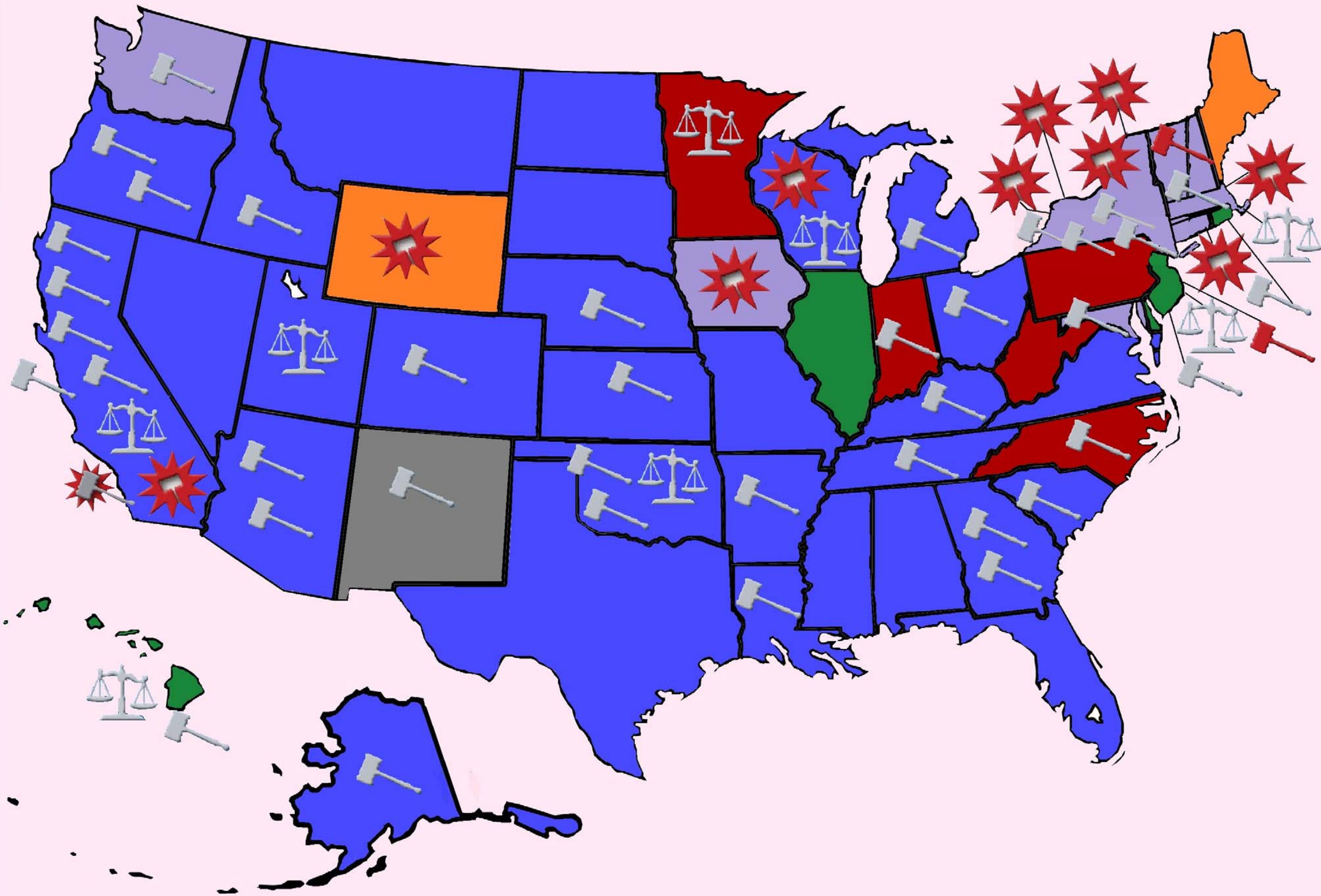




**THE ALLIANCE
DEFENSE FUND
HELPS WIN
NEARLY 75% OF
MARRIAGE CASES
IN AMERICA**

For 18 years, the Alliance Defense Fund (ADF) and our allied attorneys have been at the forefront of the battle to preserve marriage as the union of one man and one woman. ADF and allied attorneys have achieved a victory rate of nearly 75%. The current epicenter of the battle is again in California where ADF is part of the ProtectMarriage.com legal team defending Proposition 8, the state's marriage protection amendment in *Perry v. Brown*. The case may eventually reach the United States Supreme Court. ADF and our allied attorneys are determined to win the legal battle for marriage and religious freedom.

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



VICTORY	PENDING	LOSS	MIXED	REVERSED



States with constitutional amendments	States with so-called "civil unions"
States with Defense of Marriage Acts	States with other statutes protecting marriage
States that have fabricated same-sex "marriage."	States with court decisions affirming marriage

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 to the voters, who overwhelmingly approved the measure.

Arizona – *Standhardt 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* (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 v. County of Orange* (2006) and *Smelt v. United States* (2009) – The U.S. Court of Appeals for the Ninth Circuit dismissed a challenge of the federal Defense of Marriage Act. ADF attorneys participated in the oral argument of the case. The two men who brought the challenge filed suit again in 2009 and lost again.

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. ADF attorneys directly represented ProtectMarriage.com, the sponsors of the amendment, which was enacted by 52% of the state’s voters in 2008.

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 enacted by the voters in 2008 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 was enacted in 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. Miike* (1999) – The Hawaii Supreme Court dismissed this case because of the state’s marriage-related amendment giving the 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 was enacted in November 2006.

Indiana – *Morrison v. Sadler* (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 “marriage.”

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 the case.

Kentucky – *Wood v. Commonwealth of Kentucky* (2004-05) – 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 that there was “no fundamental right” to same-sex “marriage.” ADF coordinated the amicus brief effort on behalf of the Family Research Council.

Massachusetts – *Cote-Whitacre v. Department of Public Health* (2004) – 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.

Michigan – *National Pride at Work v. Granholm* (2008) - The Michigan Court of Appeals ruled that the state's constitutional amendment protecting marriage as a union between one man and one woman prohibits public institutions from extending marriage benefits to unmarried couples, including same-sex "domestic partners."

Nebraska – *Citizens for Equal Protection v. Bruning* (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 Jersey – *Lewis v. Harris* (2010) – Same-sex “marriage” advocates tried to re-open this case after the New Jersey Supreme Court ordered up “civil unions.” The court dismissed the case, preserving marriage in the Garden State.

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 three 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 each case on behalf of the 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 that the case 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 appearances

before multiple courts, eventually winning at the Ohio Supreme Court and allowing the state’s voters to express their will on the amendment.

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* – 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 represented the speaker of the Oklahoma House.

Oregon – *Li v. State of Oregon* (2004) – When officials in Multnomah County, Oregon 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. Ormiston* (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 enacted 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, which was enacted by Volunteer State voters in November 2006.

Washington – *Andersen v. King County* (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 the case.

Wisconsin – *McConkey v. J.B. Van Hollen* (2010) – The Wisconsin Supreme Court upheld the constitutionality of the state’s marriage amendment. ADF attorneys filed an amicus brief in support of the amendment.

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 passed 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 4-3 decision, fabricated same-sex “marriage.”

Iowa - *Varnum v. Brien* (2008-2009) – The Iowa Supreme Court, in a 4-3 decision, fabricated 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 recognition of out-of-state same-sex “marriages.”

New York – *Golden v. Paterson* (2009) – ADF attorneys filed suit to block implementation of an executive directive from the governor ordering state agencies to recognize same-sex “marriages” from other jurisdictions. The court upheld the governor’s directive.

New York – *Godfrey v. DiNapoli* (2008) – The court upheld a state agency’s recognition of out-of-state same-sex “marriages” for purpose of spousal retirement benefits.

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. ADF re-filed the case in trial court since the court did not rule on the merits of the case.

Wyoming – *Christiansen v. Christiansen* (2011) – The Wyoming Supreme Court ruled that a same-sex couple married in Canada can divorce in Wyoming, reversing a lower court ruling that the court lacked jurisdiction to dissolve a same-sex marriage.

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. Under court order, 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 – *Perry v. Brown* (2012) – ADF attorneys are part of the ProtectMarriage.com legal team defending Proposition 8, the state constitutional amendment enacted by 7 million Californians in 2008. The case is presently on appeal to the full panel of the U.S. Court of Appeals for the Ninth Circuit.

Hawaii - *Jackson v. Abercrombie* (2012) – Three individuals filed suit asking the court to declare Hawaii’s constitutional amendment on marriage and the state’s law defining marriage as the union of one man and one woman

unconstitutional. Gov. Neil Abercrombie has stated both publicly and in the lawsuit that he agrees with those arguments and that he will not defend the law against those attacks. Abercrombie’s stance prompted Hawaii Family Forum through its ADF attorneys to ask the court to allow it to intervene in defense of marriage in the state.

Massachusetts – *Gill v. Office of Personnel Management* (2012) - A lawsuit filed by the Gay and Lesbian Advocates and Defenders (GLAAD) seeks to have a judge redefine marriage for the entire country. GLAAD feels these same-sex couples are being denied legal protections and benefits under federal law that are available to heterosexual married couples. The lawsuit asks a federal judge to declare portions of the federal Defense of Marriage Act, which defines marriage as the union of one man and one woman, unconstitutional.

Minnesota - *Benson v. Alverson* (2012) – Three same-sex couples have filed suit to overturn the state’s Defense of Marriage Act barring same-sex “marriages.”

New Jersey - *Garden State Equality v. Dow* (2012) - Lambda Legal has filed suit on behalf of Garden State Equality and seven same-sex couples and their children. They claim, among other things, that New Jersey’s civil union law has violates their rights under the New Jersey Constitution and the Fourteenth Amendment to the Constitution of the United States.

Oklahoma – *Bishop v. United States of America* (2012) - Oklahoma residents sued the Governor of Oklahoma and President of the United States challenging the state’s constitutional amendment limiting marriage to one man and one woman as a violation of the U.S. Constitution. ADF attorneys are representing the County of Tulsa in the lawsuit.

Utah – *Brown v. Herbert* (2012) - An open polygamist filed a lawsuit in federal court in Salt Lake City, Utah, challenging the Utah statute criminalizing bigamy and cohabitation.

Wisconsin – *Appling v. Doyle II* (2012) – ADF attorneys have appealed a lower court decision that the state’s domestic partner registry did not violate the state’s marriage amendment.

