

## Marriage Equality Timeline

**1993 – Hawaii** – *Baehr v. Lewin*: Hawaii’s high court issues first-of-a-kind ruling that state limitation of marriage to different-sex couples only is sex discrimination that requires state justification, sending case back for trial and launching the current phase of the Freedom to Marry movement.

**1996 – Hawaii** – *Baehr v. Miike*: Trial court conducts trial including expert witnesses for and against the state’s asserted reasons for restricting marriage; court finds state’s reasons lack merit, meaning same-sex couples are entitled to marriage licenses.

**1998 – Hawaii** – While trial court decision in *Baehr* case is waiting for Hawaii Supreme Court review, state legislature approves constitutional ballot measure to create exception to equality guarantee and allow legislature to exclude same-sex couples from marriage; voters approve constitutional amendment.

**1999 – Hawaii** – Hawaii’s high court rules in *Baehr v. Miike* that Hawaii’s constitution no longer prohibits sex discrimination in state’s law governing eligibility to marry.

**1999 – Vermont** – In *Baker v. State* litigation, Vermont Supreme Court finds it violates constitutional equality guarantee to deny same-sex couples the rights, protections, benefits and obligations available to different-sex couples through marriage.

**April 2000 – Vermont** – Legislature passes landmark “civil unions” measure to provide gay and lesbian couples the same legal rights and responsibilities that heterosexual couples receive through marriage, making Vermont the first state in

the nation to recognize same-sex couples through a comprehensive state-law status.

**July 2000 – Vermont** – Civil unions law takes effect.

**November 2003 – Massachusetts** – In historic ruling, Massachusetts high court rules that exclusion of same-sex couples from marriage violates state constitution.

**February 2004 – Massachusetts** – In response to state senate’s formal question regarding whether civil unions would fulfill the high court’s requirement of equal treatment, the court says “no” because civil unions are a separate and unequal status.

**February 12, 2004 – California** – Officials of the City and County of San Francisco conclude it violates the California Constitution to withhold marriage licenses from same-sex couples; from February 12 to March 10, San Francisco issues licenses and performs marriages for roughly 4,000 same-sex couples.

**February 13, 2004 – California** – Conservative religious legal groups file two lawsuits against San Francisco demanding court orders to stop the marriages; Lambda Legal, the National Center for Lesbian Rights and the ACLU join those cases on behalf of same-sex couples who wish to marry, Our Family Coalition and Equality California.

**February 22, 2004 – California** – Gay activists Robin Tyler and Troy Perry and their respective life partners sue Los Angeles County demanding marriage licenses; Lambda Legal and co-counsel enter the case on behalf of Equality California.

**March 2004 – California** – The California Supreme Court orders San Francisco to stop issuing marriage licenses to same-sex couples until it has been decided in court whether the state constitution guarantees lesbian and gay couples' right to marry as it does for heterosexual couples. Lambda Legal and co-counsel immediately file new lawsuit against the state asserting same-sex couples' right to marry throughout California.

**May 2004 – Massachusetts** – State begins issuing marriage license to same-sex couples.

**June 2004 – California** – The California Judicial Council orders that the six active cases in the state courts concerning marriage for same-sex couples be gathered into one judicial proceeding in the San Francisco trial court called *In re Marriage Cases*.

**August 2004 – California** – The California Supreme Court holds the marriages of the thousands of same-sex couples who had married in San Francisco are invalid, without resolving the question in our main case: whether the California Constitution guarantees same-sex couples an equal right to marry.

**March 2005 – California** – In a historic ruling, the California state trial court says that, under the state's constitution, lesbian and gay couples must be allowed to marry.

**November 2005 – California** – Lambda Legal, NCLR and ACLU file briefs in the California Court of Appeal urging the appellate court to uphold the lower court's ruling.

**July 2006 – California** – Oral arguments are presented before the California Court of Appeal.

**October 2006 – California** - In a 2–1 decision, the Court of Appeal rules that California may continue to bar same-sex couples from marriage.

**November 2006 – California** – Petitions are filed asking the California Supreme Court to review and reverse the Court of Appeal's decision.

**December 2005 – Iowa** – Lambda Legal files *Varnum v. Brien* in the Polk County Court on behalf of six same-sex couples who were denied marriage licenses in Iowa, arguing that denying marriage to same-sex couples violates the liberty and equality guarantees of the Iowa State Constitution.

**December 2006 – California** – The California Supreme Court unanimously agrees to review the intermediate appellate decision denying marriage to same-sex couples.

**December 2006 – Connecticut** – Lambda Legal files amicus brief in the Connecticut Supreme Court in support of Gay and Lesbian Advocates and Defenders in *Kerrigan v. State of Connecticut*.

**April - August 2007 – California** – Lambda Legal, NCLR and the ACLU file multiple briefs in the California Supreme Court explaining why denying lesbian and gay couples the freedom to marry is unconstitutional, along with supplemental briefs requested by the court addressing additional questions.

**August, 2007 – Iowa** – The district court rules that denying marriage to same-sex couples violates the Iowa Constitution. The ruling is immediately appealed.

**September 2007 – California** – A broad array of mainstream civil rights, religious, community and professional groups, plus leading legal scholars and bar associations, along with California's largest cities and many others file an unprecedented 30 friend-of-the-court briefs on behalf of more than 500 organizations supporting marriage equality.

**March 4, 2008 – California** – A remarkable three hours of oral argument are presented before the California Supreme Court.

**March 2008 – Iowa** – Hundreds of Iowans, including former Lieutenant Governors Joy Corning and Sally Pederson, file friend-of-the-court briefs supporting same-sex couples seeking the right to marry.

**May 2008 – California** – In a history-making 4-3 decision, the California Supreme Court rules that barring lesbian and gay couples from marriage violates the state Constitution by denying these couples their fundamental right to marry and discriminating against them impermissibly based on sexual orientation. Conservative groups ask the court to delay the decision's effect until after the November election, arguing voters may approve an initiative to change the Constitution and negate the decision. Lambda Legal opposes this request, as does California Attorney General Jerry Brown.

**June 2008 – California** – The California Supreme Court denies the requests for delay, ordering that the marriage ruling shall take effect on June 16, 2008 at 5 pm. Del Martin and Phyllis Lyon become the first same-sex couple to marry in California with a duly issued license, San Francisco Mayor Gavin Newsom solemnizing their union for a second time. Eighteen-thousand lesbian and gay couples follow their example.

**October, 2008 – Connecticut** – The state supreme court rules that the state's civil union law does not provide same-sex couples full equality and they must be allowed to marry.

**November 4, 2008 – California** – Voters approve Proposition 8 by 52-48 percent, stripping gay and lesbian couples of the right to marry.

**November 5, 2008 – California** – Lambda Legal, the National Center for Lesbian Rights, and the American Civil Liberties Union file *Strauss v. Horton* challenging the validity of Proposition 8 directly in the California Supreme Court on behalf of six same-sex couples and Equality California, and also requesting an immediate stay of Prop 8's effect. The City of San Francisco, joined by the City of Los Angeles and Santa Clara County, files a similar challenge, as does a private attorney in Los Angeles. *Strauss v. Horton* argues that the radical change attempted by Proposition 8 amounts to a "revision" of the California Constitution that cannot be accomplished by a simple majority vote of the electorate unless first approved by a two-thirds vote of both houses of the Legislature.

**November 19, 2008 – California** – The California Supreme Court agrees to hear the first three legal challenges to Proposition 8 but denies a stay of the initiative.

**December 9, 2008 – Iowa** – The Iowa Supreme Court hears oral arguments in Lambda Legal marriage challenge, *Varnum v. Brien*.

**January 15, 2009 – California** – Civil rights groups, state legislators, city and county governments, leading law professors, religious organizations and faith leaders, and many others file 43 *amicus* briefs in support of *Strauss v. Horton*. Only 19 briefs filed in support of the defenders of Proposition 8.

**February 3, 2009 – California** – California Supreme Court schedules oral arguments in *Strauss v. Horton* for March 5, 2009.