues. ADF attorneys filed an amicus brief on behalf of state lawmakers. An ADF attorney argued in the lower court that the case should be dismissed, which the trial court did in November 2008.

Oregon – *Li v. State of Oregon* (2004) – When officials in Multnomah County illegally issued some 3,000 “marriage” licenses to same-sex couples, ADF attorneys filed suit. The case went to the Oregon Supreme Court, which nullified the phony “licenses.”

Oregon – *Martinez v. Kulongoski* (2008) – An Oregon appellate court ruled that Measure 36, the state’s marriage amendment, was constitutional. ADF provided funding to the attorney who defended the amendment on behalf of the Defense of Marriage Coalition.

Rhode Island – *Chambers v. Orniston* (2007) – The Supreme Court of Rhode Island ruled that two women “married” in Massachusetts could not “divorce” in Rhode Island because the state does not recognize same-sex “marriages.” ADF attorneys filed three amicus briefs in the case.

South Carolina (2006) – ADF attorneys advised state legislators on a constitutional amendment that was passed by voters in November 2006.

Tennessee – *ACLU of Tennessee v. Darnell* (2006) – ADF attorneys successfully blocked an effort by the ACLU to deny citizens the right to vote on a marriage amendment.

Washington – *Andersen v. King County* (2004-2006) – The Washington Supreme Court, in a 5-4 decision, ruled that the state’s Defense of Marriage Act was constitutional. ADF staff and allied attorneys successfully represented African-American clergy, state lawmakers, and taxpayers in this case.

LOSSES

California – *In re: Marriage Cases* (2008) – ADF and its allies argued before the California Supreme Court in defense of Proposition 22—the state’s Defense of Marriage Act overwhelmingly enacted by the state’s voters in 2000. In a 4-3 decision, the court overturned the will of the people and fabricated same-sex “marriage.”

Connecticut – *Kerrigan et al. v. Connecticut* (2008) – The Connecticut Supreme Court, in a 4-3 decision, fabricated same-sex “marriage.”

Iowa – *Varnum v. Brien* (2008-2009) – An Iowa trial judge ruled that the state’s Defense of Marriage Act was in violation of the state constitution. ADF filed an amicus brief on behalf of five state legislators in the appeal to the Iowa Supreme Court, which ruled that the state’s Defense of Marriage Act was in violation of the state constitution, fabricating same-sex “marriage.”

Massachusetts – *Goodridge v. Department of Public Health* (2003-2004) – The Massachusetts Supreme Judicial Court fabricated same-sex “marriage,” based in part on international law.

New York – *Godfrey v. Spano* (2007-2009) – ADF attorneys, representing a group of taxpayers,

filed suit alleging that Westchester County Executive Andrew Spano acted illegally when he ordered county agencies to recognize same-sex “marriages” from other jurisdictions. The New York Court of Appeals denied the ADF claim but did not address the central issue with regard to the recognition of out-of-state same-sex “marriages.”

New York – *Lewis v. New York Department of Civil Service* (2008-2009) – The commissioner of the Department of Civil Service issued an ultra vires policy by defining the term “spouse” in enabling legislation to include same-sex spouses “married” out of state. ADF attorneys challenged the action, but the New York Court of Appeals denied the challenge, while avoiding the central issue with regard to the recognition of out-of-state same-sex “marriages.”

Wisconsin – *Appling v. Doyle* (2009) – The Wisconsin Supreme Court dismissed a challenge that the state’s domestic partner registry violated the state’s marriage amendment.

MIXED DECISIONS

New Jersey – *Lewis v. Harris* (2006) – In a mixed ruling, the New Jersey Supreme Court ordered the legislature to fabricate a “remedy,” giving same-sex couples all the rights and benefits of marriage. Under court order, the legislature created “civil unions.”

Vermont – *Baker v. Vermont* (2000) – In a mixed ruling, the Vermont Supreme Court ordered the legislature to fabricate a “remedy,” giving same-sex couples all the rights and benefits of marriage. The legislature created “civil unions.”

REVERSED

California – In November 2008, California voters enacted Proposition 8, which restored marriage as the union between one man and one woman in the state constitution, reversing the decision by the California Supreme Court in *In re: Marriage Cases*.

PENDING

California – *Burns v. State of California* (2009) – A same-sex couple filed suit against the state’s constitutional amendment defining marriage as the union between one man and one woman, claiming it is a violation of the equal protection clause of the California constitution.

California – *Perry v. Schwarzenegger* (2010) – The Alliance Defense Fund and allied attorneys are defending Proposition 8, the state constitutional

marriage amendment enacted by 7 million California voters in 2008. Radical opponents are trying to use a federal court to overturn the popular vote of the people and fabricate same-sex “marriage.” The stakes are extraordinarily high in this battle because it could advance all the way to the U.S. Supreme Court.

New York – *Golden v. Paterson* (2008-2009) – ADF attorneys filed suit to block the implementation of an executive directive from the governor ordering state agencies to recognize same-sex “marriages” from other jurisdictions. ADF lost in the first round but is appealing the decision.

Oklahoma – *Bishop v. United States of America* (2009) – Oklahoma residents sued the Governor of Oklahoma and President of the United States challenging Oklahoma’s constitutional amendment limiting marriage to one man and one woman as a violation of the U.S. Constitution.

Texas – *In the Matter of Marriage of J.B. and H.B.* (2009) – A judge ruled to hear a “divorce” lawsuit between two men whose same-sex “marriage” was performed in Massachusetts, declaring the state marriage amendment and the state’s Defense of Marriage Act unconstitutional. The Texas Attorney General will appeal the ruling, and ADF attorneys are planning to file a friend-of-the-court brief opposing the Texas court’s ruling.

Washington, D.C. – *Jackson v. District of Columbia Board of Elections and Ethics* (2009) – ADF attorneys filed suit against the District of Columbia Board of Elections and Ethics for precluding the right of citizens in the district to vote for or against the definition of marriage.

Wisconsin – *McConkey v. J.B. Van Hollen* (2009) – A Wisconsin trial court threw out a legal challenge to the state marriage amendment. The case has now been appealed to the Wisconsin Supreme Court. ADF attorneys filed an amicus brief in support of the amendment.



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