EN BANC

G.R. No. 263590 – ATTY. ROMULO B. MACALINTAL, *petitioner* **v. COMMISSION ON ELECTIONS and THE OFFICE OF THE PRESIDENT through EXECUTIVE SECRETARY LUCAS P. BERSAMIN**, *respondents*.

G.R. No. 263673 – ATTY. ALBERTO N. HIDALGO, ATTY. ALUINO O. ALA, ATTY. AGERICO A. AVILA, ATTY. TED CASSEY B. CASTELLO, ATTY. JOYCE IVY C. MACASA, and ATTY. FRANCES MAY C. REALINO, *petitioners* v. **EXECUTIVE SECRETARY LUCAS P. BERSAMIN, THE SENATE OF THE PHILIPPINES, duly represented by its Senate President, JUAN MIGUEL ZUBIRI, THE HOUSE OF REPRESENTATIVES, duly represented by its Speaker of the House, FERDINAND MARTIN ROMUALDEZ, and THE COMMISSION ON ELECTIONS, duly represented by its Chairman, GEORGE ERWIN M. GARCIA,** *respondents*.

Promulgated:

June 27, 2023

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SEPARATE OPINION

SINGH, *J.*:

Republic Act No. (**RA**) 11935,[1] which postponed the holding of the 2022 Synchronized Barangay and Sangguniang Kabataang Elections (**BSKE**), from December 5, 2022 to the last Monday of October 2023,[2] is undoubtedly unconstitutional and void, as its primary purpose, as found in the *ponencia*, of allowing a constitutionally impermissible reallocation or transfer of the Commission on Election's budget for the 2022 BSKE[3] would fail any tier of judicial scrutiny, even the least stringent standard of rational basis.

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[1] Entitled "*An Act Postponing the December 2022 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as amended, Appropriating Funds therefor, and for Other Purposes.*"

[2] RA 11935, Section 1.

[3] *Ponencia*, pp. 53-64.

Thus, the *ponencia* correctly ruled that the Court is possessed of the power, and is compelled by the duty, to end a continuing and continued denial of the right to vote and vindicate the public's right of suffrage.

I write this Separate Opinion for the purpose of stating my position that nothing less than strict scrutiny can suffice to protect so fundamental a right as the right of suffrage, and that the need to employ strict scrutiny is especially manifest in the context of an election postponement which cannot but be seen as a direct infringement, if not total abrogation, of the right to vote, in a manner that makes a mockery of the sacred trust reposed in our elected officials by the vote. Accordingly, I firmly believe that strict scrutiny is necessarily the proper standard by which to test the validity of an election postponement.

In addition, I also opine that the use of hold-over provisions in election postponements by legislative fiat, whereby *elective* officials are kept in office so as to bridge a gap or fill a vacuum that the postponement itself creates, further crystallizes and cements the use of strict scrutiny, lest we run the risk of allowing the very democratic and republican underpinnings of our nation to unravel.

In the first place, it is clear that this case presents a novel question, if not in the minds of the public, at least as posed before the Court in a proper justiciable controversy. It is thus, quite literally, unprecedented.

As indicated by the spirited deliberations and discussions that culminated in the Court's Decision, and which necessitated these Separate Opinions from the Members of the Court justifying varying standards of review, it should be evident that the issue of the appropriate standard of review to apply to election postponements cannot be readily and neatly dealt with by reference to jurisprudence, as there are no cases definitively on all fours with the one before the Court here, and therefore there is no clearly controlling judicial precedent to be relied upon.

I thus seek guidance in the prior doctrinal pronouncements of the Court, but first and foremost, in the one true beacon and touchstone that is the Constitution.

The Test of Strict Scrutiny

The Court has previously ruled that strict scrutiny is the appropriate tier of judicial scrutiny for legislation that is assailed as violative of fundamental rights.[4]

In the landmark case of *White Light Corp., et al. vs. City of Manila*[5] (***White Light***), the Court discussed the tiers of judicial scrutiny, and when these are to apply, in the following manner:

> The general test of the validity of an ordinance on substantive due process grounds is best tested when assessed with the evolved footnote 4 test laid down by the U.S. Supreme Court in *U.S. v. Carolene Products*. **Footnote 4 of the *Carolene Products* case acknowledged that the judiciary would defer to the legislature unless there is a discrimination against a "discrete and insular" minority or infringement of a "fundamental right." Consequently, two standards of judicial review were established: strict scrutiny for laws dealing with freedom of the mind or restricting the political process, and the rational basis standard of review for economic legislation.**
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> A third standard, denominated as heightened or immediate scrutiny, was later adopted by the U.S. Supreme Court for evaluating classifications based on gender and legitimacy. Immediate scrutiny was adopted by the U.S. Supreme Court in *Craig*, after the Court declined to do so in *Reed v. Reed*. While the test may have first been articulated in equal protection analysis, it has in the United States since been applied in all substantive due process cases as well.
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> We ourselves have often applied the rational basis test mainly in analysis of equal protection challenges. Using the rational basis examination, laws or ordinances are upheld if they rationally further a legitimate governmental interest. Under intermediate review, governmental interest is extensively examined and the availability of less restrictive measures is considered. Applying strict scrutiny, the focus is on the presence of compelling, rather than substantial, governmental interest and on the absence of less restrictive means for achieving that interest.
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> **In terms of judicial review of statutes or ordinances, strict scrutiny refers to the standard for determining the quality and the amount of governmental interest brought to justify the regulation of fundamental freedoms. Strict scrutiny is used today to test the validity of laws dealing with the regulation of speech, gender, or race as well as other fundamental rights as expansion from its earlier applications to equal protection. The United States Supreme Court has expanded the scope of strict scrutiny to protect fundamental rights such as suffrage, judicial access and interstate travel.**[6] (Emphasis supplied and citations omitted)

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[4] See *White Light Corp., et al. vs. City of Manila*, 596 Phil. 444 (2009)
[5] Id.
[6] Id. at 462-463 (2009).

The varying standards of review, and their roots in the guarantee of due process, are also discussed in *City of Manila v. Hon. Laguio, Jr.*, (***Laguio***):[7]

> **The constitutional safeguard of due process is embodied in the fiat "(N)o person shall be deprived of life, liberty or property without due process of law. . . ."**
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> **There is no controlling and precise definition of due process. It furnishes though a standard to which governmental action should conform in order that deprivation of life, liberty or property, in each appropriate case, be valid. This standard is aptly described as a responsiveness to the supremacy of reason, obedience to the dictates of justice, and as such it is a limitation upon the exercise of the police power.**
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> **The purpose of the guaranty is to prevent governmental encroachment against the life, liberty and property of individuals; to secure the individual from the arbitrary exercise of the powers of the government, unrestrained by the established principles of private rights and distributive justice**; to protect property from confiscation by legislative enactments, from seizure, forfeiture, and destruction without a trial and conviction by the ordinary mode of judicial procedure; and to secure to all persons equal and impartial justice and the benefit of the general law.
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> The guaranty serves as a protection against arbitrary regulation, and private corporations and partnerships are "persons" within the scope of the guaranty insofar as their property is concerned.
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> **This clause has been interpreted as imposing two separate limits on government, usually called "procedural due process" and "substantive due process."**
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> Procedural due process, as the phrase implies, refers to the procedures that the government must follow before it deprives a person of life, liberty, or property. Classic procedural due process issues are concerned with what kind of notice and what form of hearing the government must provide when it takes a particular action.
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> **Substantive due process, as that phrase connotes, asks whether the government has an adequate reason for taking away a person's life, liberty, or property. In other words, substantive due process looks to whether there is a sufficient justification for the government's action. Case law in the United States (U.S.) tells us that whether there is such a justification depends very much on the level of scrutiny used. For example, if a law is in an area where only rational basis review is applied, substantive due process is met so long as the law is rationally related to a legitimate government purpose. But if it is an area where strict scrutiny is used, such as for protecting fundamental rights, then the government will meet substantive due process only if it can prove that the law is necessary to achieve a compelling government purpose.**[8] (Emphasis supplied and citations omitted)

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[7] 495 Phil. 289 (2005).
[8] Id. at 311-312.

From the foregoing broad jurisprudential doctrines in *White Light* and *Laguio*, it is established that the test of strict scrutiny is used to examine acts that are assailed as violative of fundamental rights, and that the right to suffrage is undoubtedly one of these fundamental rights.

Further, the components or prongs of the test of strict scrutiny are laid down as follows:

> Under the strict scrutiny test, a legislative classification that interferes with the exercise of a **fundamental right** or operates to the disadvantage of a suspect class is presumed unconstitutional. Thus, **the government has the burden of proving that the classification (i) is necessary to achieve a compelling State interest, and (ii) is the least restrictive means to protect such interest or the means chosen is narrowly tailored to accomplish the interest.**[9] (Emphasis supplied and citations omitted)

First Principles and the Fundamental Nature of the Right of Suffrage

What is clear to me is that the choice of the appropriate standard of review is inextricably bound to our characterization of just how fundamental the right that we seek to protect is. This, to my mind, results in a simple formula: the more important the right, the greater the protection, and resultingly, the higher the scrutiny that ought to be applied to acts which violate or curtail that right.

It is thus my earnest belief that the very nature, importance, and fundamentality of the right to vote, certainly when infringed by an election postponement, must be afforded nothing less than the application of strict scrutiny.

To anchor a discussion as to how fundamental the right to suffrage is, we have but to return to the lodestar of all the efforts, not only of the Court, but of the Filipino people as a collective, to fashion a nation pursuant to our shared and common ideals: our Constitution. I thus return, quite literally, to first principles.

The first principle enunciated in the Constitution, first not only in number but in priority, is that "[t]he Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them."[10]

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[9] *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil. 1067, 1116 (2017).
[10] CONSTITUTION, Article II, Section 1.

The *ponencia* devotes a substantial portion of its discussion to an exposition on the nature of sovereignty and the right of suffrage,[11] the length and content of which underscores just how fundamental and primary the right to vote truly is. The right to suffrage is "preservative of all rights"[12] to such an extent that "[o]ther rights, even the most basic, are rendered illusory if the right to vote is undermined."[13]

Given how imperatively fundamental the right of suffrage is for any people who proclaim to live under the rule of democracy, I opine that, as a matter of course, the standard of strict scrutiny should be applied in the context of election postponements.

The Presumption of unconstitutionality and the Role of the Court

One issue that merits further discussion is the fact that the decision to apply the test of strict scrutiny carries with it a presumption of the invalidity or unconstitutionality of the act subject of scrutiny.

It has been raised that the general presumption in favor of the validity and constitutionality of laws should behoove the Court to engage in judicial restraint and refrain from applying so stringent a test to election postponements.

I thus hark back to the passage from *White Light*, which refers to what is perhaps the most seminal footnote in legal history, for in it lies the seeds that birthed the test of strict scrutiny, and which today serves as an invaluable jurisprudential bulwark for our most sacred of rights, and our most vulnerable of people: "Footnote 4 of the *Carolene Products* case acknowledged that the judiciary would defer to the legislature unless there is a discrimination against a 'discrete and insular' minority or infringement of a 'fundamental right.'"[14]

It can never be in doubt that the Constitution is the supreme law of the land, and that it is the standard and benchmark against which all things claimed to be lawful and legal are to be weighed and measured. While deference to the legislature will always be a hallmark of our legal system, it cannot countenance allowing a law that so deeply offends the constitutional order to survive a constitutional challenge before the Court.

It is thus my belief that, as the Court's first duty is to the Constitution, it is therefore our bounden duty to protect those rights which our Constitution,

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[11] *Ponencia*, pp. 19-28.
[12] Id. at 12, citing *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).
[13] Id. at 12, citing *Wesberry v. Sanders*, 376 U.S. 1 (1964).
[14] *White Light Corp., et al. vs. City of Manila*, 596 Phil. 444, 462 (2009).

as the embodiment of the hopes and dreams of the Filipino people, so dearly cherish. I therefore espouse that the presumption of invalidity and unconstitutionality, if it should be applied at all to protect any of our fundamental rights, and especially those that are constitutionally enshrined, should without a shadow of a doubt be used to protect the right of suffrage.

I also refer to words penned nearly a century ago, on the role of the Court in settling judicial controversies involving the Constitution. Although made in the specific context of the issue of separation of powers, it should be remembered that a right draws a limitation what a power can and cannot touch. Thus, in *Angara v. Electoral Commission*:[15]

> But in the main, the Constitution has blocked out with deft strokes and in bold lines, allotment of power to the executive, the legislative and the judicial departments of the government. The overlapping and interlacing of functions and duties between the several departments, however, sometimes makes it hard to say just where the one leaves off and the other begins. **In times of social disquietude or political excitement, the great landmarks of the Constitution are apt to be forgotten or marred, if not entirely obliterated. In cases of conflict, the judicial department is the only constitutional organ which can be called upon to determine the proper allocation of powers** between the several departments and among the integral or constituent units thereof.
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> As any human production, our Constitution is of course lacking perfection and perfectibility, but as much as it was within the power of our people, acting through their delegates to so provide, that instrument which is the expression of their sovereignty however limited, has established a republican government intended to operate and function as a harmonious whole, under a system of checks and balances, and **subject to specific limitations and restrictions provided in the said instrument. The Constitution sets forth in no uncertain language the restrictions and limitations upon governmental powers and agencies. If these restrictions and limitations are transcended it would be inconceivable if the Constitution had not provided for a mechanism by which to direct the course of government along constitutional channels, for then the distribution of powers would be mere verbiage, the bill of rights mere expressions of sentiment, and the principles of good government mere political apothegms. Certainly, the limitations and restrictions embodied in our Constitution are real as they should be in any living constitution.** In the United States where no express constitutional grant is found in their constitution, the possession of this moderating power of the courts, not to speak of its historical origin and development there, has been set at rest by popular acquiescence for a period of more than one and a half centuries. In our case, this moderating power is granted, if not expressly, by clear implication from section 2 of article VIII of our Constitution.
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> **The Constitution is a definition of the powers of government. Who is to determine the nature, scope and extent of such powers? The Constitution itself has provided for the instrumentality of the judiciary as the rational way. And when the judiciary mediates to allocate**

[15] 63 Phil. 139 (1936).

> **constitutional boundaries, it does not assert any superiority over the other departments; it does not in reality nullify or invalidate an act of the legislature, but only asserts the solemn and sacred obligation assigned to it by the Constitution to determine conflicting claims of authority under the Constitution and to establish for the parties in an actual controversy the rights which that instrument secures and guarantees to them. This is in truth all that is involved in what is termed "judicial supremacy" which properly is the power of judicial review under the Constitution.**[16] (Emphasis supplied)

It has always been, and continues to be, the role of this Court to defend and preserve the Constitution. While this task is not exclusive to us, as it is indeed the mandate of everyone, it is upon the Court that falls the role of the "ultimate arbiter" as to what the Constitution intends, "[f]or whether or not laws passed by Congress comply with the requirements of the Constitution pose questions that this Court alone can decide. The proposition that this Court is the ultimate arbiter of the meaning and nuances of the Constitution need not be the subject of a prolix explanation."[17]

Further Development on the Nature of the Right of Suffrage, and Suffrage and Elections as a Sacred Contract

It has also been raised that even while this Court acknowledges the fundamental status of the right to suffrage, there may well be instances when a restriction or burden on suffrage can be deemed "incidental" and not "direct," as would justify a lower standard of review. It is suggested that the "time" of the holding of an election can, in certain instances, be deemed merely an incidental burden that can be met with a standard of review lower than strict scrutiny.

I find, however, that, unlike the right to free speech or expression, which is the focus of most jurisprudence delineating between an incidental versus a direct infringement of a fundamental right,[18] and where the "incidents" are the time, place, and manner of the exercise of the right, the right of suffrage "itself," or its "core," is not nearly so easily separated—if at all—from its "incidents," especially of "time."

I believe that the time when suffrage is exercised, which is necessarily the time when elections are held, is not a mere "incident" that can be made to stand apart from the "core" of suffrage. Rather, it is part and parcel so as to be nearly indistinguishable from the right of suffrage itself, and it cannot be gainsaid that the unhampered, *i.e.*, the timely, exercise of the right of suffrage

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[16] Id. at 158-159.
[17] *Miranda v. Aguirre*, 373 Phil. 386, 398-399 (1999).
[18] See *Nicolos-Lewis v. Commission on Elections*, 859 Phil. 560 (2019), and *The Diocese of Bacolod v. Commission on Elections*, 751 Phil. 301 (2015).

is the very foundation for the democratic and republican character of our nation.

At the very least, I believe that election postponements, particularly when hold-over provisions are employed, cannot be considered anything other than a direct infringement on the right of suffrage. And this must perforce be met with strict scrutiny.

The reason for this is, to me, self-evident: when the right to vote is hampered by an election postponement, and "elective" officials remain in power beyond the limited mandate given to them by virtue of duly held democratic elections, this is a breach of the sacred contract whereby the people surrender, for a duration specifically limited in time, a portion of their sovereign power.

In this vein, we have, from the dissent of then Associate Justice and later Chief Justice Reynato Puno in the case of *Tolentino v. Commission on Elections*,[19] the following passage:

> Elections serve as a crevice in the democratic field where voters, for themselves and the public good, plant the seeds of their ideals and freedoms. *Yick Wo* is emphatic that voting is a fundamental right that preserves and cultivates all other rights. **In a republic undergirded by a social contract, the threshold consent of equal people to form a government that will rule them is renewed in every election** where people exercise their fundamental right to vote to the end that their chosen representatives will protect their natural rights to life, liberty and property. **It is this sacred contract which makes legitimate the government's exercise of its powers and the chosen representatives' performance of their duties and functions. The electoral exercise should be nothing less than a pure moment of informed judgment** where the electorate speaks its mind on the issues of the day and choose the men and women of the hour who are seeking their mandate.[20] (Emphasis supplied)

Thus, the holding of elections, and the exercise of the right to vote therein, constitutes a "sacred" contract. In keeping with the language of contract law, the fact that this contract is for a limited period reveals that time here is most certainly of the essence, and therefore postponement of elections is an unsanctioned delay[21] which prevents renewal of that contract. What occurs then when the right to vote is curtailed by an election postponement is, firstly, a breach of the agreement to hold elections, and concomitantly, a unilateral imposition of a new contract on the governed, but one utterly devoid of consent.

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[19] *Tolentino v. Commission on Elections*, 465 Phil. 385 (2004).
[20] Id. at 468-469.
[21] See Civil Code, Article 1169.

There is also the issue of "informed judgment" referred to by Chief Justice Puno, and I believe that this necessarily covers not only issues such as the selection of persons who the voters are placing in office, but also precisely, the issue of exactly *how long these persons are to be in power and a position of authority*, for, in the words once more of the Constitution, all government authority emanates from the people.

Thus, just as the surrendering of sovereignty *for a limited period*, in exchange for the promise of public service, constitutes the object of this far from ordinary contract, so too does a unilateral amendment of the terms of this accord constitute no ordinary breach—it is a contravention that threatens the very foundation upon which our democracy rests, which is consent by the governed.

Again, I find that the grave consequences of this breach are even more evident when considered in concert with the use of provisions authorizing hold-over for "elective" officials.

The Requisite Strict Scrutiny for Hold-over of "Elective" Officials

While the Court has previously validated the hold-over of barangay officials until their successors are qualified and elected, as stated in the *ponencia*,[22] I believe that when hold-over is employed to allow "elective" officials to remain in office well past the limited mandate given them by a proper exercise of suffrage, then this unquestionably calls for the strictest judicial scrutiny available.

Among other cases, the *ponencia* cites *Sambarani v. Commission on Elections*[23] (***Sambarani***) as having held that barangay officials are permitted to hold-over in office. In *Sambarani*, the Court held:

> As the law now stands, the language of Section 5 of RA 9164 is clear. It is the duty of this Court to apply the plain meaning of the language of Section 5. x x x Section 5 of RA 9164 explicitly provides that incumbent barangay officials may continue in office in a hold over capacity until their successors are elected and qualified.
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> x x x x
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> The application of **the hold-over principle** preserves continuity in the transaction of official business and **prevents a hiatus in government** pending the assumption of a successor into office. As held in *Topacio Nueno*

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[22] *Ponencia*, pp. 72-76.
[23] 481 Phil. 661 (2004).

> *v. Angeles,* **cases of extreme necessity justify the application of the hold-over principle.**[24] (Citations omitted and emphasis supplied)

I find that the reference to cases of "extreme necessity" needed to justify hold-over underscores the need to subject an election postponement to strict scrutiny. It must be emphasized that the governmental interests asserted to justify postponing elections cannot be anything short of "compelling," *precisely because it is the postponement itself that creates the very "hiatus" in government functions that the expediency of hold-over is called upon to remedy.* Two wrongs can hardly make a right.

In this regard, it should be noted that both *Sambarani* and the related case of *Adap v. Commission on Elections*,[25] which is likewise cited in the *ponencia*,[26] dealt with and validated the hold-over of barangay officials in the specific context of localized failures of election which necessitated the holding of special elections. In such a case, the "extreme necessity" justifying hold-over is manifest. It is only right, therefore, that an election postponement by legislative fiat be required to approximate the level of such an emergency situation or be motivated by equally urgent and "compelling" interests, as would justify resorting to the stopgap measure of hold-over, rather than the actual holding of democratic elections.

In any event, and beyond even the terminology employed with regard to hold-over, term, and tenure, it is the naked continuance in power of "elective" officials who no longer serve by explicit mandate of the people, however such continuance might be designated or attempted to be clothed, that lies at the very heart of the claim of disenfranchisement.

Further, I believe that the foregoing discussion on the need to test election postponements which provide for hold-over with strict scrutiny can also address the notion that, as Congress is vested by the Constitution with the power to amend the terms of barangay officials,[27] this fact may somehow validate the use of a lower standard of scrutiny for the postponement of *barangay* elections specifically.

Again, the surrender of sovereignty through the mechanism of an election is temporary, and the duration of the mandate to govern, or more properly, to serve, is determined at the time the votes are cast. An amendment of the term of barangay officials should operate prospectively, so that voters are well aware, when they cast their votes, of the lengthened or shortened, as the case may be, duration of their parting with a portion of their sovereignty. This is not a situation where the maxim of "[w]hat cannot be legally done

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[24] Id. at 675-676.
[25] 545 Phil. 297 (2007).
[26] *Ponencia*, pp. 74-76.
[27] CONSTITUTION, Article X, Section 8.

directly cannot be done indirectly"[28] can be read to mean "what can be legally done directly can be done indirectly." To subscribe to this view would be to sanction a subversion of the very nature of an *elective* office.

Final Note

To end, I, of course, acknowledge that there may very well arise events and circumstances of such compelling nature as would necessitate the postponement of an election and adequately justify imposing the requisite burden on the right to suffrage. To even begin to imagine otherwise would be to forget so readily, if not recklessly, the lessons of the very recent past, and I refer here to the upheaval in all aspects of life at the height of the COVID-19 pandemic.

But to demand anything less than a compelling state interest from a law that postpones the holding of democratic elections would be a travesty. While defining what exactly constitutes a "compelling" state interest, as opposed to the "important or substantial" governmental interest required to satisfy the intermediate scrutiny standard, may be difficult, the guidelines valiantly attempt to, at the very least, present a rubric for what may or may not possibly suffice as "compelling."

In any event, the evaluation of what constitutes a compelling state interest is akin to a variation of United States Supreme Court Justice Potter Stewart's famous line, with regard to what constitutes obscenity that cannot be regarded as constitutionally-protected expression, of "'I know it when I see it[.]'"[29] In the case of a compelling state interest, this is a matter where the Court, cognizant of the futility of anticipating all future situations within the realm of possibility, must simply profess to know when it does *not* see it.

And ultimately, I hold that the choice of the standard of review here is, at the end of the day, a value judgment as to whether we consider the right of suffrage, and all that it entails, to be truly of essence and truly of fundamental importance to our nation's avowed way of life.

All told, therefore, it is my firm belief the Court would be remiss in its constitutional duty were it to meet a curtailment of this most sacred of rights with anything less than the strictest of scrutiny. The Filipino people deserve as much if we truly hope to embody, in the immortal words of Abraham

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[28] *Tawang Multi-purpose Cooperative v. La Trinidad Water District*, 661 Phil. 390, 398 (2011).

[29] *Madrilejos v. Gatdula*, 863 Phil. 754, 818 (2019), citing the Concurring Opinion of J. Stewart in *Jacobellis v. Ohio*, 378 U.S. 184 (1964).

Lincoln, the aspiration of a "government of the people, for the people, by the people."[30]

It is for the foregoing reasons that I therefore vote to **APPROVE** the guidelines, as enunciated in the *ponencia*, to test the validity and constitutionality of any future election postponements, as these are crafted and informed by the appropriate standard of review of strict scrutiny.

MARIA FILOMENA D. SINGH

[30] The Gettysburg address delivered by Abraham Lincoln Nov. 19 at the dedication services on the battlefield. Boston, Mass.: Published by M.T. Sheahan, Jan. 11. Photograph. Retrieved from the Library of Congress, <www.loc.gov/item/2004671506/>.