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**CHAPTER 1 THE EARLY REPUBLIC: THE COMMON LAW AND THE  
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1. Glebe Land Disputes
  - Terret v. Taylor 13 US (9 Cranch) 43 (1815)
  - Town of Pawlet v. Clark 13 US (9 Cranch) 292 (1815)
2. Tax Clause Controversies
  - Muzzy v. Wilkins 1 Smith (N.H) 11 (1803)
  - Barnes v. Falmouth 6 Mass 400 (1810)
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  - Updegraph v. Commonwealth 11 Serg. (Pa) 393 (1824)
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  - Specht v. Commonwealth 8 Pa 312 (1848)
  - Bloom v. Richards 2 Ohio 387 (1853)
  - Swann v. Swann 21 Fed 299 (1884)

**CHAPTER 2 FROM LIBERTY TO EQUALITY: STATE FRAMERS' INTENT AND  
THE ORIGINS OF AMERICAN SEPARATIONISM**

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  - Donahue v. Richards 38 Me 379 (1854)
  - Spiller v. Woburn 91 Mass 127 (1866)
  - Board of Education v. Minor 23 Ohio 211 (1872)
  - State v. District Board no. 8 76 Wis 177, 44 NW 967 (1890)
  - Pfeiffer v. Board of Education of Detroit 118 Mich 560, 77 NW 250 (1898)
  - State v. Sheve 65 Neb 853, 91 NW 846 *aff'd* 93 NW 169 (1902)
  - People v. Board of Education 245 Ill 334, 92 NE 251 (1910)
  - Herold v. Parish Board of School Directors 136 La 1034, 68 S 116 (1915)

**CHAPTER 3. FEDERAL FOUNDERS' INTENT: PART I—  
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1. Early Uses of Federal Founders Intent: The Beginnings of the "List" of Governmental Aids to Religion
  - Trustees of the First Methodist Church v. Atlanta 76 Ga 181 (1886)
  - Holy Trinity Church v. United States 143 US 457 (1892)
  - Church v. Bullock 104 Tex 1, 109 SW 115 (1908)
  - Herold v. Parish Board of School Directors 136 La 1034, 68 S 116 (1915)

- Dunn v. Chicago Industrial School for Girls 280 Ill 613, 177 NE 735 (1917)
- State v. Mockus 120 Me 84, 113 A 39 (1921)
- Pirkey Bros. v. Commonwealth 134 Va 713, 114 SE 765 (1922)
- Wilkerson v. City of Rome 152 Ga 66, 110 SE 895 (1922)
- Kaplan v. Independent School District 171 Minn 142, 214 NW 18 (1927)
- People v. Stanley 81 Colo 276, 255 P 610 (1927)
2. Modern Interpretations of Accommodationist History:
- Gordon v. Board of Education of Los Angeles 78 Cal 2d 464, 178 P2d 488 (1947)
- McCollum v. Board of Education 396 Ill 14, 71 NE 3d 161 [*rev'd* 333 US 203]
- Illinois v. Board of Education 333 US 203 (1948) (Reed, J., dissenting)
- Doremus v. Board of Education 5 NJ 435, 75 A 2d 880 [*app dis* 342 US 429]
- Zorach v. Clauson 343 US 306 (1952)
- Carden v. Bland 198 Tenn 665, 288 SW 718 (1956)
- State v. Williamson 347 P 2d 204 (1959)
- Squires v. Inhabitants of Augusta 155 Me 151, 153 A2d 80 (1959) (Sullivan, J., dissenting)
- Snyder v. Town of Newtown 147 Conn 374, 161 A2d 77 (1960)
- Crown Kosher Super Market v. Gallagher 176 FSupp 466 (1959) [*rev'd* 366 US 617]
- Engel v. Vitale 10 NY 174, 218 NYS 2d 659, 176 NE 2d (1961) [*rev'd* 370 US 421]
- Engel v. Vitale 370 US 421 (1961) (Stewart, J., dissenting)
- Chamberlain v. Dade County Board of Public Instruction 143 S 2d 21 (1962)
- Murray v. Curlett 228 Md 239, 179 A 2d 698 (1962) [*rev'd* 374 US 203]
- Sheldon v. Fannin 221 FSupp 766 (1963)
- County of Los Angeles v. Hollinger 34 Cal Rptr 387 (1963) (Ashburn, J., dissenting)
- Bertera's Hopewell Foodland v. Masters 428 Pa 20, 236 A 2d 197 (1963)
- Rhoades v. Abington School District 424 Pa 202, 226 A 2d 53 (1967)
- Walz v. Tax Commissioner of New York 397 US 664 (1970)
- Americans United for Separation of Church and State v. Bubb 379 FSupp 892 (1974)
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- Marsh v. Chambers 463 US 783 (1983)

**Jaffree v. Board of School Commissioners** 554 FSupp 1104 (1983) [*rev'd*  
 705 F2d 1526]  
**Jaffree v. Wallace** 705 F2d 1526 (1983) [*aff'd* 472 US 38]  
**Wallace v. Jaffree** 472 US 38 (1985) (Rehnquist, J., dissenting)  
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 1561 (1986) (Nelson, J., dissenting)  
**American Jewish Congress v. City of Chicago** 827 F2d 120 (1987)  
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 dissenting)  
**ACLU v. Allegheny County** 842 F2d 671 (1988) (Weis, J.,  
 dissenting) [*rev'd* in part, *aff'd* in part 492 US 573]  
**Allegheny County v. Pittsburgh ACLU** 492 US 573 (1989)  
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#### CHAPTER 4 FEDERAL FOUNDERS INTENT: PART II—SEPARATIONIST INTENT

##### 1. Early Uses of Thomas Jefferson

**Commonwealth v. Leshner** 17 Serg (Pa) 155 (1828) (Gibson, CJ,  
 dissenting)  
**Donahue v. Richards** 38 Me 379 (1854)  
**Commonwealth v. Herr** 229 Pa 132, 78 A 68 (1910)  
**Lawson v. Commonwealth** 291 Ky 437, 164 SW 2d 972 (1942)  
**Reynolds v. United States** 98 US 145 (1878)  
**Connell v. Gray** 34 Okla 822, 127 P 417 (1912)  
**Wilkerson v. City of Rome** 152 Ga 66, 110 SE 895 (1922)  
**Murrow Indians Orphan Home v. Childers** 197 Okla 249, 171 P 2d 600  
 (1946) (Riley, J., dissenting)

##### 2. Separationist Intent

###### a. Early Roots: Jurisdictional Separation

**Wardens v. Church of St. Louis** 8 Rob (La) 51 (1844)  
**Hale v. Everett** 53 NH 9 (1868) (Doe, J., dissenting)  
**Andrew v. NY Bible and Prayer Book Society** 4 Sandf 156 (Super  
 NY 1850)  
**Watson v. Jones** 13 Wall 679 (1871)

###### b. Federal Founders Intent and Absolute Separation

**Reynolds v. United States** 98 US 145 (1878)  
**People v. Board of Education** 245 Ill 334, 92 NE 251 (1910)  
**Knowlton v. Baunhover** 182 Iowa 691, 166 NW 202 (1919)

- c. **The Use of Separationist History in Free Exercise: Freedom from Religion**  
 Miami Military Institute v. Leff 220 NY S 799 (1926)  
 Reynolds v. Rayborn 116 SW 2d 836 (Civ App Tex 1938)  
 Lawson v. Commonwealth 291 Ky 437, 164 SW 2d 972 (Sup Ct Ky 1942)  
 Board of Education v. Barnette 319 US 624 (1943)  
 Cory v. Cory 70 Cal App 2d 563, 161 P 2d 385 (1945)  
 Jones v. Commonwealth 185 Va 335, 38 SE 2d 44 (1946)
- d. **Modern Uses of Separationist Intent**  
 Murrow Indian Orphans Home v. Childers 197 Okla 249, 171 P 2d 600 (1946) (Riley, J., dissenting)  
 Everson v. Board of Education of the Township of Ewing 330 US 1 (1947)  
 Tudor v. Board of Education 14 NJ 37, 100 A2d 857 [*cert denied* 348 US 816] (1953)  
 Brown v. Orange County Board of Public Education 128 S 2d 181 (1960)  
 Two Guys from Harrison v. Furman 59 NJ Super 135, 160 A2d 265 (1960)  
 McGowan v. Maryland 366 US 420 (1961)  
 Engel v. Vitale 10 NY 174, 218 NYS 2d 659, 176 NE 2d 579 (1961) (Dye, J., dissenting) [*rev'd* 370 US 421]  
 School District of Abington Township v. Schempp 374 US 203 (1963)  
 County of Los Angeles v. Hollinger 34 Cal Rptr 387 (1963)  
 Horace Mann League of US America Inc v. Board of Public Works 242 Md 645, 220 A2d 51 (1966)  
 State v. Gamble 144 NW 2d 749 (1966)  
 Fox v. Board of Education 93 NJ Super 545, 226 A2d 471 (1967)  
 Board of Education v. Allen 392 US 236 (1967) (Douglas, J., dissenting)  
 Calvary Bible v. Board of Regents 72 Wash 2d 912, 436 P2d 189 (1967) [*cert denied* 393 US 960]  
 Lowe v. Eugene 254 Ore 518, 463 P2d 360 (1969)  
 State v. West 9 Md App 270, 263 A2d 602 (1970)  
 Americans United v. Independent School District 288 Minn 196, 179 NW 2d 146 (1970)  
 Walz v. Tax Commission of New York 397 US 664 (1990) (Brennan, J., concurring; Douglas, J., dissenting)  
 Anderson v. Salt Lake City Corp 348 FSupp 110 (1973) [*rev'd* 475 F2d 29 *cert denied* 414 US 879]  
 Moore v. Gaston County Board of Education 357 FSupp 37

(1973)

**Gaffney v. State Department of Education** 192 Neb 358, 220 NW  
2d 550 (1974)

**People v. Baldwin** 112 Cal Rptr 290 (1974)

**Paty v. McDaniel** 547 SW2d 897 (1977) [*rev'd* 435 US 618]

**McDaniel v. Paty** 435 US 618 (1978)

**Fox v. City of Los Angeles** 587 P2d 663, 150 Cal Rptr 86 (1978)

**Friedman v. Board of Commissioners of Bernalillo County** 781  
F2d 77 (1985)

**ACLU v. City of Birmingham** 588 FSupp 1339 *aff'd* 791  
F2d 1561 (1986)

**Allegheny County v. Pittsburgh ACLU** 492 US 573 (1989)

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