

APPENDIX D**United States Supreme Court
Citations to James Madison's *Memorial and Remonstrance***

“[T]he most important document explaining the Founders' conception of religious freedom.”¹

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¹ McConnell M. *New Directions in Religious Liberty: "God is Dead and We Have Killed Him!"*: *Freedom of Religion in the Post-modern Age*. 1993 B.Y.U.L. Rev. 163, 169 (1993).

United States Supreme Court
Citations to James Madison's Memorial and Remonstrance

- (1) Hein v. Freedom from Religion Found., Inc., 127 S. Ct. 2553 (2007) (Scalia, J., concurring)
- (2) Hein v. Freedom from Religion Found., Inc., 127 S. Ct. 2553 (2007) (Souter, J., dissenting)
- (3) Van Orden v. Perry, 125 S. Ct. 2854, 2892 (2005) (Souter, J., dissenting)
- (4) McCreary County v. ACLU, 125 S. Ct. 2722, 2754 (Scalia, J., dissenting)
- (5) McCreary County v. ACLU, 125 S. Ct. 2722, 2746, 2747, (O'Connor, J., concurring)
- (6) Elk Grove Unified Sch. Dist. v. Newdow, 124 S. Ct. 2301, 2332 (2004) (Thomas, J., concurring)
- (7) Locke v. Davey, 540 U.S. 712, 722 (2004) (Rehnquist, C.J., majority)
- (8) Zelman v. Simmons-Harris, 536 U.S. 639, 711 (2002) (Souter, J., dissenting)
- (9) Mitchell v. Helms, 530 U.S. 793, 871 (2000) (Souter, J., dissenting)
- (10) City of Boerne v. Flores, 521 U.S. 507, 560-61 (1997) (O'Connor, J., dissenting)
- (11) Agostini v. Felton, 521 U.S. 203, 243 (1997) (Souter, J., dissenting)
- (12) Rosenberger v. Rector & Visitors of the Univ. of Va., 515 U.S. 819, 853 (1995) (Thomas, J., concurring)
- (13) Lee v. Weisman, 505 U.S. 577, 590 (1992) (Kennedy, J., majority)
- (14) Corporation of Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos, 483 U.S. 327, 341 n.2 (1987) (Brennan, J., concurring)
- (15) Edwards v. Aguillard, 482 U.S. 578, 605-606 (1987) (Powell, J., concurring)
- (16) Wallace v. Jaffree, 472 U.S. 38, 55 n.38 (1985) (Stevens, J., majority)
- (17) Marsh v. Chambers, 463 U.S. 783, 804 (1983) (Brennan, J., dissenting)
- (18) Valley Forge Christian College v. Americans United for Separation of Church & State, 454 U.S. 464, 502 (1982) (Brennan, J., dissenting)
- (19) Meek v. Pittenger, 421 U.S. 349, 383 (1975) (Brennan, J., dissenting)
- (20) Committee for Public Education & Religious Liberty v. Nyquist, 413 U.S. 756, 760, 772, 783, 798 (1973) (Powell, J., majority)
- (21) Lemon v. Kurtzman, 411 U.S. 192, 209 (1973) (Douglas, J., dissenting)
- (22) Wisconsin v. Yoder, 406 U.S. 205, 218 (1972) (Burger, C.J., majority)
- (23) Lemon v. Kurtzman, 403 U.S. 602, 633 (1971) (Douglas, J., concurring)
- (24) Tilton v. Richardson, 403 U.S. 672, 696 (1971) (Douglas, J., dissenting)
- (25) Walz v. Tax Com. of New York, 397 U.S. 664, 675 n.3 (1970) (Burger, J., majority)
- (26) Flast v. Cohen, 392 U.S. 83, 103 (1968) (Warren, C.J., majority)
- (27) Board of Education v. Allen, 392 U.S. 236, 266 (1968) (Douglas, J., dissenting)
- (28) School Dist. v. Schempp, 374 U.S. 203, 213, 225 (1963) (Clark, J., majority)
- (29) Engel v. Vitale, 370 U.S. 421, 433 n.13, n.15, 436 n.22 (1962) (Black, J., majority)
- (30) Torcaso v. Watkins, 367 U.S. 488, 491 (1961) (Black, J., majority)
- (31) McGowan v. Maryland, 366 U.S. 420, 431 n.7 (1961) (Warren, C.J., majority)
- (32) Illinois ex rel. McCollum v. Bd. of Educ., 333 U.S. 203, 214, 216 (1948) (Black, J., majority)
- (33) Everson v. Board of Education, 330 U.S. 1, 12, 13 n.12 (1947) (Black, J., majority)
- (34) Everson v. Board of Education, 330 U.S. 1, 12, 13 n.12 (1947) (extensive discussion in Justice Rutledge's dissent)
- (35) Reynolds v. United States, 98 U.S. 145, 163 (1878) (Waite, C.J., majority)