Addendum to Item #4

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United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs*, *v.* **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF SARAH E. TROUPIS IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** Date: TBD Time: TBD Honorable Morrison C. England, Jr.

I, Sarah E. Troupis, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of Indiana over 18 years of age, and my statements herein are based on personal knowledge.

2. This declaration is made in support of Plaintiffs' Memorandum in Support of Motion for Preliminary Injunction.

3. The articles listed below and attached hereto as Exhibits A - BE are true and correct copies of articles that I have accessed online since November 4, 2008, each of which documents one or more incidents relating to people who supported Proposition 8:

Discussing Negative Effects of Public Disclosure

Exhibit A: John R. Lott, Jr. and Bradley Smith (Opinion), *Donor Disclosure Has Its Downsides: Supporters of California's Prop. 8 have faced a backlash*, Wall Street Journal, Dec. 26, 2008, *available at* http://online.wsj.com/article/SB123025779370234773.html (last visited Dec. 30, 2008).

Exhibit B: Steve Lopez (Opinion), *Readers Have Choice Words (Pro and Con) on Prop. 8*, L.A. Times, Dec. 17, 2008.

Death Threats, Physical Violence, and Threats of Physical Violence

Exhibit C: *Proposition 8 Death Threats*, CBS Fresno, Oct. 31, 2008, *available at* http://www.cbs47.tv/news/local/story/Proposition-8-Death-Threats/iQyK1E0C30aNjdD0tVyMJA.cspx (last visited Dec. 5, 2008).

Exhibit D: Amanda Perez, *Prop 8 Death Threats*, ABC Fresno, Oct. 31, 2008, *available at* http://abclocal.go.com/kfsn/story?section=news/local&id=6479861&pt=print (last visited Dec. 1, 2008).

Exhibit E: John-Thomas Kobos, *Proposition 8 Email Threats*, ABC Fresno, Nov. 7, 2008, *available at* http://abclocal.go.com/ksfn/story?section=news/local&id=6494921&pt=print (last visited Dec. 1, 2008).

Exhibit F: Colleen Raezler, *O'Reilly Alone Reports Gay Attack on Christians*, Culture and Media Institute, Nov. 19, 2008, *available at* http://www.cultureandmediainstitute.org/printer/2008/20081119181938.aspx (last visited Dec. 5, 2008).

Exhibit G: *Anger Over Prop. 8 Erupts in San Francisco*, KTVU Oakland, Nov. 14, 2008, *available at* http://www.ktvu.com/print/17986914/detail.html (last visited Dec. 5, 2008).

Exhibit H: David Markland, *Prop 8 Supporter Attacked While Distributing Signs*, NBC San Diego, Oct. 22, 2008, *available at* http://www.nbcsandiego.com/news/elections/local/Prop_8_supporter_attacked_while_distributing_signs_DGO.html (last visited Nov. 24, 2008).

Exhibit I: *FBI Investigating White Powder Mailed to Knights' Headquarters*, The Boston Pilot, *available at* http://www.thebostonpilot.com/articpleprint.asp?ID=7228

(last visited Dec. 5, 2008).

Exhibit J: Ben Winslow, *Powder Scares at 2 LDS Temples, Catholic Plant*, Deseret News, Nov. 14, 2008, *available at* http://deseretnews.com/article/content/mobile/1,5620,705262822,00.html?printView=true (last visited Dec. 5, 2008).

Exhibit K: Pamela Hale-Burns, *Prop. 8 Protest Mostly Peaceful Despite 15 Arrests*, Long Beach Press-Telegram, Nov. 8, 2008, *available at* http://www.presstelegram.com/search/ci_10938555 (last visited Dec. 5, 2008).

Exhibit L: John Cadiz Klemack, Patrick Healy, and Jon Lloyd, *Prop 8 Protestors March Into Nigh Protests Continue Into Second Day*, NBC Los Angeles, Nov. 7, 2008, *available at* http://www.nbclosangeles.com/news/local/Protestors_Signal_Battle_over_Same_Sex_Marriage_Not_Over.html (last visited Dec. 5, 2008).

Exhibit M: Paul Elias, *Hundreds Protest Over Prop. 8*, Deseret News, Nov. 7, 2008, *available at* http://deseretnews.com/article/content/mobile/1,5620,705261173,00.html?printView=true (last visited Dec. 5, 2008).

Exhibit N: Jennifer Garza, *Protests Over Proposition 8 Outcome Getting Personal*, Deseret News, Nov. 13, 2008, *available at* http://deseretnews.com/article/content/mobile/1,5620,705262671,00.html (last visited Nov. 25, 2008).

Exhibit O: Adrienne S. Gaines, *Radical Gay Activists Seek to Intimidate Christians*, Charisma Magazine, Nov. 19, 2008, *available at* http://www.charismamag.com/cms/news/archives/111908.php (last visited Dec. 5, 2008).

Exhibit P: http://broadwayworld.com/board/readmessage.cfm?boardid=2&thread=983640

Vandalism

Exhibit Q: Chelsea Phua, *Mormon Church in Orangevale Vandalized in Wake of Prop. 8 Vote*, Sacramento Bee, Nov. 9, 2008, *available at* http://www.sacbee.com/295/v-print/story/1382472.html (last visited Dec. 1, 2008).

Exhibit R: *Vandals Egg Downtown Fresno Church*, ABC Fresno, Oct. 28, 2008, *available at* http://abclocal.go.com/kfsn/story?section=news/local&id=6473251&pt=print (last visited Dec. 1, 2008).

Exhibit S: *Vandals Arrange Prop. 8 Signs Into Swastika*, CBS Los Angeles, Nov. 7, 2008, *available at* http://cbs2.com/local/Proposition.8.Vandalism.2.859176.html (last visited Dec. 5, 2008).

Exhibit T: *Vandals Spray Paint Signs in Downtown Fullerton*, Orange County Register, Oct. 20, 2008, *available at* http://www.ocregister.com/articles/macdonald-one-police-2200383-paint-vandals

(last visited Dec. 5, 2008).

Exhibit U: Bob Banfield, *Neighborhood Vandalized Over Prop 8*, ABC Los Angeles, Oct. 31, 2008, http://abclocal.go.com/kabc/story?section=news/local/inland_empire&id=6482810&pt=print (last visited Dec. 5, 2008).

Exhibit V: *Anti-Prop 8 Vandals Hit Alto Loma Home*, ABC Los Angeles, Oct. 28, 2008, *available at* http://abclocal.go.com/kabc/story?section=news/local/inland_empire&id=6470557&pt=print (last visited Dec. 5, 2008).

Exhibit W: *Vandals Strike Prop 8 Homes in SJ*, ABC San Francisco, Oct. 27, 2008, *available at* http://abclocal.go.com/kgo/story?section=news/local/south_bay&id=6472609&pt=print (last visited Dec. 5, 2008).

Exhibit X: *Vandals Target Prop 8 Supporters in NorCal*, CBS Los Angeles, Oct. 28, 2008, *available at* http://cbs2.com/local/Proposition.8.Vandalism.2.850469.html (last visited Dec. 5, 2008).

Exhibit Y: Barbara Giasone, *Five Held on Suspicion of Stealing "Yes" on Prop. 8 Signs*, Orange County Register, Oct. 21, 2008, *available at* http://www.ocregister.com/articles/signs-macdonald-five-2201253-fullerton-sign (last visited Dec. 5, 2008).

Exhibit Z: Aaron Bruner, *Prop 8 Supporters Face Sign Theft, Vandalism*, California Aggie, Oct. 29, 2008, *available at* http://www.californiaaggie.com/article/1747 (last visited Nov. 24, 2008).

Exhibit AA: Salvador Hernandez, *Prop. 8 Sign-Stealing Ignites Free Speech Debate*, Orange County Register, Oct. 30, 2008, *available at* http://www.ocregister.com/articles/signs-stolen-people-2211707-proposition-singam (last visited Dec. 5, 2008).

Exhibit AB: Chris Daines, *Dana Point Man Will Keep Replacing Downed Signs Favoring Prop. 8*, Orange County Register, Oct. 31, 2008, *available at* http://www.ocregister.com/articles/sign-vogeler-put-2213420-signs-down (last visited Dec. 5, 2008).

Exhibit AC: *Sheriff: Prop. 8 Signs Being Stolen, Burned*, KCRA Sacramento, Oct. 20, 2008, *available at* http://www.kcra.com/news/17758850/detail.html (last visited Dec. 8, 2008).

Examples of How Public Disclosure Reports are Being Used

Exhibit AD: Steve Lopez, *A Life Thrown Into Turmoil by $100 Donation for Prop. 8*, Los Angeles Times, Dec. 14, 2008, *available at* http://www.latimes.com/news/local/la-me-lopez14-2008dec14,0,4735956,print.column (last visited Dec. 15, 2008).

Exhibit AE: Greg Gutfeld, *Major Victory for Prop 8 Protestors*, Foxnews.com, Dec. 11, 2008,

available at http://www.foxnews.com/printer_friendly_story/0,3566,465413,00.html (last visited Dec. 16, 2008).

Exhibit AF: Jennifer Bonnett, *Galt Attorney: Son Harassed by Teacher Over Proposition 8*, Lodi News-Sentinel, Oct. 31, 2008, *available at* http://lodinews.com/articles/2008/10/31/news/7_harassment_081031.prt (last visited Nov. 24, 2008).

Exhibit AG: John Diaz, *The Ugly Backlash Over Proposition 8*, SFGate.com, Nov. 23, 2008, *available at* http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/11/23/INOQ147155.DTL&type=printable (last visited Nov. 25, 2008).

Exhibit AH: Gregg Goldstein, *Richard Raddon Resigns Post*, Hollywood Reporter, Nov. 25, 2008, *available at* http://www.hollywoodreporter.com/hr/content_display/news/e3ia4d7c75ed209875b1e63b36a5c025f44 (last visited Dec. 5, 2008).

Exhibit AI Marcus Crowder, *Theater Felt Growing Pressure Before Artistic Director Quit*, Sacramento Bee, Nov. 12, 2008, http://sacbee.com/101/v-print/story/1390297.html (last visited Dec. 5, 2008).

Exhibit AJ: *Student Leaders Face Recall Over Prop. 8*, KCRA Sacramento, Oct. 21, 2008, *available at* http://www.kcra.com/news/17768622/detail.html (last visited Dec. 8, 2008).

Exhibit AK: Alison Stateman, *What Happens If You're on Gay Rights' 'Enemies List'*, Time, Nov. 15, 2008, *available at* http://www.time.com/tim/printout/0,8816,1859323,00.html (last visited Nov. 24, 2008).

Exhibit AL: *Outing Prop. 8 Donors*, Long Beach Press-Telegram, Dec. 1, 2008, *available at* http://presstelegram.com/fdcp?1228505265584 (last visited Dec. 5, 2008).

Exhibit AM: *Pro. 8 – boycott, or blacklist?* (Editorial), L.A. Times, Dec. 10, 2008, *available at* http://www.latimes.com/news/opinion/editorials/la-ed-boycott10-2008dec10,0,2703213.story (last visited Jan. 2, 2009).

Exhibit AN: *Prop. 8 Anger Spurs Donor Blacklists*, CBS News, Nov. 13, 2008, *available at* http://www.cbsnews.com/stories/2008/11/13/eveningnews/main4601227.shtml (last visited Nov. 24, 2008).

Exhibit AO: Lori Consalvo, *Proposition 8 Passage Inspires Protests; Proponents Claim Intimidation*, Inland Valley Daily Bulletin, Nov. 15, 2008, *available at* http://www.dailybulletin.com/fdcp?1227562641399 (Last visited Nov. 24, 2008).

Exhibit AP: Tami Abdollah and Cara Mia DiMassa, *Proposition 8 Protestors Target Businesses*, Los Angeles Times, Nov. 14, 2008, *available at* http://www.latimes.com/news/printedition/front/la-me-boycott14-2008nov14,0,4689002,print.story (last visited Nov. 24, 2008).

Exhibit AQ: *Prop. 8 Opponents Protest Ice Cream Parlor*, KCRA Sacramento, Nov. 17, 2008, *available at* http://www.kcra.com/politics/17994183/detail.html (last visited Dec. 8, 2008).

Exhibit AR: Jim Carlton, *Gay Activists Boycott Backers of Prop 8*, Wall Street Journal, Dec. 27, 2008, *available at* http://sec.online.wsj.com/article/SB123033766467736451.html (last visited Jan. 2, 2009).

Exhibit AS: William M. Welch, *Prop 8 foes turn to 'blacklist' tactics*, USA Today, Dec. 21, 2008, *available at* http://www.usatoday.com/news/nation/2008-12-21-blacklist_N.htm (last visited Jan. 2, 2009).

Exhibit AT: *Prop. 8 Victors Upset by Personal Attacks*, The Sacramento Bee, Nov. 12, 2008, *available at* http://www.sacbee.com/capitolandcalifornia/v-print/story/1390055.html (last visited Nov. 24, 2008).

Exhibit AU: Martin Wisckol, *Prop. 8 Leaders Accuse Foes of Harassment, Intimidation*, Orange County Register, Nov. 14, 2008, *available at* http://www.ocregister.com/articles/prop-vassos-leaders-2229235-gay-marriage (last visited Dec. 5, 2008).

Exhibit AV: *Activists Target Mormons for Gay-Marriage Ban's Success in California*, FOXNews.com, Dec. 1, 2008, *available at* http://www.foxnews.com/printer_friendly_story/0,3566,459544,00.html (last visited Dec. 1, 008).

Exhibit AW: Matthai Kuruvila, *Mormons Face Flak for Backing Prop. 8*, SFGate.com, Oct. 27, 2008, *available at* http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/10/27/BAP113OIRD.DTL &type=printable (last visited Dec. 5, 2008).

Exhibit AX: John Wildermuth and Demian Bulwa, *Same-Sex Marriage Backers Hit Capitol, Churches*, SFGate.com, Nov. 10, 2008, *available at* http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/11/10/MN4E141B3P.DTL &type=printable (last visited Dec. 5, 2008).

Exhibit AY: *Local Donors Give $1.6 Million for Ban on Gay Marriage*, Orange County Register, Sept. 7, 2008, *available at* http://www.ocregister.com/articles/prop-gay-marriage-2149221-ban-california# (last visited Dec. 5, 2008).

Exhibit AZ: John Wildermuth, *Gay-Rights Activists Protest Prop. 8 at Capitol*, SFGate.com, Nov. 22, 2008, *available at* http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/11/23/BAAR14ACGC.DTL&type=printable (last visited Dec. 5, 2008).

Exhibit BA: Rachel Abramowitz and Tina Daunt, *Liberal Hollywood Ponders Next Step in Fight for Same-Sex Marriage*, Los Angeles Times, Nov. 23, 2008, *available at* http://www.latimes.com/entertainment/news/la-et-shunned23-2008nov23,0,3482815.story (last visited Jan. 2, 2009).

Exhibit BB: Devin Clerici, *Prop. 8 Foes Aim Their Ire at Lassen's Stores: Owner Backed Ballot Measure*, Ventura County Star, Nov. 19, 2008, *available at* http://www.venturacountystar.com/news/2008/nov/19/prop-8-foes-aim-their-ire-at-local-lassens/ (last visited Jan. 2, 2009).

Exhibit BC: Denny Weinberg (Letter to the Editor), *Customers Boost for Lassen's*, Ventura County Star, Nov. 28, 2008, *available at* http://www.venturacountystar.com/news/2008/nov/28/ob7fclets28-fc/ (last visited Jan. 2, 2009).

Exhibit BD: Bill Ainsworth, *Gay Rights Groups to Boycott Manchester Grand Hyatt: Owner Donated to Proposition 8*, San Diego Union-Tribune, July. 10, 2008, *available at* http://www.signonsandiego.com/news/metro/20080710-9999-1m10boycott.html (last visited Jan. 2, 2009).

Exhibit BE: Tony Cochran, *Rally Against Prop H8: Manchester Grand Hyatt*, *available at* http://www.indybay.org/newsitems/2008/11/18/18552103.php (last visited Jan. 2, 2009).

4. The websites listed below are websites that I have accessed online since November 4, 2008, each of which lists donors to Proposition 8 and encourages taking some form of action against the listed donors or groups who supported Proposition 8:

http://antigayblacklist.com

http://www.mormonsstoleourrights.com

http://InvalidateProp8.org

http://californiansagainsthate.com

http://www.boycottmanchesterhotels.com/

http://boycotta-1selfstorage.com/

5. The document attached hereto as Exhibit BF is a true and correct copy of an editorial note explaining a student newspaper's decision to allow an article to be published anonymously because of the author's fear of retaliation because of his support for Proposition 8.

6. The websites listed below are websites that I have accessed since November 4, 2008, each of which, as of January 7, 2009, contained video footage of incidents targeting supporters of Proposition 8:

http://www.youtube.com/watch?v=VziklUbtHAE (supporter of Proposition 8 carrying cross has cross destroyed by opponents of Proposition 8)

http://abclocal.go.com/kfsn/video?id=6545349 (mayor and pastor sent death threats)

http://abclocal.go.com/kfsn/video?id=6498621 (students opposing Proposition 8 block entrance to Fresno City Hall)

http://www.nbclosangeles.com/news/local/Protestors_Signal_Battle_over_Same_Sex_Marriage_Not_Over.html (several videos on left side of page showing opponents of Proposition 8 blocking streets outside an LDS Temple in Los Angeles)

http://www.nbclosangeles.com/news/local/Prop_8_Supporters_Lie_Low_Los_Angeles.html (supporters of Proposition 8 "laying low" because of harassment)

http://abclocal.go.com/kabc/video?id=6496934 (opponents of Proposition 8 carrying signs with swastikas)

http://cbs2.com/video/?id=82726@kcbs.dayport.com (opponents of Proposition 8 have "standoff" with police)

http://cbs2.com/video/?id=82657@kcbs.dayport.com (three opponents of Proposition 8 arrested for inciting a riot)

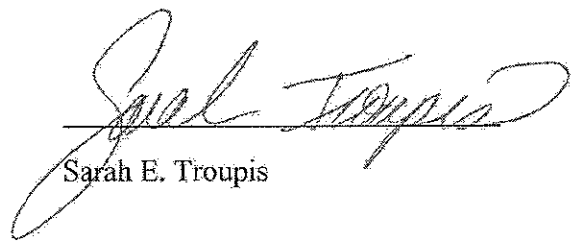
http://cbs2.com/video/?id=82522@kcbs.dayport.com (opponents of Proposition 8 block traffic)

http://cbs2.com/video/?id=81887@kcbs.dayport.com (Fresno mayor and pastor receive death threats because of support for Proposition 8)

7. As I have attempted to get witnesses to support our case, many potential witnesses are unwilling to come forward unless they can do so without revealing their identities.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 9th day of January, 2009, in Terre Haute, Indiana.



Sarah E. Troupis

PROOF OF SERVICE

I, Timothy D. Chandler, am over the age of 18 years and not a party to the within action. My business address is 101 Parkshore Drive, Suite 100; Folsom, California 95630.

On January 12, 2009, I electronically filed the foregoing document described as Declaration of Sarah E. Troupis in Support of Plaintiffs' Motion for Preliminary Injunction, which will be served on all Defendants along with the Summons and Amended Complaint.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 12, 2009 at Folsom, California.

s/Timothy D. Chandler
Timothy D. Chandler (CA Bar No. 234325)
Attorney for Plaintiff

Exhibit A

By John R. Lott Jr. and Bradley Smith Supporters of California's Prop. 8 have faced a backlash." />

OPINION | DECEMBER 26, 2008

Donor Disclosure Has Its Downsides

Supporters of California's Prop. 8 have faced a backlash.

By JOHN R. LOTT JR. and BRADLEY SMITH

How would you like elections without secret ballots? To most people, this would be absurd.

We have secret balloting for obvious reasons. Politics frequently generates hot tempers. People can put up yard signs or wear political buttons if they want. But not everyone feels comfortable making his or her positions public -- many worry that their choice might offend or anger someone else. They fear losing their jobs or facing boycotts of their businesses.

And yet the mandatory public disclosure of financial donations to political campaigns in almost every state and at the federal level renders people's fears and vulnerability all too real. Proposition 8 -- California's recently passed constitutional amendment to outlaw gay marriage by ensuring that marriage in that state remains between a man and a woman -- is a dramatic case in point. Its passage has generated retaliation against those who supported it, once their financial support was made public and put online.

For example, when it was discovered that Scott Eckern, director of the nonprofit California Musical Theater in Sacramento, had given $1,000 to Yes on 8, the theater was deluged with criticism from prominent artists. Mr. Eckern was forced to resign.

Richard Raddon, the director of the L.A. Film Festival, donated $1,500 to Yes on 8. A threatened boycott and picketing of the next festival forced him to resign. Alan Stock, the chief executive of the Cinemark theater chain, gave $9,999. Cinemark is facing a boycott, and so is the gay-friendly Sundance Film Festival because it uses a Cinemark theater to screen some of its films.

Video

Video

A Palo Alto dentist lost patients as a result of his $1,000 donation. A restaurant manager in Los Angeles gave a $100 personal donation, triggering a demonstration and boycott against her restaurant. The pressure was so intense that Marjorie Christoffersen, who had managed the place for 26 years, resigned.

2008 Year in Review
Fifty Years of Castro 3:00
The Blagojevich Scandal

These are just a few instances that have come to light, and the ramifications are still occurring over a month after the election. The larger point of this spectacle is its implications for the future: to intimidate people who donate to controversial campaigns.

The question is not whether Prop. 8 should have passed, but whether its supporters (or opponents) should have their political preferences protected in the same way that voters are protected. Is there any reason to think that the repercussions Mr. Eckern faced for donating to Prop. 8 would be different if it were revealed that instead of donating, he had voted for it?

Indeed, supporters of Prop. 8 engaged in pressure tactics. At least one businessman who donated to "No on 8," Jim Abbott of Abbott & Associates, a real estate firm in San Diego, received a letter from the Prop. 8 Executive Committee threatening to publish his company's name if he didn't also donate to the "Yes on 8" campaign.

Read Emailed Video Commented

In each case, the law required disclosure of these individuals' financial support for Prop. 8. Supposedly, the reason for requiring disclosure of campaign contributions is to allow voters to police politicians who might otherwise become beholden to financiers by letting voters know "who is behind the message." But in a referendum vote such as Prop. 8, there are no office holders to be beholden to big donors.

The Weekend Journal Wall Street Journal

Does anyone believe that in campaigns costing millions of dollars a donation of $100, or even $1,000 or $10,000 will give the donor "undue" influence? Over whom? Meanwhile, voters learn little by knowing the names and personal information of thousands of small contributors.

Besides, it is not the case that voters would have no recourse when it comes to the financial backers of politicians or initiatives. Even without mandatory disclosure rules, the unwillingness to release donation information can itself become a campaign issue. If voters want to know who donated, there will be pressure to disclose that information. Possibly voters will be most concerned about who the donors are when regulatory issues are being debated. But that is for them to decide. They can always vote "no."

Ironically, it has long been minorities who have benefited the most from anonymous speech. In the 1950s, for example, Southern states sought to obtain membership lists of the NAACP in the name of the public's "right to know." Such disclosure would have destroyed the NAACP's financial base in the South and opened its supporters to threats and violence. It took a Supreme Court ruling in *NAACP v. Alabama* (1958) to protect the privacy of the NAACP and its supporters on First Amendment grounds. And more recently, it has usually been supporters of gay rights who have preferred to keep their support quiet.

There is another problem with publicizing donations in political elections: It tends to entrench powerful politicians whom donors fear alienating. If business executives give money to a committee chairman's opponent, they often fear retribution.

Other threats are more personal. For example, in 2004 Gigi Brienza contributed $500 to the John Edwards presidential campaign. An extremist animal rights group used that information to list Ms. Brienza's home address (and similarly, that of dozens of co-workers) on a Web site, under the ominous heading, "Now you know where to find them." Her "offense," also revealed from the campaign finance records, was that she worked for a pharmaceutical company that tested its products on animals.

In the aftermath of Prop. 8 we can glimpse a very ugly future. As anyone who has had their political yard signs torn down can imagine, with today's easy access to donor information on the Internet, any crank or unhinged individual can obtain information on his political opponents, including work and home addresses, all but instantaneously. When even donations as small as $100 trigger demonstrations, it is hard to know how one will feel safe in supporting causes one believes in.

Mr. Lott, a senior research scientist at the University of Maryland, is the author of "Freedomnomics" (Regnery, 2007). Mr. Smith, a former Federal Election Commission commissioner, is chairman of the Center for Competitive Politics and professor of law at Capital University in Columbus, Ohio.

Please add your comments to the Opinion Journal forum.

Exhibit B

OR KNOW FOR SURE.

From the Los Angeles Times

Readers have choice words (pro and con) on Prop. 8

Steve Lopez

December 17, 2008

When you write a column for a living, you get called lots of names on a regular basis. Moron, liar and sellout, to name a few.

I'm in no position to complain, though, since I occasionally use the same words to describe public officials and captains of industry.

But I've never been called a bigot so many times as I have since I wrote in my Sunday column about the boycott of El Coyote, the Los Angeles cantina whose Mormon manager donated $100 to Proposition 8, the successful November ballot initiative to ban gay marriage.

"Your article defending" the manager "is making the rounds on gay boards, which means that you're becoming notorious for your bigotry," wrote someone named Laight.

"You should be ashamed of yourself," wrote Amy.

About two-thirds of the roughly 400 readers who sent e-mails took similar positions. They said I was too sympathetic to Margie Christoffersen in writing about how business at her mother's margarita mill is way down, thanks in part to an organized boycott, and how Christoffersen is so distraught she has taken a leave of absence.

"Oh, poor Margie," was a popular line among angry readers, as was, "Cry me a river."

So did I get it wrong?

To summarize the column, I said I was opposed to Prop. 8 and to the ugly campaigns against gay marriage by organized religion. I also wrote that Christoffersen is entitled to her views no matter how objectionable they are to me or anyone else, and that 89 El Coyote employees shouldn't be hurt by their manager's politics.

I'm not taking any of it back, and that goes for my comments about organized religion, which ruffled the feathers of another flock of readers. But there's room for honest disagreement on the many issues wrapped into this story, and I thought a lot of responses from readers were worth sharing.

T. Miyashiro-Sonoda wrote: "All couples (of any combination) should apply for a civil union license and have a civil ceremony. This would have all of the legal rights that are now granted by what we recognize as a 'marriage.' If the couple would like this union blessed or recognized by a church, synagogue, temple or any place of worship as a 'marriage,' another ceremony could be performed there. That way, any church, synagogue, temple or place of worship would have the right to recognize the union or not. What do you think?" I think I like it.

Marc Pattavina wrote: "Saying that she has no problems with gay people and loves them like everyone else but donates money to [Prop. 8] is no different than me saying I have no problems with Mexicans or blacks and then giving money to the Minutemen or the KKK. . . . If Margie was a real friend to the gay community she'd step up for her friends and not let herself be herded like a sheep by the Mormon Church. If they told her to jump off a bridge would she do that as well?"

My guess is yes.

Tim O'Shaughnessy wrote: "Those who supported this proposition for religious reasons committed the ultimate betrayal of Jesus Christ's prime directive: 'Judge not lest ye be judged.' They reap what they sow."

OK, Tim, but doesn't that work both ways?

Jeff Dannels wrote: "Homophobia is not just another point of view. It's not some harmless 'I like Coke, he likes Pepsi' difference of opinion. It is hateful and it is harmful."

Agreed. But there's been steady progress, and one day in California, gay marriage will be legal. It doesn't surprise me that at least half the population isn't there yet, and I don't think blacklisting those who still aren't comfortable with gay marriage advances the cause. But don't take my word for it.

J. Greg Veneklasen wrote: "As a gay man I am VERY unhappy with reverse discrimination of the anti-8 crowd. Their reactionary strategy is definitely too much, too late. Where was this organization before the election, when it could have had an impact...Not a way to win over hearts and minds, guys."

Good point. If the yes-on-8 campaign seemed unconscionable, the no-on-8 campaign seemed uninspired.

John A. Blue wrote: "I went to three same-sex marriages last summer, and the joy I saw at each is just indescribable. It absolutely boggles my mind that anyone, let alone any persons claiming to follow the teachings of Jesus Christ, could want to destroy that joy. . . . In civil society, actions have to have consequences. Otherwise we are in a Malthusian world where life is nasty, brutish and short. I contributed to the No on 8 campaign, and if that persuades some Christians that they should not patronize me or my law firm, well, I will live with it. . . . I'd just as soon not provide my legal services to someone who thinks it's OK to take away civil rights from a fellow citizen."

A noble position.

April (no last name) wrote: "The issue is that she likes to make money from gays and anyone else willing to spend a buck in her restaurant. Despite being a Mormon, she serves alcohol -- to make money. Guess her faith is kinda flexible, but it's okay when she's anti-gay rights because of her faith?"

Also a fair point.

Maria Elena Hernandez wrote: "Tell Ms. Christoffersen to save her hankies and tissues for those of us whose wedding vows may be negated and to those who will have to wait until we have equal rights across the nation. My years

of tears certainly outweigh hers."

Hard to argue.

Richard Adkins wrote: "I am disappointed in our gay leaders who failed to identify the Mormon component in this election and use it to assist in the proposition's defeat. . . . I will go to El Coyote on a Thursday night because I don't think anyone should lose their livelihood over an opinion. . . .

Any supporters of a political ideal need to be aware that they can become what they oppose."

Don't eat your fajitas in silence, Richard. Tell Margie how you feel about that opinion of hers.

Robert Barrone wrote: "Although I voted against Prop 8, and can only hope to understand the frustration in the gay community, I am reminded of [the famous quote]: 'I disagree with what you say, but I defend to the death your right to say it.' "

That was Evelyn Beatrice Hall describing the French philosopher Voltaire's beliefs. And speaking of Voltaire, isn't he the one who said: "Prejudices are what fools use for reason?"

If you want other stories on this topic, search the Archives at

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Exhibit C

Proposition 8 Death Threats

Last Update: 10/31 9:20 am

The Fresno Police Department is providing security for Fresno Mayor Alan Autry and Pastor Jim Franklin of Fresno's Cornerstone Church after both men received death threats.

Police say the threats are in response to their support of Proposition 8. The state ballot measure would define marriage as only between a man and a woman.

Earlier this week, Franklin's home, church and church office were egged but now he says someone has gone too far.

Pastor Franklin said, "Here we have a side that talks about tolerance and just let people do what they want to do. But then we get these types of reaction that would threaten people's lives who are simply exercising their freedom of speech."

Fresno Mayor Alan Autry declined to talk on camera about the death threats but Fresno Police Chief Jerry Dyer says investigators are taking the situation seriously and they're close to making an arrest in the case.

Fresno Police Chief Jerry Dyer said, "The information we did receive, we felt serious enough that we would conduct a criminal investigation that's led up to a search warrant. We're going to be making an arrest, I would imagine, in the near future."

Both Franklin and Autry strongly support Proposition 8, which would amend the California Constitution to define marriage as between one man and one woman only.

Pastor Franklin said, "I think without a doubt, just by the nature of the threat as it was related to me, that there's no doubt that it was tied to our support of Proposition 8."

Despite the threats, Franklin says he has no plans to stop speaking out. Franklin said, "It's emboldened us to do even more and to work harder, to get Prop 8 yes."

Exhibit D

LOCAL

Prop 8 Death Threats

Friday, October 31, 2008 | 10:18 AM

By Amanda Perez

Fresno, CA, USA (KFSN) -- The fight over proposition 8 is taking a dangerous turn as Fresno Police investigate death threats against the mayor and a prominent valley pastor.

Police Chief Jerry Dyer said the written threats against Mayor Alan Autry and Cornerstone Pastor Jim Franklin were very detailed and mentioned their participation in a pro-proposition 8 rally this weekend. That's the California ballot initiative that would ban same sex marriage. "We have significant information regarding threats against Mayor Autry and Pastor Franklin and it's as a result as their participation on the "Yes on 8" that occurred here recently," said Dyer.

Pastor Franklin says the threat came into the mayor's office and he learned of it Wednesday afternoon. The threat comes just days after someone egged Franklin's home and church. They never prepare you for this at seminary. You never think that just because you express your opinion, you participate in the political process in a passionate issue that people will take it to this extent," said Franklin.

Dyer said the Fresno Police Department is taking the case very seriously and they're taking extra steps to protect the two men as they investigate. "We've already served a search warrant regarding the threats and I have no doubt that we're going to be making an arrest in the very near future," said Dyer.

Advertisement

Thursday night, "No on 8" organizer Jason

Scott condemned the threats. "This is something we don't want to see happening. "We just need to let each person have their own opinion on this issue and give them their space to exercise their first amendment right on it," said Scott.

With just days to go until Election Day, emotions are high on both sides of the issue. "No on 8" supporters say they've also had a lot of hate calls during the last week and 'yes' and 'no' signs are disappearing all over town.

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Exhibit E

LOCAL

Proposition 8 Email Threats

Friday, November 07, 2008 | 7:52 PM

By John-Thomas Kobos

Fresno, CA, USA (KFSN) -- Action News has obtained a statement of probable cause which includes the disturbing email. In it, Autry and Franklin are described as "bigots," "racists," and "hate mongers." We learned the email threatened anyone who supported Prop 8.

| Download the Life Threatening Email |

On Sunday October 26th, Fresno Mayor Alan Autry spoke in favor of Proposition 8 outside of City Hall.

Autry said, "And that should marriage remain between one man and one woman."

Three days later Fresno Police investigators say the mayor's life was threatened through an email. Part of it reads: "Hey Bubba, you really acted like a real idiot at the Yes of Prop 8 Rally this past weekend. Consider yourself lucky. If I had a gun I would have gunned you down along with each and every other supporter."

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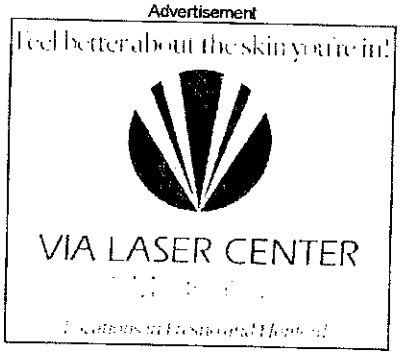

Action news has not changed the spelling or wording of this email to preserve it.

The email continues, "Anybody who had a yes on Prop 8 sign or banner in front of their house or bumper sticker on the car in Fresno is in danger of being shot or firebombed."

A Fresno County search warrant lists this northwest Fresno house as the most likely

origin of the email. We knocked. But no one was home. Darrel Palmer was surprised to hear his neighbor could be involved.

Darrel Palmer said, "So he would be that last person that you would think of?" Yeah, because they would always keep to themselves."

According to the warrant investigators discovered a large water-cooled homemade computer with five external hard drives inside.

Palmer said, "So kind of a tech wizard? Yeah, he was a pretty smart guy. I'm sure he's pretty smart. Like I said he did most of the renovation work inside his house."

Pastor jim franklin was also at the yes on 8 rally outside city hall. He too was mentioned in the email. It reads: "I've also got a little surprise for Pastor Franklin and his congregation of lowlife's in the coming future. Keep letting him preach hate and he'll be sorry. He will be meeting his maker sooner than expected."

Yesterday Action News spoke with Pastor Franklin about the threat. He said he felt confident in the police investigation.

Pastor Jim Franklin said, "It is real. It's a shame that it's come to that and we've seen that even now escalate now that the election has taken place."

No arrests have been made and no charges have been filed. Police told Action News they no longer believe the message was sent by the man listed in the original affidavit.

But investigators believe someone may have sent the message from the man's computer or using his Internet Protocol Address.

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Hey Bubba,

You really acted like a real idiot at the Yes of Prop 8 rally this past weekend. Consider yourself lucky. If I had a gun I would have gunned you down along with each and every other supporter. It's a blessing that you won't be our Mayor for much longer.

Your anti-view of gay marriage is very warped and distorted. You are simply a bigot and a racist and neither Fresno, the state of California and even the world doesn't need you. You are a hate monger.

No, just because the people vote something into law doesn't mean it will legally fly. Remember Prop 187 a few years back? How did you vote on it? If you'll recall, the people overwhelmingly passed 187 but the court struck it down as unconstitutional. I didn't hear you [expletive] and moan about that? Hey, if the people voted in favor of 187, it should be law, right???

Well Bubba, I hate to bust your bubble, but you can't make a mockery out of the court. If Prop 8 passes, the same court that overturned Prop 22 will overturn Prop 8. The court has already said that you can't discriminate, and Prop 8 is just that.

Whether you like it or not, gay marriage in California is here to stay, so get over it. Prop 8 is just a waste of time. You cannot add "discrimination" of any kind to the constitution, and that's exactly what Prop 8 is. If the constitution can be ammended to discriminate, why not add Interracial Marriage. Let's put "ban interracial marriage" on the ballot and see if it passes! Afterall, if voters approve it, than it should be law, right?

Anybody who has a YES ON PROP 8 sign or banner in fron of their house or bumper sticker on the car in Fresno is in danger of being shot or firebombed. Fresno is not safe for anyone who supports Prop 8. I've also got a little surprise for Pasor Franklin and his congregation of lowlife's in the coming future. Keep letting him preach hate and he'll be sorry. He will be meeting his maker sooner than expected. Take this as a warning or anyway you want, but believe it. If you thought 9/11 was bad, you haven't seen anything yet. [Expletive] Fresno and the homophobic idiots who live here. Mark my words.

Exhibit F

O'Reilly Alone Reports Gay Attack on Christians

Homosexuals enraged over Prop. 8 physically and sexually assault a group of religious believers innocently praying in a public place, and this isn't news?

By Colleen Raezler
Culture and Media Institute
November 19, 2008

Printer-friendly version

Bill O'Reilly of Fox News is boldly reporting what no other media outlets are touching – physical assaults, and an attempted sexual assault, of praying Christians by enraged homosexuals in San Francisco's Castro District.

A mob of hundreds gathered Friday, Nov. 14 when a small group of evangelical Christians made their weekly trek to San Francisco's homosexual neighborhood. The residents sexually and verbally assaulted the Christians as they prayed and sang hymns on the sidewalk.

According to the personal account of one of the members of the group:

> We began to sing "Amazing Grace," and basically sang that song the whole night. (At some points we also sang "Nothing but the Blood of Jesus" and "Oh the Blood of Jesus.") At first, they just shouted at us, using crude, rude, and foul language and calling us names like "haters" and "bigots." Since it was a long night, I can't even begin to remember all of the things that were shouted and/or chanted at us. Then, they started throwing hot coffee, soda and alcohol on us and spitting (and maybe even peeing) on us.
>
> Then, a group of guys surrounded us with whistles, and blasted them inches away from our ears continually. Then, they started getting violent and started shoving us. At one point a man tried to steal one of our Bibles. Chrisdene noticed, so she walked up to him and said, "Hey, that's not yours, can you please give it back?" He responded by hitting her on the head with the Bible, shoving her to the ground, and kicking her. I called the cops, and when they got there, they pulled her out of the circle and asked her if she wanted to press charges. She said, "No, tell him I forgive him." Afterwards, she didn't rejoin us in the circle, but she made friends with one of the people in the crowd, and really connected heart to heart.

As of November 19, O'Reilly is the only mainstream media figure to cover the story. He aired video clips during the November 18 *O'Reilly Factor* in which police escorted the prayer group out of the neighborhood. An angry protester appears in the video yelling, "And we don't ever want them coming back, ever. Do you understand that other Christians? Do you understand that, other Mormons? I'm talking to you people, yes, you. Stay out of our neighborhood if you don't like us. Leave us alone!" Sharp, piercing whistles can be heard in the background.

Christian actor Kirk Cameron discussed the Castro district attack with O'Reilly and defended traditional marriage and Proposition 8:

> KIRK CAMERON: Well, I say that it really comes down to who defines marriage. I certainly don't define marriage, and neither does anybody else. Marriage is not a new institution. It's been around for thousands of years, if not longer. And it's defined by God. None of us have the opportunity to redefine that without coming into -- up against serious consequences and unraveling the fabric of our society.
>
> ...
>
> [W]e can make laws in our country based on what the majority of people say. And the majority of people in our country say that marriage is worth fighting for, and they did. And the definition of it stays.
>
> ...
>
> For me, marriage is -- it's a theological issue. It's a moral issue. It's a family issue. And marriage is what it is. And we understand what it is. And when we start playing with that, there is going to be serious consequences for it.

On November 17, O'Reilly also aired video in which radical homosexual activists stormed a church in Lansing, Michigan, during the November 9 Sunday services and declared, "Jesus is a homo!" and tossed condoms at the congregation. Same-sex couples also proceeded to make out with each other at the front of the church. Again, O'Reilly's show was the only mainstream media outlet to report the event.

Austin Nimock, senior counsel of the Christian legal organization Alliance Defense Fund told O'Reilly:

> It's quite clear that the pretense of tolerance is over. I mean, the advocates in this country for redefining marriage for years have built their campaign on the pretense of tolerance. And what you have here, is tolerance – or no tolerance, I should say, for anybody who dares to disagree with their viewpoint. The opposite of tolerance, Bill, is tyranny.

These are not the only attacks directed at at supporters of Prop. 8, and virtually ignored by the establishment media. Homosexual activists at a "No on Prop. 8" rally in Palm Springs, California, snatched a cross out of the hands of a peaceful counter-protester and stomped on it in full view of a television camera crew. Only a local TV station covered the incident.

Life Site News reported last week that protestors shouted racial slurs, including the n-word, at African-Americans due to the high levels of African-American support for Prop. 8. A higher percentage of blacks, 70 percent, supported Prop. 8 than any other ethnic group.

The Associated Press reported on November 13 that Mormon temples in Los Angeles and Salt Lake City received envelopes containing white powder.

A Nexis search revealed that the three broadcast networks – ABC, CBS, and NBC – and the three cable news channels – CNN, Fox News and MSNBC – collectively aired 75 stories on the Prop 8 protests between November 5 and November 17. Incidents in which homosexuals attacked Prop. 8 backers were largely ignored by the television news.

None of the stories mentioned the use of the n-word by homosexual activists. On November 13, O'Reilly quoted homosexual activist Wayne Besen's saying that he found African-American support for Prop. 8 "galling and repugnant" from "people who have felt the sting of discrimination [and] turn around and step on another minority." CNN reported on comedienne Roseanne Barr's observation that African-Americans who support traditional marriage are "as bigoted and ignorant as their white Christian right-wing counterparts."

Only NBC aired a brief report of the white powder sent to the Mormon temples. ABC reported on it in an article on their Web site.

CMI previously noted that the majority of the coverage following California's vote to pass Proposition 8, which defines marriage as between one man and one woman, focused almost exclusively on the opponents of traditional marriage. News reports highlighted the protests and the plight of the 18,000 same-sex "marriages" performed after California's state Supreme Court ruled last May that the state must allow same-sex couples to "marry," but barely acknowledged the victory traditional values scored in one of the most liberal states in the country.

Colleen Raezler is a research assistant at the Culture and Media Institute, a division of the Media Research Center.

Exhibit G

KTVU.com

Anger Over Prop. 8 Erupts In San Francisco

Friday, November 14, 2008 - updated: 11:57 pm PST November 14, 2008

SAN FRANCISCO -- In San Francisco's Castro District, people on both sides of the same-sex marriage controversy confronted each other on Friday night, as police tried to keep the peace. Proposition 8 passed in a close vote and eliminated the right of same-sex couples to marry.

Members of the gay community said that almost every Friday night, a Christian group meets at the corner of Castro and 18th Streets. They try to convert gays and lesbians into a straight lifestyle.

This Friday night, the message didn't go over well. Some gays and lesbians reacted by trying to chase the group out of the Castro.

"Their rights were respected," said Joe Schmitz, an opponent of Prop 8. "They got a chance to go ahead and pray on the sidewalk and I had the opportunity to express my freedom of speech which is telling them to get out of my neighborhood."

San Francisco Police officers in riot gear formed a line and escorted the religious group into a van to safely get them out of the area.

Members of the gay community insisted that their reaction to the Christian group was spontaneous. "It was not an organized thing. We're tired of it. It's not religious. It's not a racial thing. It's about hate. We're trying to send a message across the world that we're standing up and we don't want this to go on anymore," said Adam Quintero.

Supporters of same-sex marriage plan on Saturday to stage a national day of protest against Prop 8. Some demonstrators told KTVU that they are planning on more than protests. They say they plan to break away and carry out acts of civil disobedience.

In San Francisco, the demonstration is scheduled to take place outside City Hall. Other demonstrations are planned in Oakland and Walnut Creek, and in New York, Washington, Chicago and other U.S. cities.

Supporters of Prop 8 include the Mormon and Catholic churches. They say the passage of the measure was the will of the people and that they are being unfairly targeted.

Don Eaton, the public affairs representative of the Church of Jesus Christ of the Latter Day Saints in the Bay Area said, "The church only encourages people to vote their conscience. The church also reminded us what our doctrine is with regards to marriage between a man and a woman." He also said that some members of the church gave money to the No on 8 campaign, and they weren't punished by the church.

A non-profit group called the Equal Justice Society joined the legal battle against Prop 8 on Friday. It and the NAACP, the Asian Pacific American Legal Center and Mexican American Legal Defense jointly filed a lawsuit. They are asking the California Supreme Court to invalidate Prop 8, arguing that it takes away civil rights.

"People of color need to stand up for the LGBT community," said Eva Paterson of the Equal Justice Society. "We think civil rights groups that represent people of color say it's very dangerous for the California electorate to take away constitutionally guaranteed rights."

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Exhibit H

SAN DIEGO

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Prop 8 supporter attacked while distributing signsMan was passing out Yes on 8 signs

By David Markland

Updated 2:02 PM PST, Wed, Oct 22, 2008

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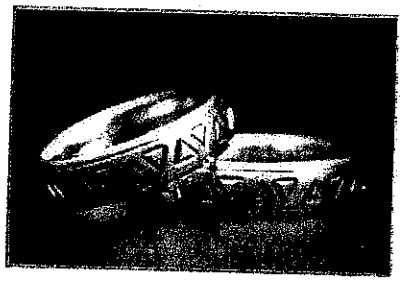

Gay marriage debate becomes violent

A Modesto man was attacked while passing out Yes On Prop 8 signs last Sunday.

Jose Nunez, 37, who became a U.S. citizen two months ago, was outside St. Stanislaus Catholic Church when an unidentified man grab about 75 of the signs and ran. Nunez took chase, and when he caught up the man punched him the face.

Proposition 8 supporters, who are fighting to overturn gay marriage in California by changing language in the state Constitution, describe this incident as part of "a wave of intimidation and violence up and down the state."

> According to Chip White, Californians from around the state have reported being harassed by people who are against Prop. 8. Among the incidents he related were: verbal harassment of Prop.8 supporters on the freeway, including obscene gestures; the theft of yard signs; and a woman in Riverside, California who had her garage sprayed with graffiti. [Catholic News Agency]

The Bay Area Reporter, a gay community targeted news source, says the Prop 8 debate has become "ugly on

both sides":

> In Fair Oaks, a suburb of Sacramento, sheriff's deputies were called to a home Saturday after it was reported that a neighborhood teenager burned No on 8 yard signs. The teenager was taken into custody for a 72-hour psychological evaluation. While the youth was in custody, a third sign was stolen from the same home.

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Find this article at:
http://www.nbcsandiego.com/news/elections/local/Prop_8_supporter_attacked_while_distributing_signs_DGO.html?corder=regular

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Exhibit I

TheBostonPilot.com

Printer Friendly Format

Nation

FBI investigating white powder mailed to Knights' headquarters

By Catholic News Service
Posted: 11/14/2008

NEW HAVEN, Conn. (CNS) -- A mailroom and printing plant at the Knights of Columbus headquarters in New Haven remained closed Nov. 14 while the local FBI office investigated a white powder contained in an envelope mailed from California.

David Rhieu, chief division counsel at the FBI office in New Haven, said Nov. 14 that the testing of the powder will be completed within 48 hours and "the results will be released to the victim, the Knights of Columbus."

Rhieu said that while the investigation was ongoing he could not comment on whether the letter containing the powder could be linked to similar envelopes received at the national headquarters of the Church of Jesus Christ of Latter-day Saints in Salt Lake City and a Mormon temple in Los Angeles.

Patrick Korten, Knights of Columbus vice president for communications, told Catholic News Service Nov. 14 that the letter was received in the Knights' mailroom on the morning of Nov. 13 and "produced a white powder when opened." Local police and fire officials were notified and eventually the FBI was brought in, he said.

"Three individuals were decontaminated" following the incident, and the mailroom and printing plant were to remain closed until Monday, Korten said.

The Knights of Columbus and the Church of Jesus Christ of Latter-day Saints were major financial supporters of California's Proposition 8, which amends the state constitution to define marriage as the union of one man and one woman. The amendment was approved, 52 percent to 48 percent, Nov. 4.

Exhibit J

Deseret News

Powder scares at 2 LDS temples, Catholic plant

No evidence to link threats to Prop. 8 opponents, FBI says

By Ben Winslow
Deseret News

Published: November 14, 2008

Envelopes containing a suspicious white powder were mailed to two LDS temples and a Catholic fraternity, prompting a hazardous materials response and a federal investigation into who is behind it.

The white powder scares were reported Thursday at Salt Lake City's Temple Square, the LDS Church's temple in Los Angeles and at a printing plant belonging to the Knights of Columbus in New Haven, Conn.

"Our mailroom employees discovered an envelope that had been mailed to us from California shortly before noon," Pat Korten, vice president of communications for the Knights of Columbus, told the Deseret News late Thursday. "When they opened it some white powder escaped."

The Church of Jesus Christ of Latter-day Saints and the Knights of Columbus are both major backers of the controversial Proposition 8, which banned same-sex marriage in California. However, the FBI cautioned late Thursday there is no evidence to link the threats to Prop. 8 opponents.

"We've got to follow the evidence and at this point we have not received anything that would lead us to believe the opponents of Prop. 8 are behind any kind of terroristic activity," FBI Special Agent Juan Becerra said from the agency's Salt Lake City office. "It would be irresponsible to say that at this point."

LDS Church security officials called Salt Lake police and firefighters about 4 p.m. Thursday when an employee in the recorder's office inside the Salt Lake Temple annex opened a manila envelope.

"When the employee opened it up and looked inside it, there was actually another white envelope inside that had a white powdery substance in it," Salt Lake Fire spokesman Scott Freitag said.

The employee who opened it immediately set the envelope down and called church security officials, who came over wearing a respirator and plastic gloves. They sealed the envelope inside a plastic bag, Freitag said.

Three employees in the room at the time were quarantined. Security denied access to the room and shut off the air vents.

"They are not complaining of any injury or illness," Freitag said, adding that they did not have to undergo a decontamination process.

Hazardous materials teams sanitized the substance to ensure it was not a biological agent like anthrax.

On the Main Street plaza, missionaries and other church employees were allowed to come and go. A lone LDS security official stood behind the temple gates. He opened the gate for firefighters, then closed and locked it behind them.

A pair of FBI agents left Temple Square with the envelope in a black plastic bag. The envelope was taken to a lab to be tested.

"We are working to find out what it is and hopefully it's harmless," Becerra told the Deseret News.

Firefighters said they did not see anything of a threatening nature with the envelope.

Because the annex is a separate building, the temple itself was not evacuated. However, church security did not allow anyone to come or go while hazmat teams were there. A portion of North Temple was also closed to traffic.

"At first, we thought it was maybe picketing again," said Poulsen Udall, who was inside the temple at the time.

He was referring to mass protests outside Temple Square last week against the LDS Church's backing of Prop. 8. Similar demonstrations were held outside LDS temples in California and New York.

"It's a sad thing that all of this is going on," said Udall's wife, Pauline.

At the LDS Church's temple in Westwood, Calif., the grounds were closed Thursday afternoon after an employee there opened an envelope similar to the one at church headquarters in Salt Lake City.

"They received an envelope with a suspicious white powdery substance," Los Angeles police officer Karen Smith told the Deseret News. "It's been cleared and there was no hazardous material."

In New Haven, Conn., workers at a printing plant for the Knights of Columbus opened the envelope containing white powder. Hazardous materials teams responded, Korten said, and took it to a lab to be tested.

"We do not yet know what was in that envelope," he said.

The Knights of Columbus did not know if it had been targeted over Prop. 8.<

"We've got a great deal of pretty vulgar communication from people who are not happy with our role to help pass Prop. 8," Korten said. "Whether this has any connection or not, we don't know."

The LDS Church declined to speculate on whether Prop. 8 had a role in the hazardous materials scares.

"We're working with local law enforcement and the FBI," church spokesman Scott Trotter said.

* * * * *

E-mail: bwinslow@desnews.com

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Exhibit K

presstelegram.com

Prop. 8 protest mostly peaceful despite 15 arrests

By Pamela Hale-Burns, Staff Writer

Posted: 11/08/2008 10:01:35 PM PST

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» Prop. 8 protests spreading

LONG BEACH - Fifteen people were arrested during the Friday night protest against Proposition 8, the ban on marriage of gay and lesbian couples.

Aside from the 10 men, three women, and two male juveniles who were arrested, problems were minimal at the protest along Broadway that stretched from Redondo to Alamitos avenues and drew approximately 2,000 people.

"Throughout the entire event demonstrators were thanking the police," said Long Beach Police Sgt. David Marander. "It wasn't an adversarial event, except for the few who were there to cause trouble."

"We consider this (event) a great success considering the number of people who attended," Marander said.

Other than a smashed police car window, there were no reports of property damage nor injuries.

"Our primary goal was to ensure the safety of the community and of property and to allow them to practice their constitutional right," Marander said.

Crowds began to disperse around 11 p.m.

"At the end there were approximately 100 who were a major concern for us at Redondo and Broadway," Marander said. "(They were) blocking traffic, refusing to leave, and attempting to incite others to riot."

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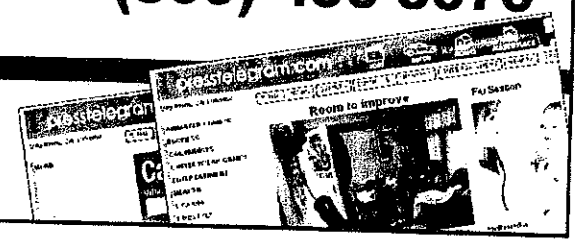

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Prop 8 Protesters March Into NightProtests continue into second day

By John Cadiz Klemack, Patrick Healy and Jon Lloyd

Updated 7:49 AM PST, Fri, Nov 7, 2008

Related Topics: Hollywood

"Keep Your Magic Undies Off My Civil Rights"

Getty Images

Some of the estimated 10,000 supporters of same-sex marriage marching to overturn Proposition 8 sit down in the middle of Sunset Boulevard to block traffic on November 8, 2008 in the Silver Lake area of Los Angeles, California.

LOS ANGELES -- More than 2,000 people protesting California's new ban on same-sex marriage marched through Westside Los Angeles streets Thursday, snarling afternoon rush-hour traffic as hundreds of police officers monitored the situation.

Protestors March Outside Mormon Temple

View Gallery

Hundreds of supporters of same-sex marriage rallied outside a Mormon temple in West Los Angeles.

Watch Video

Opponents of California's same-sex marriage ban march around the Mormon temple in Westwood.

Prop 8 Opponents March at Mormon Temple

Watch Video

Opponents of Proposition 8 protest at the Los Angeles Temple of the Church of Jesus Christ of Latter-Day Saints and the Federal Building.

March at Temple Lasts Into Night

Watch Video

A scuffle breaks out during a march in Westwood.

Scuffle Breaks Out During Prop 8 March

Two people were arrested after a confrontation between the crowd and an occupant of a pickup truck that had a banner supporting Proposition 8, the ballot measure that banned same-sex marriage. Seven arrests occurred during Los Angeles-area street marches late Wednesday.

Some spectators cheered from apartment balconies; one person threw eggs at the marchers.

The demonstration began at a Mormon temple complex in Westwood where marchers protested the church's support of Proposition 8, which won 52 percent support Tuesday for its definition of marriage as a heterosexual union. Same-sex marriage had only been allowed in California for a matter of months since a state Supreme Court decision earlier this year.

The march was noisy, with chants of "Separate church and state" and "What do we want? Equal rights." Some waved signs saying "No on H8" or "I didn't vote against your marriage," and many equated the issue with the civil rights struggle.

"I'm disappointed in the Californians who voted for this," said F. Damion Barela, 43, a Studio City resident who married his husband nearly five months ago. "I understand the African-American and Latino communities voted heavily in favor of Proposition 8. To them I say, shame on you because you should know what this feels like."

Brief violence erupted when marchers surrounded the pickup bearing a pro-Proposition 8 sign. Protesters ripped the sign, and an occupant of the vehicle got out and knocked down a protester. A demonstrator, Maurice Carriere, 27, of Studio City, ended up with a bloody nose in the fracas. He told police he didn't see the punch coming. Officers arrested two people and put them in a patrol car.

Organizers said another protest is planned for this weekend in Silver Lake's Sunset Junction area.

Thursday's march initially focused on the Mormon temple because same-sex rights advocates claim the Church of Jesus Christ of Latter-day Saints spent millions to air deceptive advertisements in support of Proposition 8, and the church should lose its tax-exempt status.

"No one's religious beliefs should be used to deny fundamental rights to others," said Lorri L. Jean, chief executive officer of the L.A. Gay & Lesbian Center. "Our civil rights are inalienable.

"It is a travesty that the Mormon Church bought this election and used a campaign of lies and deception to manipulate voters in the great state of California," Jean said. "Today we will send a message to (church President Thomas Monson) that we will not tolerate being stripped of our equal rights in the name of religious bigotry. They're entitled to their beliefs, but not to impose them upon the constitution or laws of California. Let's flood the Mormon Temple in Salt Lake City with postcards."

Jean announced the creation of a Web site at www.InvalidateProp8.org, where people can donate to the legal fight to overturn the proposition. For every donation of $5 or more, the L.A. Gay & Lesbian Center will send a postcard to Monson.

Campaign finance records show the Utah-based church made an in-kind donation of $2,078.97 to ProtectMarriage.com, a coalition of faith organizations and conservative groups that supported Proposition 8. Church spokeswoman Kim Farah in Salt Lake City said the donation covered travel of church leaders who went to California to meet with the coalition.

"By law, the church is required to report when it uses any expenses to travel in support of things like this," Farah said.

Farah dismissed the tax-exemption issue.

"It's a civics 101 lesson. Churches by law are allowed to speak on moral issues," Farah said. "It does not jeopardized the church's tax- exemption status and to suggest otherwise is ridiculous."

The Church, in a written statement on its Web site had this to say: "Allegations of bigotry or persecution made against the Church were and are simply wrong. The issue for the Church has always been about the sacred and divine institution of marriage -- a union between a man and a woman. While the Church does not endorse candidates or platforms, it does reserve the right to speak out on important issues."

The full text of the LDS Church's statement is available here: www.newsroom.lds.org.

Police estimated the protest drew 2,500 people. The event did not have a permit or approved march route.

Demonstrators spilled into the lanes of Santa Monica Boulevard, and then marched around the sprawling temple complex before taking off through the heavily traveled streets of Westwood and, as night fell, toward Beverly Hills.

Among the marchers was Ryan Suffern, 31, who said he and his wife came to support gay friends.

"I find it preposterous, this concept of protecting the sanctity of marriage, when -- looking at divorce

-- marriage is a coin toss," he said.

Also demonstrating was Rakefet Abergel, 29, who married her partner of seven years the day gay marriage became legal this year.

"We just want to have the same rights as everyone else gets. We're tired of being second-class citizens when we are citizens of America," she said. "You don't have to agree with us but you have to let us be."

Demonstrator Taylor Miller, 28, was perplexed by the victory of Proposition 8 in the same election that swept Democrat Barack Obama into the presidency.

"It's strange because with Obama winning there's been a surge of really motivated liberalism," she said. "This is just ignorance and ignorance is so last presidency."

Find this article at:
http://www.nbclosangeles.com/news/local/Protestors_Signal_Battle_over_Same_Sex_Marriage_Not_Over.html?corder=&pg=1

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Exhibit M

Deseret News

Hundreds protest over Prop. 8

They block traffic at LDS temple; rally set for today in Salt Lake

By Paul Elias
Associated Press

Published: November 7, 2008

SAN FRANCISCO — Hundreds of protesters took to the streets Thursday over California's new ban on gay marriage, amid deepening political turmoil and legal confusion over who should have the right to wed.

And hundreds more may converge on The Church of Jesus Christ of Latter-day Saints' Temple Square in downtown Salt Lake City tonight, according to event organizer Jacob Whipple.

Whipple said in a press release Thursday that protesters are invited to gather for a rally on State Street and North Temple at 6 p.m. They will march around the two downtown blocks of Temple Square and the Church Office Building to show "solidarity with the protests and marches that have occurred in Los Angeles and San Francisco," the release said.

Legal experts said it is unclear whether an attempt by gay-rights activists to overturn the California prohibition has any chance of success, and whether the 18,000 same-sex marriages performed in the state over the past four months are in any danger.

California voters Tuesday approved a constitutional amendment disallowing gay marriage. The measure, which won 52 percent approval, overrides a California Supreme Court ruling last May that briefly gave same-sex couples the right to wed.

On Thursday, about 1,000 gay-marriage supporters demonstrated outside an LDS temple in the Westwood section of Los Angeles. Sign-waving demonstrators spilled onto Santa Monica Boulevard, bringing afternoon traffic to a halt. The temple was targeted because the LDS Church strongly supported the ban on gay marriage.

"I'm disappointed in the Californians who voted for this," said F. Damion Barela, 43, a Studio City resident who married his husband nearly five months ago. He noted that nearly 70 percent of black voters and a slight majority of Hispanic voters voted for the ban.

"To them I say, 'Shame on you because you should know what this feels like,'" he said.

Some spectators cheered from apartment balconies; one person threw eggs at the marchers. Two people were arrested after a confrontation between the crowd and an occupant of a pickup truck that showed a banner supporting the amendment.

On Wednesday night, police in Los Angeles arrested seven people as more than 1,000 protesters blocked traffic in West Hollywood. One man was wrestled to the ground by police after he jumped up and down on the roof of a squad car. Another man was clubbed by police. Hundreds of protesters also gathered on the steps of San Francisco's City Hall, some holding candles and carrying signs that read, "We all deserve the freedom to marry."

Gay-marriage proponents filed three court challenges Wednesday against the new ban. The lawsuits raise a rare legal argument: that the ballot measure was actually a dramatic revision of the California Constitution rather than a simple amendment. A constitutional revision must first

pass the Legislature before going to the voters.

"Where do you draw the line between 'revision' and 'an amendment' when those are words in conversation we would use interchangeably?" asked Erwin Chemerinsky, dean of the University of California, Irvine law school. "It's a highly technical legal question in a highly charged political atmosphere."

Andrew Pugno, attorney for the coalition of religious and social conservative groups that sponsored the amendment, called the lawsuits "frivolous and regrettable."

"It is time that the opponents of traditional marriage respect the voters' decision," he said.

The high court has not said when it will act. State officials said the ban on gay marriage took effect the morning after the election.

"We don't consider it a 'Hail Mary' at all," said Kate Kendell, a Utah native and executive director of the National Center for Lesbian Rights. "You simply can't so something like this — take away a fundamental right at the ballot."

With many gay newlyweds worried about what the amendment does to their vows, California Attorney General Jerry Brown said he believes those marriages are still valid. But he is also preparing to defend that position in court.

"I wish I could be comforted by Attorney General Brown's statement that it has no retroactivity," said Loyola Law School professor Bill Araiza, who married his same-sex partner Oct. 29. "But it's in flux and I just don't know."

The amendment does not explicitly say whether it applies to those already married. Legal experts said unless there is explicit language, laws are not normally applied retroactively.

"Otherwise a Pandora's Box of chaos is opened," said Stanford University law school professor Jane Schacter. Still, Schacter cautioned that the question of retroactivity "is not a slam dunk."

An employer, for instance, could deny medical benefits to an employee's same-sex spouse. The worker could then sue the employer, giving rise to a case that could determine the validity of the 18,000 marriages.

Supporters of the ban said they will not seek to invalidate the marriages already performed and will leave any legal challenges to others.

A 2003 California law already gives gays registered as domestic partners nearly all the state rights and responsibilities of married couples when it comes to such things as taxes, estate planning and medical decisions. That law is still in effect.

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Exhibit N

Deseret News

Protests over Proposition 8 outcome getting personal

By Jennifer Garza
McClatchy Newspapers

Published: November 13, 2008

SACRAMENTO, Calif. — Supporters of Proposition 8 won the election but now are frustrated because they are still fighting for their cause.

A week after the majority of voters passed the controversial measure to ban same-sex marriage, the conflict continues — in the courts, at protests and in personal attacks.

"I'm frustrated by what's going on," said Dave Leatherby, owner of the Leatherby Family Creamery in Sacramento, commenting on the protests and court battles.

"Let's move on. I always told my children that once a rule was made, you have to abide by it. I think it should be the same in this circumstance."

Leatherby and his family donated about $20,000 for the passage of Proposition 8. A devout Catholic and father of 10, Leatherby supported the measure for religious reasons. He said his business has been targeted by bloggers as a result, and that he is particularly confused because his business has participated in the annual gay pride Rainbow Festival.

"It saddens me that all this is happening," he said.

The battle over same-sex marriage will not end anytime soon. This week, 44 state legislators filed a friend-of-the-court brief on behalf of opponents of the gay-marriage ban. They maintain the initiative process was used improperly. The California Supreme Court could rule as early as this week on a lawsuit that seeks to invalidate Proposition 8, said court spokeswoman Lynn Holton.

Proposition 8 opponents said they will continue to fight for their civil rights.

"For them to say the voters have spoken and no one should question it is a bit disingenuous," said West Sacramento Mayor Christopher Cabaldon. He cited repeated attempts to pass other initiatives. "They believe in the justice of their causes, that's why they return over and over again with the same proposal on parental notification."

Cabaldon was referring to Proposition 4, which would have required parental notification before a minor could have an abortion. It was defeated for the third time last week.

Since the election, thousands have protested on the steps of the state Capitol and in some cities at temples of The Church of Jesus Christ of Latter-day Saints and other sites. Gay marriage advocates said they were planning nationwide demonstrations this weekend in more than 175 cities and outside the U.S. Capitol.

Also, a fire outside an LDS church in Littleton, Colo., is being investigated as a bias-motivated arson that may have stemmed from the church's position on Proposition 8. Arapahoe County sheriff's deputies responded to the building about 7:15 p.m. Tuesday, some three hours after a church member found a burning copy of the Book of Mormon on a doorstep. No damage to the church was reported.

Wednesday night hundreds carried protest signs in front of the LDS Church's Manhattan meetinghouse, which also houses a temple. Several people held signs asking, "Did you cast a ballot or a stone?" while other signs read "Love not H8."

LDS Church spokesman Michael Otterson said while citizens have the right to protest, he was "puzzled" and "disturbed" by the gathering given that the majority of California's voters had approved the amendment.

"Protesting is a time-honored American tradition," said Ned Dolejsi, executive director of the California Catholic Conference. Catholic leaders were active in the "Yes on 8" campaign. "But it's unfortunate when it steps over into religious bigotry or harassment."

Some Proposition 8 supporters say a minority of protesters have gone too far by targeting individuals. Opponents of the measure have called for a boycott of the California Musical Theatre after revelations that artistic director Scott Eckern, a member of the LDS Church, donated $1,000 to the "Yes on 8" Campaign.

On Wednesday, Eckern resigned his position. He released a statement saying that he quit "after prayerful consideration to protect the organization and to help the healing in the local theater-going and creative community."

Others who supported Proposition 8 said they have also been targeted. Scott Purves, of Purves & Associates, a Davis insurance company, said a protester carrying a sign reading "Purves Family Supports Homophobia" picketed his business Monday.

"If this had gone the other way, I can't imagine the backlash if people protested and called the other side names," said Purves. "People would be angry and rightfully so. ... It makes me sad that this would happen when a majority of people supported this measure."

Opponents of Proposition 8 issued a statement last week asking those disheartened by the passage of the initiative not to target those who voted the other way. "We achieve nothing if we isolate the people who did not stand with us in this fight," the statement said. "... We know people of all faiths, races and backgrounds stand with us in our fight to end discrimination, and will continue to do so."

Other ballot initiatives that have been approved by voters have faced legal challenges.

"When it comes to social initiatives, it can become very emotional," said Douglas Kmiec, professor of constitutional law at Pepperdine University.

He cited two initiatives that were approved by voters and later challenged in the courts. One was Proposition 209, the 1996 ballot measure that eliminated racial preferences at California agencies and public institutions; the other was Proposition 187, the 1994 measure that proposed barring undocumented children from schools and most health care.

"Although there were bumps along the way, Prop. 209 eventually passed, but 187 was ultimately invalidated," said Kmiec.

For now, Leatherby said, Proposition 8 should stand. "If they want to win me over," he said. "That's not how to do it."

* * * * *

Contributing: Marcus Franklin, Associated Press

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Exhibit O

Radical Gay Activists Seek to Intimidate Christians

Since Nov. 4, Christians have reported increased incidences of church vandalism and sometimes-violent attacks for their support of traditional marriage.

[11.19.08] The Nov. 4 passage of constitutional amendments banning gay marriage in California, Arizona and Florida has evoked a sometimes-violent response from radical gay activists who have vandalized churches, mobbed intercessors and disrupted a worship service in Michigan.

Intercessors with a house of prayer in San Francisco said they feared they might be killed Friday night during a routine prayer walk through the area's Castro district, which has a large gay community. They said a crowd who thought they were marriage amendment demonstrators shouted lewd remarks, pushed them, threw hot coffee on their faces and threatened the prayer group leader with death. (See related video.)

One man reportedly hit an intercessor on the head with her Bible before shoving her to the ground and kicking her. Before police arrived, another house of prayer member said someone repeatedly tried to pull his pants down.

"We hadn't preached, we hadn't evangelized," one of the intercessors said after the incident. "We worshipped God in peace, and we were about to die for it."

Police eventually escorted the group to their van, telling the intercessors they had to leave if they wanted to make it out, one witness said.

"These are the nicest kids," said TheCall founder Lou Engle, who knows many of the young intercessors involved in the incident. "That night they were doing only worship. They weren't trying to aggravate anything."

"I think what's happening is an exposure of what's really there and an underbelly of this [radical gay] movement," Engle added. "I think the church has to really reveal what's going on there so the nation gets a clue about what they're making an alliance with."

In Michigan, where voters in 2004 approved an amendment defining marriage as the union of one man and one woman, a Chicago-based gay rights organization called Bash Back interrupted a Nov. 9 service at an Assemblies of God congregation in Lansing. (See related video.)

After staging a demonstration outside Mount Hope Church to draw most of the security staff away from the worship service, protestors masked as congregants stood up in the middle of the service, "declared themselves fags and began screaming loudly," Bash Back leaders said in a statement posted online.

The protestors pulled the fire alarm and threw thousands of fliers into the congregation, while a gay couple rushed to the front and began kissing in front of the pastor. "Let it be known: So long as bigots kill us in the streets, this pack of wolves will continue to BASH BACK!" the group said in a statement about the incident.

Bash Back leaders said Mount Hope was targeted because it is "complicit in the repression of queers" by working to "institutionalize transphobia and homophobia" through "repulsive" ex-gay conferences and hell house plays, "which depict queers, trannies and womyn [sic] who seek abortions as the horrors."

In a statement posted on Mount Hope's Web site, church leaders said they don't "attempt to identify the church as anti-homosexual, anti-choice, or right wing" but do "take the Bible at face value and believes what the Bible says to be the truth."

Mount Hope spokesman David J. Williams Jr., said the sheriff's department had launched an investigation into the incident. "We're really asking for prayer for the people that did this," Williams said. "They need Jesus; they need to know His love."

Attorney John Stemberger, who chaired Florida's marriage amendment campaign, said many gay protestors want to intimidate the public into silence. "Their goal is to create an intense climate of intimidation and hostility within the culture to try and deter people from supporting traditional marriage and other pro-family initiatives in the future," Stemberger said. "We will not be bullied into silence, indifference or inaction."

In Palm Springs, Calif., a 69-year-old woman planned to file charges against protesters who reportedly pushed the woman and spit on her during a Nov. 8 rally opposing the passage of Proposition 8, which amends the state constitution to define marriage as the union of one man and one woman. Phyllis Burgess said authorities convinced her to press charges against the attackers.

Nationwide, gay rights advocates protested marriage bans on Saturday, pointing particularly to California's Proposition 8, which defined marriage as between one man and one woman and overturned a state Supreme Court ruling that had legalized gay

marriage. Many of the demonstrations were peaceful, according to Associated Press (AP) reports, with participants waving rainbow-colored flags and holding signs saying "Don't Spread the H8."

But pastors across the country, particularly in California, say incidents of vandalism and theft have increased since Nov. 4. One California pastor said a minister in his state received death threats for his support of Proposition 8.
According to reports from California's Protect Marriage campaign:

· At Messiah Lutheran Church in Downey, Calif., a "Yes on 8" sign was wrapped around a heavy object and used to smash the window of the pastor's office.

· Several "Yes on 8" yard signs were stolen from Calvary Chapel Ventura, as well as a large banner displaying the church's name and service times.

· Park Community Church in Shingle Springs, Calif., received harassing phone calls and has been threatened with lawsuits by Proposition 8 opponents.

· Bloggers targeted Yorba Linda, Calif., pastor Jim Domen, who is open about his past struggle with same-sex attraction, and his girlfriend for harassment after seeing the couple's photo in news reports about the passage of Proposition 8.

· The words "No on 8" were spray-painted on a Mormon church in Orangevale, Calif.

· A brick was thrown through the window of Family Fellowship Church in Hayward, Calif., and at Trinity Baptist Church in Arcata, Proposition 8 opponents vandalized the church's marquee, which encouraged support for the marriage amendment; stole the church's flags; and committed other acts of vandalism totaling $1,500.

· Eggs thrown on the building of San Luis Obispo Assembly of God and toilet paper was strewn across the property, while a Mormon church in the same city had adhesive poured onto a doormat, a keypad and a window.

The Mormon Church, headquartered in Salt Lake City, Utah, has also become a target of gay rights activists because it provided major funding to the Proposition 8 campaign and encouraged its members to support the marriage amendment, which passed with 52 percent of the vote.

Some gay rights advocates have called for a boycott of the state of Utah, and Bash Back leaders admitted to vandalizing Mormon churches there, as well as in Washington state and California. A Mormon temple in Salt Lake City reported receiving a letter containing a white, powdery substance that forced the facility to close while police launched an investigation.

"The hypocrisy, hatred, and intolerance shown by the gay rights movement isn't pretty," said Randy Thomasson, president of the Campaign for Children and Families, a leading California-based pro-family group. "While claiming to be against hate and for tolerance and choice, the homosexual activists are revealing their hatred of voters and religion and showing their intolerance of people's personal choices to support man-woman marriage. By attacking the people's vote to protect marriage in the state constitution, homosexual activists have declared war on our republic and our democratic system."

Christian leaders say the backlash is likely to continue and may worsen. "It's actually desperation time for us all across the nation to be praying," Engle said. "They're calling [Christians] haters when all they're doing is simply saying there's a higher authority. It's a raging against Christ and His loving, foundational laws. It is becoming an anti-Christ rage. They are creating a Jesus of their own mind, a Jesus who lets everybody do whatever they want.

"I think the church has to be prepared [for religious persecution]," he added. "Our allegiance is to God and His Word, and if that means imprisonment and martyrdom, so be it." -- **Adrienne S. Gaines**

Exhibit P

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Latest Headlines - Updated 24/7!

- LaButes 'reasons to be pretty' Set for Lyceum, Previews Begin 3/6 (BroadwayWorld.com)
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Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of Yorba Linda, and J.D. Gaddis of Yorba Linda are hateful bigots!

Page: 1 | Next Page >>

Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of Yorba Linda, and J.D. Gaddis of Yorba Linda are hateful bigots!
Posted On: 11/5/08 at 12:41 PM

Phyllis Rogers Stone

Profile
Broadway Legend
Joined: 9/16/07

There. Now whenever someone Googles them this will come up.

Nice is different than good.

Calvin

Profile
Broadway Legend
Joined: 7/27/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 12:42 PM

Whee! Reposting from the other thread:

Indeed. Let's go get 'em.

I'll take the Jack Warden lookalike. PRS, you take the beer-bellied guy dancing to YMCA. The heil Hitler guy in the dark suit is up for grabs, plus we need a female volunteer to take the doped up girl.

Queens never make bargains. (Ann Jillian) Yeah, I blog!

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About Me: There's a whc that no one knows. Some a bad seed, but I don't ca think. I know who I am a gonna change that. Oh I'r about getting a tattoo, ar

MAMMA MIA!

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BROADWAYWORLD BLOGS
Dec. 10 @ 10:28 by Craig Brockman
Dec. 10 @ 8:37 by Michael Dale
Dec. 8 @ 9:22 by Rob Diamond

BWW NEWS DESK ADVERTISI
LaBute's 'reasons to be pretty" Set for Lyceum, Previews Begin 3/6
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Phyllis Rogers Stone

Profile
Broadway Legend
Joined: 9/16/07

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 12:44 PM

I nominate BigFatBlonde.

Nice is different than good.

BigFatBlonde

Profile
Broadway Legend
Joined: 3/26/07

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 12:50 PM

Don't tempt me.

I'm having a hard enough time fighting the urge to put on my construction boots, hop on a plane and kick some right-wing ass!

What great ones do the less will prattle of

mejusthavingfun

Profile
Broadway Legend
Joined: 4/12/06

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 12:54 PM

Odd not a black person in that photo. I guess they were busy carrying bags or something.

PJ has been SAVED y'all!

Calvin

Profile
Broadway Legend
Joined: 7/27/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 12:55 PM

Look at Jim Domen's MySpace page. He's a Jesus nut who likes to dress like Zorro.

Lol

Queens never make bargains. (Ann Jillian) Yeah, I blog!

JoeKv99

Profile
Broadway Legend
Joined: 12/27/04

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 12:59 PM

I just can't understand how a person not in the least bit affected by this law could celebrate it's demise so gleefully.

YOU are my Obama!

mejusthavingfun

Profile
Broadway Legend
Joined: 4/12/06

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 01:01 PM

Year on Broadway Tonight!

Today's Broadway Blogs - Tuesday, December 9, 2008

Hottest Articles on BWW from Tue., December 9, 2008

Hottest Articles on BWW 12/2/2008 - 12/9/2008

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QUICK POLL

Generally speaking, where do you
the best theatre in New York?

Broadway
Off-Broadway
Off-Off Broadway

Well Jim obviously doesn't like bears too much.

PJ has been SAVED y'all!

madbrian

Profile
Broadway Legend
Joined: 6/1/06

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 01:01 PM

Wow, that's an awfully big closet to hold all those people.

It's nice to be important, but it's more important to be nice.

StockardFan

Broadway Legend
Joined: 6/19/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 01:02 PM

I can take out the doped up chick, no problem.

DottieD'Luscia

Profile
Broadway Legend
Joined: 7/23/03

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 01:03 PM

What vile people.

Hey Dottie! Did your colleagues enjoy the cake even though your cat decided to sit on it? ~GuyfromGermany

DayDreamer

Profile
Broadway Legend
Joined: 5/4/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 01:14 PM

Let this be a call to renewed activism.

Celebrate Life

Experience is what you get when you didn't get what you wanted. - Randy Pausch

Phyllis Rogers Stone

Profile
Broadway Legend
Joined: 9/16/07

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 01:16 PM

FEDERAL issue!

Nice is different than good.

madbrian

Profile
Broadway Legend
Joined: 6/1/06

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 03:18 PM

Phyllis is correct. This needs to go up to the SCOTUS, where they should decide that the 14th Amendment applies, and marriage equality should be granted to all.

Having said that, the religious aspect is a non-trivial one, both culturally and legally. My opinion is that no church should be compelled to grant same-sex marriage rights, however there may be legal implications if they don't.

It's nice to be important, but it's more important to be nice.

Enjoiras77

Profile
Broadway Legend
Joined: 5/20/03

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 04:25 PM

Who's gonna take the woman on the far right side, the one obstructed by the "hell Hitler" guy, who could possibly be giving the finger to the camera?

"You pile up enough tomorrows, and you'll find you are left with nothing but a lot of empty yesterdays. I don't know about you, but I'd like to make today worth remembering." --Harold Hill from **The Music Man**

StockardFan

Broadway Legend
Joined: 6/19/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 04:30 PM

She looks old. I could probably take both her and the doped up chick.

Calvin

Profile
Broadway Legend
Joined: 7/27/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 04:33 PM

Somebody also needs to claim Mr. Clean hiding behind dopey.

Queens never make bargains. (Ann Jillian) Yeah, I blog!

StockardFan

Broadway Legend
Joined: 6/19/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 04:35 PM

I'm not sure I can handle all three of them.....

TheatreDiva90016

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 04:42 PM

Jim is also on Facebook. He blocked his account on MySpace... loser.

Send him a message on Facebook!

I did.

Broadway Legend
Joined: 4/10/04

Name: Jim Domen Networks: Orange County, CA Azusa Pacific Alum

Updated On: 11/5/08 at 05:04 PM

StockardFan

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 04:57 PM

ugh, I don't have a facebook account. I wonder if these idiots' phone numbers are listed.

Broadway Legend
Joined: 6/19/08

TheatreDiva90016

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:05 PM

I've been trying to locate them...

Broadway Legend
Joined: 4/10/04

Phyllis Rogers Stone

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:08 PM

What a f*cking p*ssy. If he's that excited to see the prop fail, you'd think he wouldn't want to hide.

Nice is different than good.

Profile
Broadway Legend
Joined: 9/16/07

TheatreDiva90016

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:12 PM

A Stanfield
home
street address not available
Monrovia, CA
(626) 305-5205

Broadway Legend
Joined: 4/10/04

StockardFan

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:14 PM

ooooh, who's going to call her first? I have vonage so I have free long distance. If someone tells me something witty to say, I'll call her!

Broadway Legend
Joined: 6/19/08

Schmerg_The_Impaler

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:15 PM

Mejusthavingfun-- I can't believe didn't get your 'bear' joke until the second time I read this thread... heh...

Unless that wasn't intended as a joke and this site has COMPLETELY rewired my young virgin mind!.

In my pants, she has burst like the music of angels, the light of the sun! --Marius Pantsmercy

Profile
Broadway Legend
Joined: 8/31/08

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Next Page >>

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broadwayworld.com
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re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of

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Phyllis Rogers Stone
Profile
Broadway Legend
joined: 9/16/07

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:16 PM

Diva's a regular stalker! (and I mean that as a compliment)

Nice is different than good.

StockardFan
Broadway Legend
joined: 6/19/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:17 PM

Schmergie, where the heck have you been all day? I don't really get the bear joke myself.

Calvin
Profile
Broadway Legend
joined: 7/27/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:17 PM

Ha. Call her and tell her she's won the publisher's clearinghouse grand prize (she looks like the type who would send in an entry for that). And then give her the address of a gay bar as the place to claim it.

Queens never make bargains. (Ann Jillian) Yeah, I blog!

Schmerg_The_Impaler
Profile
Broadway Legend
joined: 8/31/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:18 PM

Dude, I've been in school all day! We had yesterday and the day before off, but now I'm back to the same old routine...

But I'm not TOO upset, because Hugh Panaro's coming to my school, and I'm excited about that...

In my pants, she has burst like the music of angels, the light of the sun! --Marius Pantsmercy

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:21 PM

Dude....you know I'm a girl right? LOL!

FEATURED MEMBER OF

GOLDIE LOCKS

About Me: There's a whole ... that no one knows. Some p... a bad seed, but I don't care ... think. I know who I am and ... gonna change that. Oh I'm a ... about getting a tattoo, any ...

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Dec. 10 @ 10:28 by Craig Brockman
Dec. 10 @ 8:37 by Michael Dale
Dec. 8 @ 9:22 by Rob Diamond

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CHICAGO 'TalkBack Tuesdays' to Feature Melora Hardin on 1/6

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StockardFan

Broadway Legend
Joined: 6/19/08

That would be funny Calvin! Should I do it? Maybe I should do it on her machine while she's at work. I guess I need to find the address for a gay bar in her area....

Schmerg_The_Impaler

Profile
Broadway Legend
Joined: 8/31/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:25 PM

I call my mom 'dude'... and my (female) pastor... and my teachers...

Which is not to say that they appreciate that...

In my pants, she has burst like the music of angels, the light of the sun! --Marius Pantsmercy

StockardFan

Broadway Legend
Joined: 6/19/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:27 PM

I know, I'm just teasing you!!!

Mister Matt

Profile
Broadway Legend
Joined: 5/17/03

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:30 PM

SrockardFan - If she's married, ask her if she's getting remarried since the last few weeks obviously must have nullified their union completely. If she says she's still married, tell her not to worry and we'll work on taking her rights away as soon as possible. If she says she's never been married, tell her it's too bad because proposition 8 pretty much killed her chances.

Their, there, they're - It ain't that hard, people.

TheatreDiva90016

Broadway Legend
Joined: 4/10/04

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:45 PM

It's her number.

I just left a message.

LePetiteFromage

Broadway Legend
Joined: 1/19/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:46 PM

Transcript please?

At 11 o'clock at night, eastern standard time, the President of the United States is Barack Obama.
- Jon Stewart - 11/4/2008

TheatreDiva90016

Broadway Legend
Joined: 4/10/04

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 05:50 PM

"Hi this is Amanda, blah blah blah"

Beep.

"Hi Amanda, I just wanted to call and let you know what a great picture that was of you and the other Nazi's in the newspaper. It's nice to see you getting out and supporting discrimination. Don't worry though, we have plans for you and your friends. When you have one of your basic rights taken away from you, you'll know how is feels to be discriminated against.

I hope you rot in hell, you fckuing c**t."

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QUICK POLL

Generally speaking, where do you usi
the best theatre in New York?

Broadway
Off-Broadway
Off-Off Broadway

StockardFan

Broadway Legend
Joined: 6/19/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 06:09 PM

You go girl!!!!

LePetiteFromage

Broadway Legend
Joined: 1/19/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 06:13 PM

Nice.

At 11 o'clock at night, eastern standard time, the President of the United States is Barack Obama.
- Jon Stewart - 11/4/2008

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 07:37 PM

Voters approve Proposition 8 banning same-sex marriages

ndshep

Profile
Swing
Joined: 11/5/08

Here's Amanda Stanfield's Work Voicemail. She works at a super religious Christian School.

Amanda Stanfield, M.A.
Assistant Director, Graduate Center Client Services
Azusa Pacific University
(626) 815-4560

If they disconnect her number, call her boss:
Graduate Center
Azusa Pacific University
PO Box 7000, Azusa, CA 91702-7000
Phone: (626) 815-4570
Fax: (626) 815-4545
http://www.apu.edu/graduatecenter/

Source:
http://www.survivorhonkey.com/s.aspx?sm_saUttZjgdoWxUHxoVi2Ylo_3d_3d

Amanda Stanfield

TheatreDiva90016

Broadway Legend
Joined: 4/10/04

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 07:56 PM

It's just too bad that the others have to hide.

Well except for the Jim on Facebook.

I called and left a message for Amanda at her work as well.

Calvin

Profile
Broadway Legend
joined: 7/27/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 07:58 PM

OK, this is all going a bit overboard now. It kinda feels like that scene in "Last Supper" when they poisoned the mousy woman just because she wanted to ban "Catcher in the Rye."

Oh wait -- no one saw that movie.

Queens never make bargains. (Ann Jillian) Yeah, I blog!

TheatreDiva90016

Broadway Legend
joined: 4/10/04

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 08:59 PM

I never said any harm should come to her, I just wanted her to know that she's a biggot and she discriminates, and to have yourself surrounded by the same type of people just makes you worse.

Like a Nazi.

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 09:22 PM

I wasn't referring to you, Diva, but to a brand new member who immediately popped up with information not immediately available through a simple Google search.

Oh, hear they are praying together:

Calvin

Profile
Broadway Legend
joined: 7/27/05

Eww! Those two guys' hands are touching!

Queens never make bargains. (Ann Jillian) Yeah, I blog!

StickToPriest

Profile
Broadway Legend
joined: 6/15/04

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 11:42 PM

what about this lady?

http://www.latimes.com/news/local/la-me-prop8-pg,0,5104018.photogallery?index=6

"One no longer loves one's insight enough once one communicates it."

The opposite of creation isn't war, it's stagnation.

Calvin

Profile
Broadway Legend
joined: 7/27/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 11:48 PM

Why are Mormons such horrible dressers?

And what is this Irvine hotel everyone was at? Did they spend all their money on the campaign so they were forced to cram into a Super 8 that night? With whitebread sandwiches and Aquafina?

Queens never make bargains. (Ann Jillian) Yeah, I blog!

Phyllis Rogers Stone

Profile
Broadway Legend
joined: 9/16/07

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/5/08 at 11:59 PM

Only elite fags drink bottled water.

Nice is different than good.

Phyllis Rogers Stone

Profile
Broadway Legend
joined: 9/16/07

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 12:05 AM

Her gay son is hiding his head in shame.

Nice is different than good.

Wanna Be A Foster

Profile
Broadway Legend
joined: 1/9/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 12:15 AM

Diva, I love you.

"And don't call me "hun" its patronizing and queenie, it's enough to make someone want to go gay bashing."
-songanddanceman2

StockardFan

Broadway Legend
joined: 6/19/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 07:26 AM

Yeah, Diva rocks!!!!!

Calvin

Profile
Broadway Legend
joined: 7/27/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 01:08 PM

Just wanted to mention that if you google "Jim Domen," this thread is third on the results.

Hope he's googling himself today!

Queens never make bargains. (Ann Jillian) Yeah, I blog!

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re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of

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Phyllis Rogers Stone

Profile
Broadway Legend
Joined: 9/16/07

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 01:12 PM

Awesome.

Nice is different than good.

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 01:31 PM

ndshep

Profile
Swing
Joined: 11/5/08

More phone numbers!

UPDATE: A few friendly readers wrote in with contact information for the horrible Bob Knocke, Jim Domen and Amanda Starfield pictured in the above photo. Please give them a call or email them and let them know how you feel.

Bob Knocke (949) 472-1249
Louis Kanoke (949) 472-1249
25292 Campina Dr, Mission Viejo, CA 92691
His church: http://www.[illegible]

Jim Domen, Catalyst Pastor at Rose Drive Friends Church, jimd@rdf.org
714.528.6496 ext. 130
Rose Drive Friends Church. Jim LeShana, Sr. Pastor 4221 Rose Drive, Yorba linda, CA 92886. 714-528-6496
http://[illegible]
http://[illegible]
http://[illegible]

Amanda Stanfield, M.A.
Assistant Director, Graduate Center Client Services
Azusa Pacific University
(626) 815-4560

If they disconnect her number, call her boss:
Graduate Center
Azusa Pacific University

FEATURED MEMBER
GOLDIE LOCKS
About Me: There's a whole ... that no one knows. Some p... a bad seed, but I don't care ... think. I know who I am and ... gonna change that. Oh I'm a ... about getting a tattoo, any ...

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Dec. 10 @ 10:28 by Craig Brockman
Dec. 10 @ 8:37 by Michael Dale
Dec. 8 @ 9:22 by Rob Diamond

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Year on Broadway Tonight!

Today's Broadway Blogs - Tuesday, December 9, 2008

Hottest Articles on BWW from Tue., December 9, 2008

Hottest Articles on BWW 12/2/2008 - 12/9/2008

Robert Prosky Passes Away at 77

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 02:51 PM

TheatreDiva90016

Broadway Legend
joined: 4/10/04

Why does Bob look like he's ready to gobble a knob?

And thanks for the other numbers, now I have something to do today!

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 03:09 PM

TheatreDiva90016

Broadway Legend
joined: 4/10/04

Kirk Wasson
home
12907 Crossmont Pl
Moreno Valley, CA 92553
(951) 653-6173Type: Land Line
Provider: Verizon
Location: Moreno, CA
Household: Lisa Wasson

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QUICK POLL

Generally speaking, where do you usi the best theatre in New York?

Broadway
Off-Broadway
Off-Off Broadway

Phyllis Rogers Stone

Profile
Broadway Legend
joined: 9/16/07

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 03:28 PM

You know, it's just now that I see what those signs say in the background. Are they effing kidding me? I'm actually so enraged right now I want to go punch a Mormon.

Even by the standards of the most crazed zealot, how in the name of the hateful god of Abraham does this proposition equal religious freedom? How?

Nice is different than good.

Updated On: 11/6/08 at 03:29 PM

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 03:32 PM

TheatreDiva90016

Broadway Legend
joined: 4/10/04

PRS,

GET OUT OF ME!

I was thinking the same thing!

It's got NOTHING to do with religion.

Are the Morons...uhm, Mormons worried that they may not be able to marry more than one woman?

Oh, and the above folks have a block on their phone so you have to call froma number that shows up for them. I'm going down to the payphone.... Be back soon!

Updated On: 11/6/08 at 03:34 PM

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 03:33 PM

Calvin

Profile
Broadway Legend
joined: 7/27/05

You know, for someone who bikes and runs so much in his photos, why is Jim Domen still such a fat-ass?

Queens never make bargains. (Ann Jillian) Yeah, I blog!

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 03:34 PM

doodlenyc

Profile
Broadway Legend
joined: 11/5/04

That bicycle picture is the gayest thing I've seen in awhile.

"Carson has combined his passion for helping children with his love for one of Cincinnati's favorite past times - cornhole - to create a unique and exciting event perfect for a corporate outing, entertaining clients or family fun." "In Oz, the verb is douchifizzation." PRS

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 03:35 PM

Calvin

Profile
Broadway Legend
joined: 7/27/05

I notice his myspace page is now set to private and his Facebook page is gone entirely.

Awwwwww. Did someone hurt his wittle feelings?

Queens never make bargains. (Ann Jillian) Yeah, I blog!

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 03:36 PM

Phyllis Rogers Stone

Profile
Broadway Legend
joined: 9/16/07

I mean, I know they always equate it with their religion and crap, but I've never once seen anyone actually answer the damn question. No one is going to force your stupid effing church (no offense to believers) to perform gay marriages.

But again - even plenty of non-religious folks are grossed out by the thought of two men doing it. As it always has been, as it always shall be, it seems.

I'd love to be able to find out if any of these people whose names and joyous faces were splattered all over the papers have ever been divorced.

Nice is different than good.

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 06:14 PM

Well, the pay phone at the store wouldn't go through either, so it's a good thing the manager of the store is very kind and she let me place the call from her office phone.

TheatreDiva90016

Broadway Legend
Joined: 4/10/04

I told them that in the picture, their son was hanging his head in shame because he can't belive his parents are such biggots.

It's nice to have friends that will let you use their phone to scream at ignorant people...

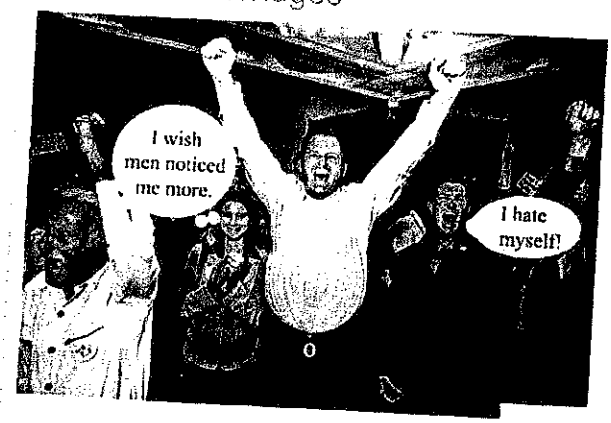
re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 08:06 PM

ndshep

Profile
Swing
Joined: 11/5/08

BIGOTRY
4
JESUS

Voters approve Proposition 8 banning same-sex marriages



Amanda Stanfield, Jim Demint, JD Gaddis

Updated On: 11/6/08 at 08:22 PM

Schmerg_The_Impaler

Profile
Broadway Legend
Joined: 8/31/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 08:09 PM

Is 'asteem' a pun or a typo?

In my pants, she has burst like the music of angels, the light of the sun! --Marius Pantsmercy

KathyGriffinLovesYou

Profile
Broadway Star
Joined: 9/19/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/6/08 at 08:12 PM

Up until now I wanted to be a actor. I've taken a gazillion classes and have been in a gazillion shows.

The past couple of weeks have helped me decided I want to get into politics.

I got Tony fever Mr. Nathan Lane!

Calvin

Profile
Broadway Legend
Joined: 7/27/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/7/08 at 01:26 AM

I think we need a new version of this song.

Ho

Queens never make bargains. (Ann Jillian) Yeah, I blog!

WestVillage

Broadway Star
Joined: 7/20/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/7/08 at 01:19 PM

Curious .. besides TheatreDiva, is anyone contacting these ignorant and despicable people?

And thanks for posting the contact information.

TheatreDiva90016

Broadway Legend
Joined: 4/10/04

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/7/08 at 01:56 PM

Cricket

cricket.

Also, has anyone else, besides PJ, reported the LDS to the IRS?

Subject: Take Action Against LDS

If it upsets you that a church can meddle with another state's political statutes, here's something simple you can do:

To report the LDS Church to the IRS, simply take 5 minutes to print these articles out and any others you can find:

http://www.sltrib.com/ci_10830516 http://www.sltrib.com/news/ci_10842051

Then print, sign and send the attached form (already completed) or download a blank and fill it out yourself at

http://www.irs.gov/pub/irs-pdf/f3949a.pdf

List the taxpayer as:

Thomas S. Monson, et al
50 East North Temple
Salt Lake City, Utah 84150

List his occupation as President and the business as The Church of Jesus Christ of Latter-Day Saints.
Check the boxes for False Exemption and Public/Political Corruption.

Then in the Comments section demand that the LDS Church be fined and their tax-exempt status revoked for repeated and blatant violations of the IRS's separate of church and state rules, and for conspiring to interfere with a state's political process.
Check Yes under "Are books/records available?" and write in "campaign finance records." You don't have to provide any of your own personal info.

Mail the form and the printed articles to:
Internal Revenue Service
Fresno, CA 93888

Updated On: 11/7/08 at 02:00 PM

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/7/08 at 02:16 PM

ndshep

Profile
Swing
Joined: 11/5/08

Dear West Village,

I have indeed contacted both Amanda and Jim's workplaces with emails and calls letting them know how I feel. I've also copied everyone from their organization that I could dig up online. I'm sure that their coworkers are in the same mindset as the offending party, so I'm not sure it's much use to "embarrass" them. Heck, they'll probably get even more credit.

Please see mailing lists below.

astanfield@apu.edu, graduatecenter@apu.edu, alumni@apu.edu, universityrelations@apu.edu, jwallace@apu.edu, provost@apu.edu, bmccarty@apu.edu, kcleveland@apu.edu, Lawrence@apu.edu, jramos@apu.edu, bodell@apu.edu, gpine@apu.edu, slehman@apu.edu, jrutter@apu.edu, dbahruth@apu.edu, jferris@apu.edu, sgeiss@apu.edu, psvagdis@apu.edu, rruiz@apu.edu, jieslie@apu.edu, ahaggins@apu.edu, thardeman@apu.edu, ckausrud@apu.edu, vsantacruz@apu.edu, bwillmer@apu.edu, jdarnell@apu.edu, pwolf@apu.edu, dblomquist@apu.edu, jsurreli@apu.edu, dwood@apu.edu, cwebber@apu.edu, jwoods@apu.edu, lshimasaki@apu.edu, rfleming@apu.edu, mbohren@apu.edu, thoimes@apu.edu, mbarnett@apu.edu, kreid@apu.edu, ckeife@apu.edu, jreinsch@apu.edu, areed@apu.edu, kduskin@apu.edu, gfung@apu.edu, jpearce@apu.edu, ddacus@apu.edu, ibezjian@apu.edu, junderwood@apu.edu, cfaber@apu.edu, hbutler@apu.edu, sbmgrad@apu.edu, BMcHenry@apu.edu

There are More white people in this church staff than you can shake a stick at!

http://www.rdf.org/cgi-bin/rw.cgi?AppLogic=FTLoginServer?psUsrname=FaithHighway/10000/6600/246RO/staff1

jimd@rdf.org, jiml@rdf.org, chriss@rdf.org, bobbig@rdf.org, mikeb@rdf.org, jerryc@rdf.org, irisf@rdf.org, billg@rdf.org, jimk@rdf.org, heidim@rdf.org, greggp@rdf.org, murielt@rdf.org, craigd@rdf.org, jenniferp@rdf.org, zachs@rdf.org, mandip@rdf.org, jasonm@rdf.org, Chrisc@rdf.org, robinr@rdf.org, jenniferm@rdf.org, tresam@rdf.org, janab@rdf.org, conniek@rdf.org, kariw@rdf.org, rickk@rdf.org, larryl@rdf.org, sandyp@rdf.org

Edited: Jan Fisher

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/7/08 at 02:33 PM

WestVillage

Thanks ... I'm going to send out some emails as well. Amanda's home phone # is "no longer in service; I guess that means she was getting lots of angry calls. I'm glad it caused some disruption in her life.

Broadway Star
Joined: 7/20/05

ndshep

Profile
Swing
Joined: 11/5/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/7/08 at 02:57 PM

Uh oh!

Got an Angry sounding reply from Rose Drive Friends Church:

From: Chris Steiger
Subject: RE: Jim Domen's Bigotry
To: jimd@rdf.org, jiml@rdf.org, bobbig@rdf.org, mikeb@rdf.org, jerryc@rdf.org, irisf@rdf.org, billg@rdf.org, jimk@rdf.org, heidim@rdf.org, greggp@rdf.org, murielt@rdf.org, craigd@rdf.org, jenniferp@rdf.org, zachs@rdf.org, mandip@rdf.org, jasonm@rdf.org, Chrisc@rdf.org, robinr@rdf.org, jenniferm@rdf.org, tresam@rdf.org, janab@rdf.org, conniek@rdf.org, kariw@rdf.org, rickk@rdf.org, larryl@rdf.org, sandyp@rdf.org
Date: Friday, November 7, 2008, 2:30 PM

Staff,

This is one of the many emails that Jim has received -- I am getting his website email instead of him for a short period of time. Please DO NOT respond to this or any email like this. We will be reporting these emails to the web domain host.

Chris

WestVillage

Broadway Star
Joined: 7/20/05

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/7/08 at 03:23 PM

HeHe! I just fired one off to all the email address that ndshep listed. Lets make some noise people!

Phyllis Rogers Stone

Profile
Broadway Legend
Joined: 9/16/07

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/7/08 at 04:09 PM

Y'all are crazy! But I'm laughing my ass off.

Nice is different than good.

ndshep

Profile
Swing
Joined: 11/5/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/7/08 at 05:29 PM

YES ON PROPOSITION 8
ZIP Code Supervisors for the Glendale, CA Area

(Glendale, La Canada, La Crescenta, Verdugo Hills, Sunland, Tujunga)

The following is the list of ZIP CODE SUPERVISORS you can contact.

Zip Codes
Zip Code
Supervisor
Phone
E-mail

90012
Christian Sampsen
310-971-8480
Christian_Sampson@hotmail.com

90026
John Christiansen
818-247-6748

90031
Roger and Dianne Skelton
818-353-1994
rsroger@aol.com

90039
Matt and Lisa Woodruff
818-952-8771

Mattywoody@yahoo.com

90041
Shannon Syphus
808-781-1616
shannonterry10@gmail.com

90042
Adam Minson
818 468 7138
a_minson@yahoo.com

90065
Steve and Carol Bush
818-957-2037

91011
Micke and Stan Nielson
818-952-7940
mickienielson@sbcglobal.net

91020
Deb Milam
818-248- 1761
milam@earthlink.net

91040
Alice and Lee Watson
818-353-1502
alicewteach@yahoo.com

91042
Brent Peterson
818-952-1815
bcp4949@earthlink.net

91105
Marta Viera
818-241-2313

91201
Suzie and Brian Kelley
818-415-4078 (cell),
213 944 8888 (cell)
Suziq1@dslextreme.com

91202
Clyde Condie
818-248-8270
ccondie@aeoinc.us

91203
Michael Milam
818-248- 1761
milam@earthlink.net

91204
Humberto Barillas
818 352-4338
Hbarillas@aol.com

91205
Jon Sommer
818-244-4242
jgsommer@earthlink.net

91206
Susan Jones
323 257 5562
Suzig1@dslextreme.com

91207
James Pak
213 792 7162
jamesbpak@gmail.com

91208
Marty Newton
818-790-2895

91214
Terri and Richard Lonas
818 957-2213
MrsLonas1@aol.com

TheatreDiva90016

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/8/08 at 08:54 PM

Is ANYONE else doing ANYTING besides posting?

You should be ashamed.

Broadway Legend
joined: 4/10/04

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/8/08 at 09:30 PM

FindingNamo

Broadway Legend
joined: 7/22/03

"Catalyst Pastor"?

Are they freaking KIDDING with that title?

I am a fatalist who votes anyway. -- Richard Hell

"Namo gone is one less bitch to contend with." -- Namaste

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- Vital Theatre's THE KLEZMER NUTCRACKER Adds Performances 12/13-1/3 (BroadwayWorld.com)
- Iowa's WOW to Present World Premiere of 'IN FULL BLOOM' 1/15-1/25 (BroadwayWorld.com)
- Theatre Talk Welcomes Kirchwey and le Sourd 12/13 (BroadwayWorld.com)
- CHICAGO 'TalkBack Tuesdays' to Feature Melora Hardin on 1/6 (BroadwayWorld.com)
- Milk Wins Big: NY Film Critics Circle Award Winners Announced (BroadwayWorld.com)
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re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of

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TheatreDiva90016

Broadway Legend
joined: 4/10/04

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/8/08 at 08:54 PM

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Broadway Legend
Joined: 7/22/03

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
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Are they freaking KIDDING with that title?

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"Namo gone is one less bitch to contend with." -- Namaste

ndshep

Profile
Swing
joined: 11/5/08

re: Bob Knoke of Mission Viejo, Amanda Stanfield of Monrovia, Jim Domen of
Posted On: 11/13/08 at 03:52 PM

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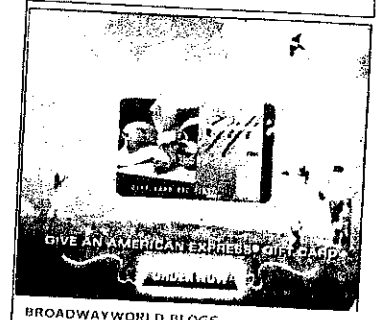
GOLDIE LOCKS

About Me: There's a whole lot about me that no one knows. Some people say I'm a bad seed, but I don't care what they think. I know who I am and no one's gonna change that. Oh I'm also thinking about getting a tattoo, any recs? ...



BROADWAYWORLD BLOGS

Dec. 10 @ 10:28 by Craig Brockman

Dec. 10 @ 8:37 by Michael Dale

Dec. 8 @ 9:22 by Rob Diamond

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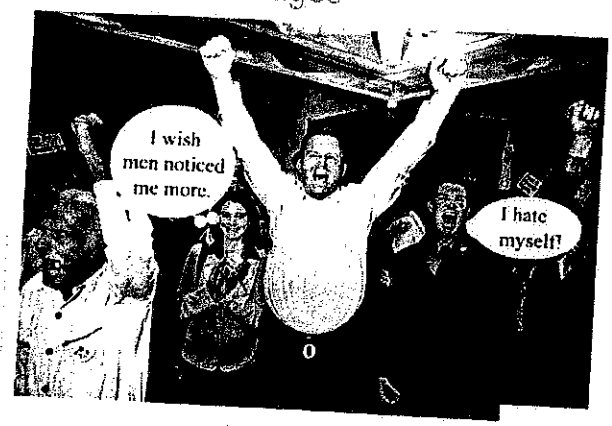
JESUS

Voters approve Proposition 8 banning same-sex marriages



YOU WON'T BELIEVE THIS!!!!

Oh my God! I can't believe it! I just received an email update from a Pastor that thinks I'm on "his side". P.S. Please sign up for mailing lists on those Support 8 websites! They are talking about the "Persecution" that

Celebrates Second Year on Broadway Tonight!

Today's Broadway Blogs - Tuesday, December 9, 2008

Hottest Articles on BWW from Tue., December 9, 2008

Hottest Articles on BWW 12/2/2008 - 12/9/2008

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QUICK POLL

Generally speaking, where do you usually find the best theatre in New York? 6 comments

Broadway

Off-Broadway

Off-Off Broadway

has happened to Jim Domen because of his picture appearing in the LA Times. Guess WHAT!!!! HE'S AN EX GAY!! Can you believe this s#$% I'm still in shock! He's a bigot and a hypocrite! And guess what, they said that his girlfriend is also being targeted... I'll bet that's her right in the picture! Amanda Stanfield!!!

They included his PERSONAL email address! So Please Let him know that you support him and his "girlfriend"!

Text of the email is below:

YORBA LINDA—Pastor Jim Domen of Rose Drive Friends Church has been the target of persecution by marriage opponents; not just him, but his girlfriend as well. Jim is one whom the Lord delivered from a life of struggle with same-sex attractions. He has been a vocal supporter of Proposition 8. He was photographed on Election night celebrating the results of Proposition 8, both he and his girlfriend. The photographs were published in The Los Angeles Times, The Orange County Register, and The Chicago Tribune. Since then, blogs were established to target both Jim AND his girlfriend for verbal persecution, particularly when it was discovered that he is an "ex-gay."

Please email/phone Pastor Jim and offer your words of encouragement and your prayers as we stand with this dear brother of ours who is suffering persecution for our Lord's sake.

Pastor Jim Domen
Rose Drive Friends Church
4221 Rose Dr
Yorba Linda 92886
714.528.6496
jimdomen@me.com

Some numbers from the previous posts...
Bob Knocke (949) 472-1249
Louis Kanoke (949) 472-1249
25292 Campina Dr, Mission Viejo, CA 92691
His church: [illegible]

Jim Domen, Catalyst Pastor at Rose Drive Friends Church, jimd@rdf.org
714.528.6496 ext. 130
Rose Drive Friends Church. Jim LeShana, Sr. Pastor 4221 Rose Drive, Yorba linda, CA 92886. 714-528-6496
[illegible]

Amanda Stanfield, M.A.
Assistant Director, Graduate Center Client Services
Azusa Pacific University
(626) 815-4560

If they disconnect her number, call her boss:
Graduate Center
Azusa Pacific University
PO Box 7000, Azusa, CA 91702-7000
Phone: (626) 815-4570
Fax: (626) 815-4545
[illegible]

[illegible]

Page: [illegible] 4

Back to the Message Board...

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Exhibit Q

THE SACRAMENTO BEE

This story is taken from Sacbee / Capitol and California / Proposition 8

Mormon church in Orangevale vandalized in wake of Prop. 8 vote

cphua@sacbee.com

Published Sunday, Nov. 09, 2008

Three days after voters approved a proposition to ban same-sex marriage in California, vandals targeted a Mormon church in Orangevale.

Vandals spray-painted the words "No on Prop 8" at the church's property on Hazel Avenue sometime between late Thursday and early Friday, Sacramento County sheriff's spokesman Sgt. Tim Curran said.

The church's building was tagged once and the sidewalk multiple times, Curran said. Sheriff's officials say they have not characterized the crime as the work of those opposed to Proposition 8, an amendment to the California constitution that limits marriage to between a man and a woman.

Curran said the department has not received similar reports of vandalism in the county.

In response to the incident, officials from the Church of Jesus Christ of Latter-day Saints issued a statement asking for those involved in the same-sex marriage debate to treat each other with respect and civility.

"While those who disagree with our position on Proposition 8 have the right to make their feelings known, it's wrong to target the Church and its sacred places of worship for being part of the democratic process," said the church's statement. "No one on either side of the question should be vilified, harassed or subject to erroneous information."

The Mormon church supported the proposition, encouraging members to contribute time and resources to help its passage.

Supporters of same-sex marriage have staged protests outside Mormon temples, including one Friday at the church's headquarters in Salt Lake City.

In Sacramento today, a "marriage equality" rally is planned at the state Capitol.

Same-sex marriage advocates say they have called for a peaceful and civil campaign.

"The No on Prop. 8 campaign denounces any sort of vandalism whatsoever," said Bill Bradley, a campaign spokesman. "It's wrong to deface property and does not reflect the spirit or values of this campaign."

Andrea Shorter, a campaign spokeswoman, added, "That is not going to get us any closer to marriage equality.

"We understand that people are upset and angry and frustrated, but we call upon everyone to

express their frustration through the correct processes."

The debate over whether same-sex couples should be allowed to marry has been intense. In the run-up to the Nov. 4 election, campaign signs were vandalized and there have been some reports of violence since the vote.

In Southern California, published reports say yard signs supporting the proposition at a Roman Catholic church in Riverside were rearranged into a swastika.

And in Fresno, a prominent pastor who supported Proposition 8 received death threats that prompted police to assign officers to protect him. Vandals also targeted his church.

Call The Bee's Chelsea Phua, (916) 321-1132.

Exhibit R

LOCAL

Vandals Egg Downtown Fresno Church

Tuesday, October 28, 2008

Fresno, CA, USA (KFSN) -- Vandals targeted a downtown Fresno church that supports a California ballot measure that would eliminate the right of same-sex couples to marry.

Workers at Cornerstone Church got to their offices Tuesday to find the offices and the sanctuary, which is in the historic Wilson Theater, had been egged. Crews are working on cleaning up the mess.

On Sunday, a rally supporting Proposition 8 was held at City Hall. Cornerstone's Pastor Jim Franklin told other prop eight supporters his home had recently been egged.

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Nov 7, 2008 12:24 pm US/Pacific

Vandals Arrange Prop. 8 Signs Into Swastika

RIVERSIDE Vandals Thursday rearranged yard signs at a Riverside church expressing support for Proposition 8 into a swastika, police said Friday.

The vandalism at Our Lady of Perpetual Help took place Thursday at 9:35 a.m., Steven Frasher of the Riverside Police Department said.

No damage was done to the grounds or the church, Frasher added.

Proposition 8, which narrowly passed on Tuesday, amended the state constitution to define marriage as being between a man and a woman.
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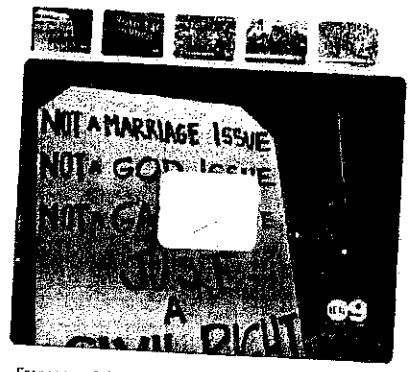

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Vandals arranged Proposition 8 signs into a swastika at a church in Riverside.
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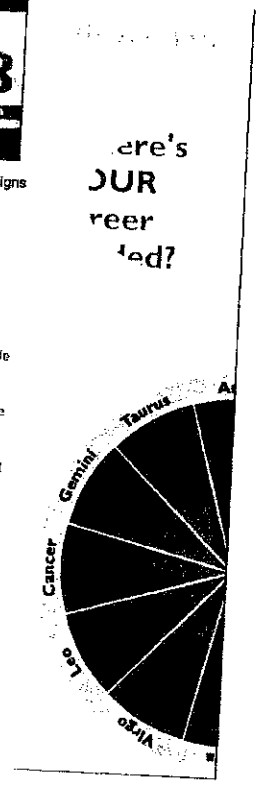

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Exhibit T

THE ORANGE COUNTY REGISTER
ocregister.com

Monday, October 20, 2008

Vandals spray paint signs in downtown Fullerton

If caught, violators could face up to one year in prison, $10,000 fine.

By BARBARA GIASONE

The Orange County Register

FULLERTON – Vandals used gold spray paint to scrawl anti-Proposition 8 messages on commercial and residential buildings in the downtown and east Fullerton over the weekend, police said.

The "Prop H8TE" message was found on the Bank of America and Union Bank on north Harbor Boulevard, and on a retail store in the 500 block of north Harbor. Additional tagging was found on houses near Dorothy Lane.

Sgt. Mike MacDonald said anyone caught causing more than $400 in damages is subject to one year in state prison or county jail – and $10,000 in fines. Suspects who are caught causing less than $400 in damages could be charged $1,000 and spend one year in county jail.

In addition to the spray-paint vandalism, 500 "Yes on 8" signs valued at $10 apiece were reported missing throughout the city by a Yes on 8 community organizer, MacDonald said.

At least one resident in the city is using a night-vision camera to catch sign vandals, police said. The homeowner told police he captured images of a woman stealing signs.

"While we respect people's rights to have an opinion on state politics, it's never appropriate to deface property to further their own beliefs," MacDonald said. "We treat this type of crime very seriously.

"Violators will be prosecuted to the fullest extent of the law," he said.

A resident in the northeast section of the city reported late Monday morning that his property was also defaced with gold paint.

"I've lived in the city for 18 years, and I've never had anything like this," Randy Reece said.

"It's ironic the purveyors of tolerance seem to not have any respect for the First Amendment and it's disgusting," Reece said. "I'd like to have a discussion with them if they want to."

Vandalism should be reported to the Fullerton Police Department at 714-738-6715.

Contact the writer: 714-704-3762 or bgiasone@ocregister.com

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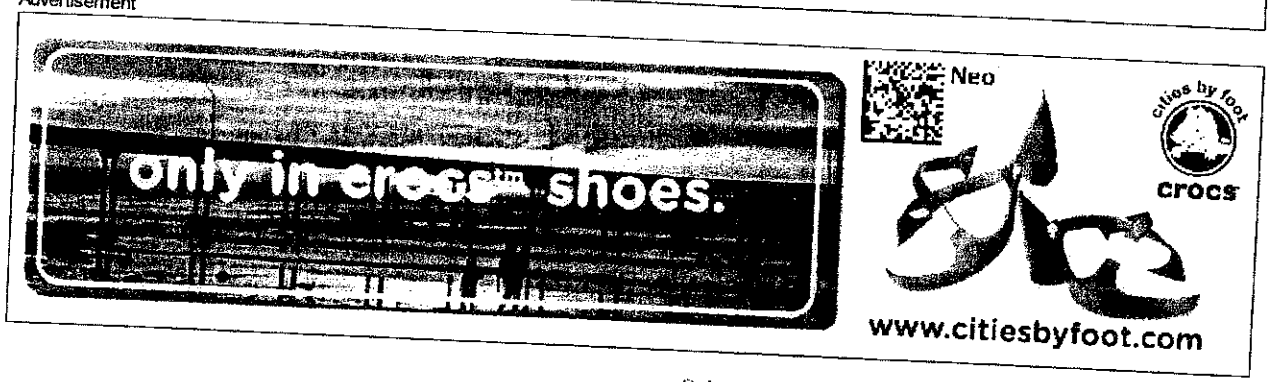

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Exhibit U

INLAND EMPIRE

Neighborhood vandalized over Prop 8

Friday, October 31, 2008

By Bob Banfield

YUCAIPA (KABC) -- Vandals have gone on a graffiti spree in a San Bernardino County neighborhood, apparently over neighbors' support of Proposition 8.

Many residents between 5th St. and 6th St. in Yucaipa found their property had been targeted by unwanted visitors with paint cans, and a possible political motive.

"We woke up this morning and we just had paint on all of our cars and fences. It was on everything. It was bright orange -- beautiful paint," said Yucaipa resident, Dawn Antinucci.

The same political message was painted on a number of vehicles, garages, fences, and on "Yes on 8" signs.

Story continues below

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The Antinucci's were angered but not swayed.

"We know what the Lord tells us about this prop. We will be doing what we know is to be true," said Antinucci.

If the graffiti was politically motivated the painters made a big mistake. That is the opinion of Garrett Davis. He is not a supporter of Prop 8.

"Especially in this town. This town is a highly conservative Republican town. To do this is even more radical, because you are just going to persuade the people who are on the line to vote yes anyways. Why would you ever do that? It is just horrible," said Davis.

The vandalism is the talk of the neighborhood and the subject of a sheriff's department investigation.

"Just to thinking that someone has

Jan 7, 2009

A Note From the Editors

It is not the policy of *Synapse* to run opinion articles anonymously, but we have broken that rule to publish the accompanying article on Proposition 8.

We do so because we think it is important for all shades of opinion within the campus community to be heard. We do so because we have printed many articles from those opposing Prop 8, but hadn't received any from the other side.

Efforts were made to get the writer to agree to use his name, but he refused, citing fear of harassment. While we devoutly hope that would not be the case, we were sobered by a column on November 23 by the *San Francisco Chronicle's* Editorial Page Editor John Diaz. He wrote:

A supporter of Proposition 8, fed up with what he believed was the gay community's and "liberal media's" refusal to accept the voters' verdict, fired off a letter to the editor.
"Please show respect for democracy," he wrote, in a letter we published.
What he encountered instead was an utter lack of respect for free speech.
Within hours, the intimidation game was on. Because his real name and city were listed – a condition for publication of letters to The Chronicle *– opponents of Prop. 8 used Internet search engines to find the letter writer's small business, his Web site (which included the names of his children and dog), his phone number and his clients. And they posted that information in the "Comments" section of SFGate.com – urging, in ugly language, retribution against the author's business and its identified clients.*

We at *Synapse* would like to think that this would never happen at UCSF, but finally decided to let the accompanying article run anonymously, to spare the writer of any of the harassment that has occurred since the passage of Prop 8.

In this democracy, the way to rectify errors at the polls is to convince a majority at a future election of the rightness of your cause. No matter how passionately one feels about an issue, it is important to maintain a civil dialogue and a reasoned debate.

We welcome any and all comments from the campus community. Email them to us at synapse@ucsf.edu

The Editors

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Rally Against Prop H8: Manchester Grand Hyatt

by Tony Cochran (tcochran [at] unitehere.org)
Tuesday Nov 18th, 2008 5:02 PM

Rally Agaist Hate!

Doug Manchester is one of the leading funders ($125,000) of Proposition 8, a California ballot initiative that discriminates against LGBT couples. While Hyatt may officially disavow Manchester's contributions to Proposition 8 as a personal choice, the fact remains that their multi-million dollar LGBT marketing efforts must be seen as little more than sheer hypocrisy when the revenue this marketing attracts is then funneled into efforts that bite the hand which feeds them. In such a situation, we always have the ability to choose not to feed them any longer.

RALLY @ MANCHESTER HYATT
NOVEMBER 22TH -5:00 P.M.
1 Market Place, San Diego, CA 92101

On July 10th, 2008, a coalition led by the San Diego labor movement and the LGBT community called for a boycott of the Manchester Grand Hyatt, the host site for AERA's 2009 Conference. Manchester's Hyatt has brought the LGBT community UNITE HERE together to fight for equality for gay and lesbian couples and justice for the workers at his Hyatt hotel. Doug Manchester has a history working against both:

· Equality for lesbian and gay couples. Doug Manchester is one of the leading funders ($125,000) of Proposition 8, a California ballot initiative that discriminates against LGBT couples. The California LGBT community faces an extremely difficult fight to prevent an outright ban on their civil right to have legal recognition for same sex couples and equal protection for their families. While Hyatt may officially disavow Manchester's contributions to Proposition 8 as a personal choice, the fact remains that their multi-million dollar LGBT marketing efforts must be seen as little more than sheer hypocrisy when the revenue this marketing attracts is then funneled into efforts that bite the hand which feeds them. In such a situation, we always have the ability to choose not to feed them any longer.
· Justice for Manchester Hyatt workers. Manchester's Hyatt allegedly forces housekeepers to clean more rooms than housekeepers at other Hyatt hotels, including the other Hyatt hotel in San Diego. In 2006, housekeepers began lunch hour protests against working conditions in the hotel, saying that their daily room quota had been increased from 17 to 30 rooms per shift! We have no reason to believe that Manchester has made any workload reductions to address these protests. Across the hotel industry, increasing workloads have put a greater strain on housekeepers; work speedups have led to increasing injury rates. According to the Department of Labor, injury rates for hotel workers are 40% higher than the service sector average. Hotel housekeeper injuries are debilitating. Back injuries, housemaids' knee (bursitis), and shoulder pain can lead to permanent disability. Numerous studies have shown that unreasonable workloads are a serious occupational health issue; here are a few facts that highlight the severity of that problem:
In a recent survey of more than 600 hotel housekeepers in the U.S. and Canada, 91% said that they have suffered work-related pain. Of those who reported workplace pain:
_ 77% said their workplace pain interfered with routine activities.
_ Two out of every three workers visited their doctor to deal with workplace pain.
_ 66% took pain medication just to get through their daily quota.
(UNITE HERE survey results)

Exhibit BE

Manchester is one of several San Diegans whose large contributions helped put the initiative on the ballot. Others include Mission Valley developer Terry Caster, who gave $162,500, and Robert Hoehn, owner of Hoehn Motors in Carlsbad, who has given $25,000.

Fred Karger, who is helping to organize the boycott and is running an organization opposed to Proposition 8, said he is also urging the public to boycott Manchester's other hotel, the Grand Del Mar.

"This is someone who is giving an exorbitant amount of money to write discrimination into the constitution for the very first time," he said.

Karger said he hopes the boycott will send a message to other potential contributors to the Proposition 8 campaign.

"Our goal is to create a business loss for people who contribute," he said. "We want to make it a little uncomfortable."

The results of the boycott could be watched closely.

In the battle over Proposition 8, both sides will be trying to raise huge amounts of money, nearly $15 million each, to make their case to voters. In 2000, 61 percent of California voters approved Proposition 22, enacting a statutory ban on same-sex marriages. But in late May of this year after the court ruling, the nonpartisan Field Poll found a majority of California voters opposed a constitutional ban and by a slimmer majority for the first time supported same-sex marriage.

Backers of Proposition 8 have predicted that any boycott efforts would fail.

"Support for traditional marriage is a mainstream view," said Andrew Pugno, an attorney for protectmarriage.com, which supports Proposition 8. "I can't imagine that efforts to boycott businesses with mainstream views are going to be successful."

In April, once Manchester's contribution became widely known, two gay rights organizations, the Gay and Lesbian Alliance Against Defamation and PlanetOut Inc., moved events they had scheduled at the Manchester Grand Hyatt.

Find this article at:
http://www.signonsandiego.com/news/metro/20080710-9999-1m10boycott.html

☐ Check the box to include the list of links referenced in the article.

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Gay rights groups to boycott Manchester Grand Hyatt

Owner donated to Proposition 8

By Bill Ainsworth
U-T SACRAMENTO BUREAU

July 10, 2008

Gay rights supporters and their union allies plan to launch a boycott of the Manchester Grand Hyatt because its owner, Doug Manchester, contributed $125,000 to Proposition 8, an amendment to ban same-sex marriage on the November ballot.

Organizers of the campaign, which is expected to be announced at a news conference today, say they believe it is the first time that gay rights supporters have boycotted a business whose owner seeks to ban same-sex marriage.

Leaders will urge the public to avoid the downtown hotel because they say that support for Proposition 8 amounts to unfair treatment of gays and lesbians.

"Manchester's contribution to this anti-marriage initiative is discrimination plain and simple," said Brigette Browning, president of Unite Here Local 30, which represents 4,500 hotel and restaurant workers.

The Manchester Grand Hyatt is not unionized.

Manchester and campaign officials from Proposition 8 did not return phone calls seeking comment.

In an interview earlier this year, Manchester said that he decided to donate to Proposition 8 because he had heard that schools that teach that marriage is between a man and a woman could be sued for discriminating against gays.

In addition, he said, he was motivated by his strong Catholic faith to believe that marriage is between a man and a woman.

But, he said, that he welcomes gays and lesbians to his hotels and restaurants.

Gay rights leaders say they are not targeting the Hyatt Corp. – which operates the Manchester Grand Hyatt – because the company has a good record in hiring and supporting gays and lesbians. But they are singling out the Manchester property.

In May, California became the second state in the nation to allow same-sex marriage after the state Supreme Court ruled that laws banning it violate the right to marry in the state constitution. A court ruling in Massachusetts legalized same-sex marriage in that state four years ago.

In November, voters will get a chance to overturn the California ruling, if they vote for a constitutional ban under Proposition 8.

Exhibit BD

appropriate in this situation.

There is no doubt that Nicholas Robert Lagrotta feels remorse. Ten years of remorse should be sufficient.

But Karey Marsh will not be running anymore. And that is sad.

— **Chris Biller,** Moorpark

Customers boost for Lassen's

Re: your Nov. 19 article, "Prop. 8 foes aim their ire at Lassen's stores":

What a shame angry people believe another person's protected and private vote in a public election should fuel an attack on a person's business, employees and customers. Last I checked, we have private elections for a reason, so that people can vote their conscience without the fear of intimidation or threat. Apparently, not so in this last election. Thanks to our state's election finance laws, those who make legal, larger gifts to support their opinions, beliefs, candidates and issues open themselves up to attacks by radical-minded people.

That a local merchant's business and employee's job security is threatened by a boycott for the owner's personal exercise of democratic rights is not just a shame, it demands public condemnation. Our freedoms require all of disagreements, even over highly controversial issues, be tolerated, debated and ultimately solved through our votes. In this case, Proposition 22 was carried with 4 million supporters eight years ago and now Proposition 8 was carried with 6.7 million supporters.

This silly but hurtful boycott and others like it are very likely to backfire on its foolish sponsors. Our family and hundreds of others like ours will go out of our way to buy groceries and fresh meals from Lassen's because we love its products and services, and don't want to see those values lost to the actions of bullies. We will make it a point to get our neighbors and friends to do the same.

There are of thousands of freedom-loving people who will be motivated to shop at Lassen's or shop more at Lassen's just to support them, while a handful of existing angry customers might leave in protest. Hopefully, this will be a huge boost to this important local merchant.

— **Denny Weinberg,** Camarillo

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How can one person have such faulty logic but be able to make it sound so logical? Sounding logical and actually being that way are two different things.

One of his faulty analogies is to put in another name where "gay" is currently inserted. He says that to insert black or Jewish or Catholic would prove how wrong and prejudiced we are toward the gays. He omits putting in dogs or children as no one would insert them there either.

Larsen says we violate the rights of others with the passage of Proposition 8. In doing so, he intimates we have done so against a faction of our community that should have those rights. Perhaps there is a legitimate question there. I must leave that long discussion for another day.

One other fault of Larsen is that he makes the assumption that one person's religious faith is not true. If it were true, no one would reasonably argue with it. Larsen makes the error when he says a personal conviction should not be imposed on others. Yet, when a law is true, I think that even he would not argue with it even if he wished to violate it himself.

I contend there is enough evidence for the God of the Christian Bible and sufficient evidence to take that God out of the realm of personal belief. Let us look at the facts that prove beyond a reasonable doubt that Jesus is, in fact, the one and only God.

I will be glad to show this evidence to any who wishes it. I promise you, Larsen and others would not be so cavalier in their denouncement of such understanding once they saw the evidence.

— **Frank Bland,** Simi Valley

Jogger's death a waste

Re: your Nov. 19 article, "Driver pleads guilty in death of jogger":

Imagine you in the prime of your life. You are alive — a vibrant productive person, loved by all and a well-respected member of the community. You awoke one bright, sunny morning to go out and take that jog. You wave at your neighbors who see you as a person whose lust for life bounds with every step you take. They smile at you, and they are happy for you that you can enjoy something like a jog.

Then you are struck and killed. Your neighbors are shocked, your family is grief-stricken. You are taken away by a 23-year-old who, at 6:30 in the morning, was driving his motor vehicle intoxicated. His life was so miserable that he had to be drinking at 6 in the morning.

Now you are dead, and the person who struck and killed you is in court, and his attorney tells the judge that his client has no "meaningful" record and that he should not be sentenced to 10 years in prison.

No "meaningful" record.

When I read about the tragic death of Karey Marsh, I was saddened and immediately said to myself, "What a waste." I did not know the woman, but I have seen the type. There are so many Karey Marshes running and enjoying life, and they should be protected. We hurry to forgive the people who cause these unspeakable acts of stupidity and forget about the two women who earlier this year were cut down in the same fashion. They lived, but they will never run again.

Karey Marsh needs justice. Her family needs justice. Her friends need justice. The word atonement is

Nov. 13, panelists from the office of receiver J. Clark Kelso estimated that only 1 percent of facility inmates would require transfer to local acute hospitals in any given month. This seems a low number and suggests either the facility intends to manage acute care beyond its license and medical capacity or, in the alternative, we in the local community may see larger numbers of transfers. Even more troubling is the assertion that no psychiatric transfers are anticipated, despite plans to house 750 mentally ill inmates at the facility.

Given there are thousands of mentally ill people in the prison system and fewer than 400 acute prison hospital beds, we must conclude most acutely ill inmates will be managed in substandard, subacute facilities or we will need local contracting for acute psychiatric care.

The Ventura County Medical Association is opposed to the prison healthcare facility pending clarification and/or correction of these issues.

— **Ronald C. Thurston, M.D.,** Somis

(The writer is president of the Ventura County Medical Associated located in Camarillo. — Editor)

Big Three demise would hurt

Re: Joe R. Howry's Nov. 23 essay "Riding out the storm":

Many top economists estimate 3 million jobs would be lost in the first year if the Big Three automakers to go under. Their demise would cause major impacts on the economy in terms of lost wages, reductions in Social Security receipts and personal income taxes paid.

I agree the leaders of GM, Chrysler and Ford are responsible for their current crises due to arrogance and greed. They virtually ignored demands for fuel-efficiency and rewarded executive staff with extravagant salaries, bonuses and perks, despite falling profits.

I am reassured President-elect Barack Obama and the Democratic Congress clearly see the myriad problems they are inheriting and are pressing forward to select the most qualified Cabinet secretaries and committee chairs who can make the right decisions to get us out of this mess.

Does Howry believe the only thing that will bring this country to its knees is a lack of confidence? That the 1.2 million people who have lost their jobs this year just need to be confident and everything will magically turn around? It's apparent he thinks it's easy for people to be confident, even though they don't know where their next paycheck will come from or how they will pay rent or mortgage or buy groceries, let alone Christmas presents for their children.

Professor Paul Krugman, 2008 Nobel laureate, offered this regarding the automakers' bailout, "If this was 1999, and we had 4 percent unemployment, I'd say let it fail, let the bankruptcy do its work, but this is not a good time to be having a really major industry turn belly-up."

— **Joy Putinta,** Camarillo

Logical-sounding illogic

Re: Richard Larsen's Nov. 25 essay, "The republic must stand":

VenturaCountyStar

Your letters: November 28, 2008

Friday, November 28, 2008

Something fishy with gas price

Something is not being said in the latest astonishing round of gas-price reductions. It is hard for me to believe that almost a 50 percent reduction in gas prices has been caused by a 4.4 percent reduction of miles driven in September; even if this happened in each of the following months. It seems to me there's something not being said about the record billions of profit the U.S. oil industry has made.

What is it the American public must do to protect our national security from the likes of these oil profiteers who could give a damn about the long-term effects of their greed or the future interests of our country? We need to secure our shores and make our land safe from the whims of those who jack up prices whenever the sheep need to be sheared. My call is to once and for all take these corporations into our hands before they take us into theirs for the last big dive into financial destruction while providing for themselves a golden parachute. We cannot allow something volatile and manipulated like the subprime-loan scandal to repeat itself in the oil industry.

My advice: Fleece them before they fleece us. The business community has thoroughly proved it cannot be trusted and will not act in the best interests of our nation. Never has it been clearer to me what the cause of the war in Iraq was and is. Never has it been clearer that we as a country must control the industry that has such a strategic effect on our lives, our economy and our national interests. Never again can we allow the greed and power lust of a wealthy few make so vulnerable our lives, our futures, and our freedom.

— **Barclay Totten**, Oxnard

Prison won't be a hospital

If you missed the so-called prison-hospital meeting at the Camarillo Community Center on Nov. 13, it's not a hospital. It's a healthcare facility.

Hospitals have a medical staff to assure quality medical care and peer review. Hospitals have adequate nurse-patient ratios for acute care. The proposed prison facility is more like a nursing home. Only a fraction of the 1,500 beds will have any healthcare license.

That license — correctional treatment center — is a special invention of the prison system and requires local contracts for transfer to acute hospitals.

Currently, there are three prison hospitals with fewer than 400 acute beds between them. Last year, the administration at the largest hospital, Vacaville (300 beds), announced plans to downgrade its license to correctional treatment center — a move quickly opposed by the California Medical Association and the California Psychiatric Association.

Exhibit BC

Else Endecott. The store in Simi Valley is the only one of eight with the Lassen name that is not owned by a Lassen family member, said Endecott, who personally contributed $250 to Proposition 8.

"We have a lot a gay and lesbian customers. We have nothing against them," said Endecott, who manages the Lassen's store in Camarillo, which is owned by her father, John Lassen. "To us, it (same-sex marriage) is a moral issue, not a civil issue."

Business at the Camarillo store has not been affected, she said, although she acknowledged her uncle has received some backlash, which she felt was unfair. She wasn't surprised he has avoided interviews, because the media have unfairly targeted Mormons for their beliefs and advocacy, she said.

"Sadly, people feel like they have to blame somebody," she said. "It's not just Mormons who voted for this. It was passed by a majority of Californians.

"We love our gay and lesbian customers," she said. "If they don't want to shop at our store, then that's their choice. I can respect that, but they should respect my family's beliefs, too. It's pretty sad how mean people can be."

Sonja Eddings Brown of ProtectMarriage.com, a Web site created to support Proposition 8, said boycott threats against business donors have been widespread, and some have reported losses.

Approach could backfire

Beverly Kelley, an author and communications professor at California Lutheran University in Thousand Oaks, said protesting won't likely change Lassen's mind. In fact, it could have the opposite effect, she said.

"The protesters against this need to learn there could be a backlash against them," Kelley said. "Was this $27,500 contribution what turned the tide? No. It was all the new voters, the minority voters, the African-American voters who came out in record numbers and put Obama over the top and put this initiative over the top."

Same-sex marriage backers, she said, should focus on figuring out why people voted as they did. "You have to respect the other side if you want to convince them," she said.

In the parking lot outside the Ventura store recently, longtime customer Christine Burke said she voted against Proposition 8 and was disappointed to learn of Lassen's support, but it wouldn't change her shopping habits. "I believe he has the right to believe in what he believes in," she said. "It's a complex issue."

Shopper Chris Hoover, a Ventura contractor, agreed. "I don't support his point of view," he said, "but I think he has a right to it."

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Manchester contributed $125,000 to Proposition 8. And since the Nov. 4 election, California has seen an outpouring of demonstrations against passage of Proposition 8.

Sign-waving protesters have massed outside churches and temples, as well as a Los Angeles Mexican restaurant where employees contributed to the proposition. Gay activists have begun publishing lists online of individuals and organizations that donated money to Proposition 8.

Dentists, accountants and veterinarians who gave a few thousand dollars are listed alongside major donors like the Container Supply Co. of Garden Grove, which gave $250,000. The artistic director at the California Musical Theater, the state's largest nonprofit musical theater company, quit last week amid protests over his $1,000 donation to the Yes on 8 campaign.

National organizers are planning a Dec. 10 "Day Without a Gay" that encourages supporters to volunteer instead of going to work, and a Jan. 10 coast-to-coast protest.

"A lot of these events are going to be popping up, and many are from individual and grass-roots efforts being born from text-message blasts and the Internet," said Jay Smith, director of the nonprofit Ventura County Rainbow Alliance, a support center for lesbian, gay, bisexual, transgendered and HIV/AIDS-affected individuals.

Smith said he has discouraged people from protesting in front of Lassen's, but some are angry.

"There are a lot of people in our community who have been continuous supporters of Lassen's who were shocked to see that much money going to defeat our civil rights," he said.

Word spreads via e-mail

Kasie Vinson, a longtime patron of Lassen's, sent an e-mail to nearly 200 local Democratic volunteers detailing the store's campaign contributions. Vinson, who is straight, was stunned to learn the contributions were collectively the largest in Ventura County for Proposition 8, according to campaign finance forms.

"I personally do not feel comfortable knowing that I contributed even a penny's worth to writing discrimination into the constitution," she said in the e-mail.

Owner Peter Lassen, who has held a business license for the store since 1986, did not respond to repeated calls seeking comment.

Store manager Scott Parbell said the campaign donations were private contributions and were not tied to store operations, even though the donations were listed under the store's name on the state finance forms.

"We have an extremely diverse staff that do not necessarily share the same views," Parbell said. "We're all about providing good customer service, natural foods and vitamins, and what the owner chooses to do with his money is his choice, and we don't have any say over it."

Family defends contributions

Lassen is a member of The Church of Jesus Christ of Latter-day Saints, which opposes same-sex marriage, and it was well within his rights as owner to put his money behind his beliefs, said his niece

VenturaCountyStar

Prop. 8 foes aim their ire at Lassen's stores

Owner backed ballot measure

By Kevin Clerici
Wednesday, November 19, 2008

As a vegetarian, Jessica Pollack frequently turned to Lassen's Natural Foods & Vitamins in Ventura for its organic and dairy-free products.

"It's been a saving grace," she said.

So the 26-year-old lesbian, who got married in August, said she was shocked and angry to learn the store's owner contributed $27,500 to the campaign for Proposition 8, a state constitutional ban on same-sex marriage approved by voters this month.

"I haven't been back since," said Pollack, who has urged her friends to shop elsewhere. "I couldn't understand why they would be supporting this. It's incredibly disappointing and hurtful."

Although Ventura County's largest gay and lesbian organization has not organized a protest against the store, some activists have independently targeted it. Handmade signs calling for people to boycott Lassen's were on display at a rally of some 600 people Saturday in downtown Ventura, and a small group protested Sunday outside the Lassen's store in Thousand Oaks.

Gay activists say the backlash against Lassen's and other businesses that financially supported Proposition 8 is likely to intensify, fueled by text messages, e-mails and calls for action on Web sites such as Facebook and MySpace.

"There is definitely a movement to educate people," said J.J. Wilner of Ventura, who criticized the owner of the Lassen's store in Ventura forpromoting a position that he said conflicts with the egalitarian beliefs of many customers.

"People have always seen Lassen's as progressive and forward-thinking," said Wilner, co-founder of Community Organized for Liberty, Opportunity and Respect, or COLOR, a gay-straight alliance. "I know a lot of customers — gay and straight — who felt blindsided."

State campaign finance records show the Ventura store contributed separate checks of $25,000 and $2,500 to Proposition 8. The Lassen's in Camarillo also contributed $3,000 to the proposition, and the store in Simi Valley $1,000. Election law allows business owners to contribute as much as they want to ballot initiatives.

Other businesses targeted

In July, gay rights advocates called for a boycott of two San Diego hotels because owner Doug

Exhibit BB

"If there is one festival that has supported queer cinema from the start, it's Sundance," says Marcus Hu, president of Strand Releasing, which has released many gay-themed films. "Sundance has been, first and foremost, people who have been discovering and fostering young gay talent."

In part, Hollywood's distress is a reflection of its guilty conscience about Proposition 8's passage. Many feel that they were asleep at the wheel, preoccupied with Barack Obama's candidacy and winning larger congressional majorities for the Democrats. "Many straight people really don't understand it's a civil rights issue," says Vachon. "We didn't do our job well enough. We need to do it better."

"What the passage of Prop. 8 did is stir the soul of the people in the gay community," says publicist-activist Howard Bragman. "It took what had been a top-down movement and made it a grass-roots movement."

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From the Los Angeles Times

Liberal Hollywood ponders next step in fight for same-sex marriage

After the passage of Proposition 8, some are calling for boycotts and firings. Others worry about free speech rights being trampled.

By Rachel Abramowitz and Tina Daunt

November 23, 2008

Should there be boycotts, blacklists, firings or de facto shunning of those who supported Proposition 8?

That's the issue consuming many in liberal Hollywood who fought to defeat the initiative banning same-sex marriage and are now reeling with recrimination and dismay. Meanwhile, activists continue to comb donor lists and employ the Internet to expose those who donated money to support the ban.

Already out is Scott Eckern, director of the nonprofit California Musical Theatre in Sacramento, who resigned after a flurry of complaints from prominent theater artists, including "Hairspray" composer Marc Shaiman, when word of his contribution to the Yes on 8 campaign surfaced.

Other targets include Film Independent, the nonprofit arts organization that puts on both the Los Angeles Film Festival and the Spirit Awards; the Cinemark theater chain; and the Sundance Film Festival.

In Film Independent's case, the board has defended the continued employment of Richard Raddon, the Mormon director of the L.A. Film Festival who donated $1,500 to support Proposition 8. Cinemark is under siege because Chief Executive Alan Stock gave $9,999 to support the same-sex marriage ban. And in a sign of a powerful ripple effect, Sundance, perhaps the American institution that has done the most to support gay filmmakers and gay cinema, is being targeted because it screens films in a Cinemark theater.

For many in Hollywood, the Proposition 8 backlash represents a troubling clash of free speech, religious beliefs and the right to fight intolerance. Many supporters of same-sex marriage view the state constitutional amendment as codified bigotry, a rollback of civil liberties for gays and lesbians.

Raddon has been a particularly polarizing figure because Film Independent's board includes many independent film stalwarts, including Don Cheadle, Forest Whitaker, Fox Searchlight President Peter Rice and Oscar-winning writer Bill Condon. One of the group's explicit missions is to promote diversity.

Last week, Raddon offered to resign. According to one board member, a conference call was hastily arranged, and after much discussion the board voted unanimously to keep him.

Yet the anger continues to stew.

"There is still roiling debate within the organization," says distributor Howard Cohen, an advisor to the film festival who is gay. "Is it OK to let this go? There are a lot of gay people who work at Film Independent. The issue has not been closed."

No one is certain how the current protest will affect Film Independent's Spirit Awards in the spring, a popular event recognizing work that "challenges the status quo." And there are already indications the Los Angeles Film Festival could be affected.

Gregg Araki, director of the critically acclaimed gay cult hit "Mysterious Skin" and an influential figure in "new queer cinema," has said he won't allow his films to be shown there, while others, such as "Milk" producers and gay activists Dan Jinks and Bruce Cohen, say they're going to "study in depth all the facets of our specific situation before making a decision."

Araki says Raddon should step down. "I don't think he should be forcibly removed. The bottom line is if he contributed money to a hateful campaign against black people, or against Jewish people, or any other minority group, there would be much less excusing of him. The terrible irony is that he runs a film festival that is intended to promote tolerance and equality."

Others are leery of punishing free speech, even if they consider it hateful. "I can't quite stomach the notion that you fire somebody because of what they believe. It doesn't feel right to me," says Christine Vachon, a pillar of gay cinema who produced such films as "Boys Don't Cry" and "Far From Heaven."

Raddon declined to comment, but Dawn Hudson, executive director of Film Independent, says, "Are we happy with his donation? No. But he has a right to his religious and personal beliefs.

"The very cornerstone of our organization is diversity, and diversity includes sexual orientation. Rich's actions have always been in accordance with those principles," she said.

Condon, the gay writer-director of "Dreamgirls" and a Film Independent board member, offered this retort to what he calls the "off-with-his-head" crowd: "If you're asking, 'Do we take discrimination against gays as seriously as bigotry against African Americans and Jews?' . . . the answer is, 'Of course we do.' But we also believe that some people, including Rich, saw Prop. 8 not as a civil rights issue but a religious one. That is their right. And it is not, in and of itself, proof of bigotry."

Fury is certainly percolating in the gay community, fomented largely through the Web. Younger advocates, not necessarily from Hollywood, have been using Facebook and YouTube to get the word out.

What began as a kind of cyber-venting is mushrooming into a new kind of viral protest movement, including the latest protest of Proposition 8 in Hollywood on Saturday, which was largely publicized via Facebook.

And there remains a distinct contingent of same-sex marriage supporters who are adamant about retribution. One is Chad Griffin, a political advisor to Hollywood executives who says, "A dollar to the yes campaign is a dollar in support of bigotry, homophobia and discrimination. There are going to be consequences. Any individual who has held homophobic views and who has gone public by writing a check, you can expect to be publicly judged. Many can expect to pay a price for a long time to come."

Still, film companies are typically wary of involving themselves in causes, particularly those that advocate boycotts, because they know how vulnerable their products are to similar initiatives by well-organized groups on the religious right. For eight years, the Southern Baptist Convention boycotted the Walt Disney Co. for extending employee benefits to same-sex partners and urged its members not to patronize the theme parks and Disney products. Films with religious subjects -- most notably "The Last Temptation of Christ" -- have also sparked protests.

Bruce Cohen, one of the producers of "Milk" -- which lands in theaters next week and traces the life and death of California's first openly gay elected official (San Francisco Supervisor Harvey Milk) -- and a leader of the No on 8 campaign in Hollywood, suggests that everyone should proceed with caution.

"You need to draw a very specific distinction between the cases where it's the actual owner of the company who put money into a cause. If it's an employee, it's a different discussion. That becomes a freedom of speech issue," he says. "People should personally always have the right to express their own opinions even if that means getting out their checkbook."

And in fact, Focus Features, which is distributing "Milk," still intends to play the film in Cinemark theaters despite calls for a boycott.

In particular, the notion of boycotting Sundance, which seems to have originated with the liberal Americablog, has picked up little traction thus far within the Hollywood community.

"I don't feel the Sundance Film Festival deserves our ire or our censor," says Howard Cohen. "It's an incredible force for good. I know where they are on the issues, and there's no evidence they supported Yes on 8."

Exhibit BA

said Andrew Pugno, an attorney for the Prop. 8 effort. "It seems pretty basic to me."

But for the opponents of Prop. 8, the election might be over but the battle continues.

"Anything worth fighting for oftentimes is a struggle," Steinberg said. "But the arc of history moves forward, it doesn't move backward. Prop. 8 is only a temporary setback."

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http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/11/23/BAAR14ACGC.DTL

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hundreds of thousands of people out into the streets across the nation.

Even though the election is over, the protests send an important message to Californians, said Mike Bennett of Sacramento, who was at the rally with his partner and their two children.

"We got complacent, and a lot of us wish we'd done more of this before people went out and voted," he said. "But it just seems completely obvious that our household doesn't affect anyone else's household."

It is important to show California how many people care deeply about the same-sex marriage issue, Kors said.

"To go invisible after having our rights were taken away would have been giving up," he added.

Protesters filled much of the lawn beyond the Capitol steps, carrying homemade signs with messages like "What's so scary about our love?" and "Give tolerance a chance." Vendors walked through the crowd, selling gay-rights buttons and rainbow flags.

The crowd was much smaller than the 15,000 to 30,000 organizers originally had advertised or even the scaled-back 10,000 they hoped for this week. But while the rally was talked up in the days after the election, the actual organizing was done on the fly.

"There was a lot of buzz about this, but no real information," said Keegan Killian of California Outreach, one of the organizers. "Our first planning meeting was little more than a week ago."

The event featured some big-name speakers, such as civil rights attorney Gloria Allred, comedian Margaret Cho and state Sen. Darrell Steinberg, D-Sacramento, who will take over as leader of the state Senate next month.

While the crowd was peaceful and relaxed, there were plenty of hot words from the speakers, many of them aimed at the people and organizations who backed Prop. 8.

Tyler, a longtime activist for lesbian rights, argued that same-sex marriage opponents have no right to complain about any physical and verbal attacks they've encountered since election day.

"Get over it," she said. "It's easier to wash a paint stain off a church than to take off the stain they left on the California Constitution."

Cho, whose comedy routines are anything but G-rated, provided a song she wrote slamming Mormons for their support of the measure, ending with a chorus suggesting that voters not let the Mormons get away with what they did.

As has been the case at almost all the postelection rallies, supporters of Prop. 8 were invisible Saturday, declining to respond to the attacks or stage counterprotests.

"Getting involved in protests would undermine our point that the election is over and we won,"

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Gay-rights activists protest Prop. 8 at Capitol

John Wildermuth, Chronicle Staff Writer
Sunday, November 23, 2008

More...

(11-23) 04:00 PST Sacramento - --

Opponents of Proposition 8 might have to go back to the ballot to reverse the ban on same-sex marriage, speakers told a crowd of about 5,000 at a loud and enthusiastic gay-rights rally in front of the state Capitol on Saturday.

Although the state Supreme Court has agreed to hear a challenge to Prop. 8 early next year, preparations already are being made to fight the battle for marriage rights all over again if the court doesn't overturn the constitutional amendment passed by voters in November, said Geoff Kors, executive director of Equality California.

"We can't just sit around until June and see what (the justices) do," he said. "We will take this back to the ballot if we have to and get our rights back."

More than 100,000 people already have pledged to carry petitions for a new ballot measure, which could come as early as the 2010 election, said Kors, whose group was one of the leaders of the "No on Prop. 8" effort.

"So we lost," said Robin Tyler, one of the plaintiffs in a case the state Supreme Court used in May to overturn Proposition 22, a statutory marriage ban approved in 2000. "It's only a battle and this is a war. And we'll win the war."

Any new campaign would be very different from the unsuccessful push to stop Prop. 8, the speakers agreed. There will have to be an improved effort to go out and make the case for marriage equality to the religious groups that provided much of the support for the measure.

"There's no road to success that doesn't go through religion-based homophobia," said the Rev. Lindi Ramsden of the Unitarian Universalist Legislative Ministry. "This is a community that's very good at talking to ourselves. Now we need to talk to others."

The results of the Nov. 4 election shocked many in the lesbian, gay, bisexual and transgender community, who never believed Californians would vote 52 percent to 48 percent to eliminate the right to same-sex marriage. Since the election, rallies and marches against Prop. 8 have brought

Exhibit AZ

allies to support the measure.

Though 47 percent of likely voters oppose gay marriage, only 40 percent say they favor the ballot proposition.

The gap between philosophical support and likely voters may be related to the initiative's language. Set by state Attorney General Jerry Brown, Prop. 8 is called the "Eliminates Right of Same-Sex Couples to Marry Initiative Constitutional Amendment."

"Now we have a ballot measure that seeks to eliminate a right that already exists," Baldassare noted.

Shifting demographics also might be behind changing attitudes.

"People who are more supportive, or at least less opposed, are increasing in the U.S," Bolzendahl said. "As older cohorts die out ... there's not going to be the same kind of strong opposition in the general population."

Still, the issue clearly resonates with small donors in Orange County and across the country. Nearly half of the donations – 45 percent – are from people who gave $500 or less.

Staff writer Ronald Campbell contributed to this report

Advertisement

marriage ban.

"If the traditional definition of marriage is not upheld, it has what I believe to be extremely negative consequences in our society, and for families and children," said Hobbins, a Mormon and founder of www.familyiq.com, a Web site that offers e-learning courses designed to strengthen families.

Laguna Beach resident Sandra Hartness, owner of Asset Services Inc., sees things differently. She donated $2,500 to defeat Prop. 8.

"I think this issue rises beyond a gay-straight issue," said Hartness, who is gay and serves on the board of the Human Rights Campaign, which has raised about $325,000 against Prop. 8. "I decided to donate primarily because I don't believe in discrimination of any sort. Equal rights are the basis of our country, and so why they wouldn't be extended to all citizens is an anathema to me."

Larry Shultz of Placentia gave $80 to support the ban. He doesn't see same-sex marriage as an issue of equal rights but one of religious morality.

"I don't donate to a lot of campaigns but I thought this issue was very important, so I did," said Shultz, 68. "I believe in the Bible and I think that the Bible clearly states that marriage should be between a man and a woman, and homosexuality is wrong."

Major Prop. 8 supporters in Orange County include Irvine-based Fieldstead &Co., the personal foundation of Home Savings heir Howard Fieldstead Ahmanson and his wife, Roberta Green Ahmanson, which gave $500,000.

Donald G. Laws and Steve Samuelian donated $100,000 each. Laws is a Laguna Beach resident and health care executive who has contributed to Republican presidential candidates. Samuelian works for Generations Healthcare, according to his political donation record, and has been a bishop of the Laguna Beach ward of the Church of Jesus Christ of Latter-day Saints.

Former state senator Robert Hurtt Jr. donated $25,000 in his name, and $25,000 was donated through his company, Container Supply Co.

PUBLIC OPINION

Though nationwide fundraising for and against the measure is fairly evenly matched, attitudes toward gay marriage appear to be shifting somewhat in California.

Eight years ago, 61 percent of California voters approved a same-sex marriage ban.

In 2004, 11 other states passed anti-gay marriage initiatives.

Then in May, the California Supreme Court ruled that denying same-sex couples the right to marry is unconstitutional. A recent Public Policy Institute of California survey found that 47 percent of likely California voters are against letting gay couples marry, while 47 percent are in favor.

"Clearly attitudes have shifted since that (2000) election," said Mark Baldassare, PPIC president and chief executive.

To pass Prop. 8, same-sex marriage opponents must persuade a narrow margin of undecided voters in California – 6 percent – to support their cause.

They'll also have to persuade their philosophical

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Sunday, September 7, 2008

Local donors give $1.6 million for ban on gay marriage

Local Proposition 8 supporters contribute 30 times more than opponents.

By ERIN CARLYLE

THE ORANGE COUNTY REGISTER

Orange County, where Republicans dominate politics and tens of thousands pour into evangelical megachurches each weekend, has become a funding powerhouse in the effort to ban gay marriage in California.

Orange County donors have contributed $1.6 million for Proposition 8, a November ballot initiative that would amend the state constitution to define marriage as between a man and a woman, eliminating the right of same-sex couples to marry.

Donations from here to support Prop. 8 constitute 24 percent of the $6.8 million raised statewide, according to campaign finance records filed with the California Secretary of State through Aug. 28. Orange County's portion accounts for 15 percent of the $10.9 million that had been raised nationwide in support of Prop. 8.

Orange County is home not only to numerous individual Prop. 8 supporters, but also to the state's most generous donor and a major Prop. 8 fundraising committee. The National Organization for Marriage-California, a political committee that has collected $2.8 million of the $10.9 million total to fuel the fight, is headquartered in Santa Ana. The biggest donation in California comes from a local billionaire's Irvine-based foundation.

Local donations against Prop. 8 total $50,000, making up 1 percent of the $4.7 million state total and an almost negligible portion of the $9.6 million raised nationally.

WHO'S GIVING?

The strongest opposition to gay marriage comes from people 55 or older, said Catherine Bolzendahl, a UC Irvine sociologist who studies public opinion on same-sex relationships. People 35 to 55 have a mix of opinions, while people 18 to 35 tend to support gay marriage, Bolzendahl said. Women are more supportive than men of gay marriage.

People in favor of Prop. 8 tend to be older, more politically conservative and religiously devout, according to political analysts.

"Republicans and conservatives tend to support it more," said Sherry Bebitch Jeffe, a political analyst at USC, about the initiative. "Hispanics are a potential group of supporters. Democrats tend not to. Moderates and liberals tend not to. Independents are more receptive to the idea of single-sex marriage."

Mark Hobbins of Trabuco Canyon supports the measure. He donated $25,000 toward the gay-

Advertisement

Exhibit AY

church members. "To affect large social change, you have to make difficult decisions," he said.

A spokesman for the church, which moved some of its services to other locations Sunday because of the protest, said Mormons have been unfairly singled out.

"We don't normally get involved in anything political," said Don Eaton, who directs public affairs for the church in most of the Bay Area. "However, on certain things that are considered moral issues, we do get involved."

Eaton said calls for boycotts amounted to discrimination and doubted such a strategy would be tolerated if it was aimed at another major religion. "We're an easy target," he said.

The Associated Press contributed to this report. E-mail the writers at jwildermuth@sfchronicle.com and dbulwa@sfchronicle.com.

http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/11/10/MN4E141B3P.DTL

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There were hundreds more homemade signs, broadcasting the feelings of those left shocked and disappointed by the election results. "Hatred is Not a Family Value," one said. "Love Will Prevail," another added. "I'm Embarrassed to be a Californian," a third read.

Opponents of the same-sex marriage ban have filed a challenge to the new constitutional amendment with the California Supreme Court, arguing that the rights guaranteed by the court in a May decision overturning a 2000 same-sex marriage ban can't be overturned by a simple ballot measure.

Republican Gov. Arnold Schwarzenegger, an opponent of Prop. 8, expressed support for the court challenge on CNN's "Late Edition" Sunday, calling the measure's passage "unfortunate."

"But it is not the end because I think this will go back into the courts," the governor said. "It's the same as in the 1948 (California) case when blacks and whites were not allowed to marry. This falls into the same category."

Supporters of Prop. 8 argue that the legal challenge is little more than a desperate attempt to overturn the will of California voters.

It's more than that, said Dennis Mangers, a former Orange County legislator who will take over next month as chief of staff to state Sen. Darrell Steinberg, D-Sacramento.

"It's very clear we're not going to take no for an answer," said Mangers, who married his longtime partner this year. "If necessary, we'll go back to the ballot ... and give the voters of California another chance."

In Oakland, the loud and peaceful protest outside the Mormon Temple included dozens of gay and lesbian couples whose marriages are in limbo. They said they wanted to openly display their anguish to people who pushed to ban same-sex marriage.

Inside the gates of the huge temple, church officials asked protesters to accept the will of the voters. But the anger over Prop. 8 only seems to be growing.

"I don't think people thought it was going to pass," said Carrie Blanche, 52, an Alameda schoolteacher who got married Oct. 29.

Blanche and others said they were focusing anger on the church because of its endorsement of Prop. 8 and the subsequent rush of campaign donations by members.

Some of those who gathered advocated for a boycott of travel to Utah, the home of the Mormon church, and of Mormon-owned businesses.

Mormons feel singled out

Tim DeBenedictis, a protest organizer from San Francisco, said the actions were warranted, even though he noted that some Mormons support same-sex marriage and not all Utah residents are

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Same-sex marriage backers hit Capitol, churches

John Wildermuth,Demian Bulwa, Chronicle Staff Writers
Monday, November 10, 2008

More...

The backlash against the state's new ban on gay and lesbian marriage intensified over the weekend, with thousands of people gathering around the Bay Area and California during mostly peaceful protests.

Supporters of same-sex marriage questioned whether they had done enough before Tuesday's vote on Proposition 8 and expressed hope that it would be tossed out by the state Supreme Court. They also promised to take the issue back to the ballot.

<<Related story: Catholics, Mormons allied to pass Prop. 8.>>

About 2,500 people gathered on the Capitol steps Sunday afternoon after a noisy, three-hour rally against the marriage ban. About 400 assembled outside Oakland's Mormon Temple, forcing Highway Patrol officers to temporarily close two Highway 13 ramps to protect the marchers.

"I didn't see it coming," said Joe West, who traveled from San Francisco for the Sacramento demonstration. "It was like a punch in the gut. We worked so hard to bring change in this election, and then this happens."

"If I'd known if was going to be so close, I would have made more phone calls," added Brendan Bishop of Sacramento.

The weekend of protests started Friday evening in San Francisco when about 1,000 people gathered, some clogging rush-hour traffic. The state's largest event was held in San Diego with about 10,000 protesters Saturday. On Sunday, hundreds gathered outside Saddleback Church in Lake Forest (Orange County), an evangelical megachurch that had pushed for the ban, which was approved by 52 percent of voters.

Covering state capitol steps

At the Sacramento protest, the crowd covered the Capitol steps and spilled into the surrounding park. Dozens of rainbow gay pride banners waved, along with hundreds of the blue and white "Vote No on Prop. 8" signs left over from the campaign.

Exhibit AX

families, who can be "eternally united" in the afterlife. A key church document - "The Family: A Proclamation to the World" - says that "marriage between man and a woman is essential to His eternal plan." They also believe that children are entitled to be raised by a father and a mother.

Those words speak for Michele Sundstrom, 47, of San Jose, who has been married for 18 years and has five children.

She and her husband gave $30,000 to the Yes on 8 campaign and put a sign on their home. But in response, two women parked an SUV in front of their home, with the words "Bigots live here" painted on the windshield.

Sundstrom believes such responses must come from deep places of pain - and that gays and lesbians are entitled to the same rights as heterosexuals, just not the word marriage. Any animosity toward gays or lesbians is wrong, she said.

"There must be such deep, deep, deep hurt; otherwise there couldn't be so much opposition," she said. "They've lived with this. I guess we're getting a taste of where they live."

E-mail Matthai Kuruvila at mkuruvila@sfchronicle.com.

http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/10/27/BAP113OIRD.DTL

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"We seem to be the symbol of the Yes on 8 campaign," said Rand King, 60, a Walnut Creek resident who is Mormon and who was watching Sunday's protest from inside the temple's gates.

Prop. 8 opponents are increasingly narrowing their focus on Mormons, harnessing technology and open-records laws in their efforts. One Web site run by a Prop. 8 opponent, Mormonsfor8.com, identifies the name and hometown of every Mormon donor. On the Daily Kos, the nation's most popular liberal blog, there is a campaign to use that information to look into the lives of Mormons who financially support Prop. 8.

It has led some Mormons to question why other religious groups in the coalition aren't being targeted.

"I don't think it's politically expedient to point the finger at the Catholic Church," said Dave Christensen, 52, a Mormon and an Alamo resident who donated $30,000 to the Yes on 8 campaign. "You don't get the mileage criticizing a church that has more clout."

Nadine Hansen, who runs Mormonsfor8.com, said the church decided to enter politics and can't excuse itself for the ramifications.

"Any group that gets involved in the political arena has to be treated like a political action committee," said Hansen, 61, a Mormon who lives in Cedar City, Utah, and has stopped going to church. "You can't get involved in politics and say, 'Treat me as a church.' "Hansen said she focused on Mormons because she is one. She said Mormons have contacted her to shut the site, saying it was being used by the Daily Kos campaign in a "witch hunt."

"I didn't think there were any witches on the list, so I wasn't worried," said Hansen, whose site is "neutral" on its views, though she is opposed because she views it as "divisive."

The person who initiated the Daily Kos campaign to look into the lives of Mormon donors is Dante Atkins, an elected delegate to the state Democratic convention who said he's the vice president of the Los Angeles County Young Democrats.

Atkins said his goal was to "embarrass the opposition by pointing out and publicizing any contributors they may have." He said focusing on Mormons made sense. "If one religious group is putting close to the majority of the money and the effort into passing this proposition, it is fair to single them out."

The Mormon church hasn't taken the same level of interest in Arizona or Florida, which also have constitutional amendments banning same-sex marriage.

But California is a bellwether, said LDS spokesman Mike Otterson. "If same-gender marriage is approved in California... other states will follow suit."

Several Bay Area Mormons said they would support the right of gay and lesbian unions to have all the rights of married couples. But the word marriage was sacred, pivotal to their concept of

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Mormons face flak for backing Prop. 8

Matthai Kuruvila, Chronicle Religion Writer
Monday, October 27, 2008

(10-26) 14:40 PDT OAKLAND -- Christine Alonso's body trembled and her lips quivered as she walked up and spoke to a few of the 50 protesters in front of the Mormon Temple in Oakland on Sunday.

"Don't think they're all against you," said Alonso, 27, explaining that she was Mormon and that despite her religious leaders' support of a ballot measure banning same-sex marriage, she was actively opposed.

As she walked away, she said, "I'm afraid that a gay or lesbian friend might hear that I'm Mormon and think that I want to tear their marriage apart."

Alonso's solitary act came as the Church of Jesus Christ of Latter-day Saints and its members are increasingly under fire for their support of Proposition 8, which would take away the right of gays and lesbians to marry. In addition to increased protests, online campaigns seek to identify and embarrass Mormons who support the ballot measure.

<< Database: Look up Prop. 8 contributors >>

The church largely stays out of politics. But in this case, the Salt Lake City-based church has sent letters, held video conferences and in church meetings asked for volunteers to support the campaign. In response, some church members have poured in their savings and undertaken what may be an unprecedented grassroots mobilization for the effort.

Prop. 8 is on pace to be the costliest race in the nation, except for the billion-dollar presidential election. The Yes on 8 campaign estimates that up to 40 percent of its donations come from Mormons. Some others estimate that Mormons account for over 70 percent of donations from individuals.

All of California's Catholic bishops have all come out in favor of the measure. So have many evangelical Christians and Orthodox Jews. Yet it is Mormons, who account for 2 percent of the state population, who are catching the most heat.

Exhibit AW

state because the business's owner gave more than $700,000 to the Yes on 8 cause.

On Nov. 14, Mormon Church leaders issued a statement criticizing the backlash.

"Since the people of California voted to reaffirm the sanctity of traditional marriage between a man and a woman on November 4, 2008, places of worship have been targeted by opponents of Proposition 8 with demonstrations and, in some cases, vandalism," the church's First Presidency wrote.

"Attacks on churches and intimidation of people of faith have no place in civil discourse over controversial issues. People of faith have a democratic right to express their views in the public square without fear of reprisal. Efforts to force citizens out of public discussion should be deplored by people of goodwill everywhere."

But gay activists say they are right to single out the Mormons for the success of California's ballot initiative.

"What is clear in any case is that we did not lose this election because of African Americans," Lorri Jean wrote.

"Even if African Americans had voted for and against Prop 8 in the same proportion as white voters, we still would have lost."

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"The campaign they funded was one of lies and deceit, clearly in violation of the religious tenet of "thou shalt not lie."

Ron Buckmire, president of the Barbara Jordan/Bayard Rustin Coalition, an organization that organizes African-Americans for gay rights in Southern California, said fewer African-Americans supported the gay-marriage ban than was originally reported -- 57 percent instead of 70.

"People were emotional after Obama being elected and recognizing the ideal that the African American and LGBT (lesbian, gay, bisexual and transgender) community were part of one large progressive alliance that were going to enact change ... was not necessarily true," Buckmire said.

"Once they realized that, and that some of the data is not exactly correct and they were actually being hateful to some African-Americans, I think they then focused on the Mormons, the religious people and some Republicans as well."

Rev. Roland Stringfellow, coordinator of the Bay Area Coalition of Welcoming Congregations, a network of gay-friendly religious, said that he has heard of African American individuals being harassed for the passage of Prop 8, but that many are using the Mormon Church as a scapegoat for their anger.

"Many gays and lesbians have been hurt by the church and they see the Mormons as a way of taking out that aggression, not only on the Prop 8 position, but on their life in general," he told FOXNews.com.

"I think simply it comes down to everyone needing a scapegoat. I think we're seeing that with the Republican Party, where people are pointing fingers at Sarah Palin as to why John McCain lost."

Back in June, soon after the California Supreme Court ruled that a ban on gay marriage was unconstitutional in the state, the Mormon Church sent a letter to members announcing its support of Prop 8, which was designed to overturn the ruling. The church's members subsequently donated millions of dollars to support the Yes on 8 campaign.

According to Californians Against Hate, which lobbied to defeat Prop 8, Mormons gave $25 million of the almost $40 million that groups supporting the initiative spent on advertising and get-out-the-vote efforts.

"They did the slickest commercials you've ever seen, and they mostly do it to convince younger people why its OK to be opposed to same sex marriage," Californians Against Hate founder Frank Karger told FOXNews.com.

Mormon voters themselves had little effect on the ballot initiative's outcome, simply because the Mormon population is small in California. There are only about 750,000 Mormons in the state, about 2 percent of its 38 million residents.

But over 59,000 Mormon families contributed to the Yes on 8 effort, Karger said. "Without the Mormon money it would have been a very different campaign."

Mormons also donated time — walking through California neighborhoods to get voters talking about Prop 8, he said.

In the weeks after Nov. 4, of Gay activist John Aravosis, editor of Americablog.com, called on Hollywood to shun the Sundance Film Festival, held just a few hours' drive from Salt Lake City.

"Anyone who attends Sundance is quite literally funding the enemy," he wrote. Aravosis also called for a boycott of tourism and skiing in the "Hate State of Utah."

California Musical Theatre Artistic Director Scott Eckern, a Mormon and graduate of Brigham Young University, resigned from his position with the Sacramento theater group on Nov. 12 after undergoing pressure from artists who scorned his decision to give $1,000 to the Yes on 8 campaign.

And last week, Californians Against Hate filed a complaint with the state Fair Political Practices Commission alleging that the Mormon Church did not report all of its non-monetary contributions to the campaign.

"I just want to make sure that when they involve themselves in California elections that they play by the rules," Karger said.

"They bused people into California the last three weekends going door to door and out with signs on the major intersects and major highways. It's a common California roadside activity, but they did it with hundreds and hundreds of people," Karger said.

On Friday, the commission said it would investigate the complaint.

Californians Against Hate also has called on gay-marriage supporters to boycott A-1 Storage facilities around the

Activists Target Mormons for Gay-Marriage Ban's Success in California

Monday , December 01, 2008

FOX **NEWS**

In the nearly four weeks since Election Day, gay activists and thousands of their supporters have rallied outside Mormon temples around the country, protesting the Church of Jesus Christ of Latter-Day Saints' support for California's Proposition 8, the ballot initiative to make same-sex marriage illegal in the Golden State.

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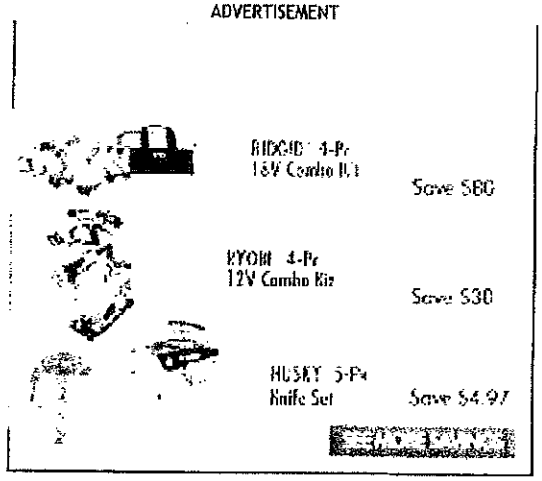

There have been calls to boycott the annual Sundance Film Festival in Park City, Utah; some activists have called for a boycott of the entire state of Utah. Protesters have defaced some church buildings, and in Arapaho County, Colo., the Sheriff's Office is investigating a possible hate crime — the torching of the Book of Mormon on a church's doorstep.

Even the state of California itself has announced that it is investigating the church's involvement in Proposition 8, which was approved by a vote of 52 percent to 48 percent and, barring a Supreme Court overturn, will ban gay marriage in the state.

There have been no other reports of backlash against other groups that supported Prop 8, notably African-Americans and other churches and religious denominations that turned out in heavy numbers to push through the ban.

Exit polls after the Nov. 4 vote showed that 70 percent of black voters and more than half of Latino voters voted yes on Prop 8. About two-thirds of self-identified Christians supported the ban, and married voters and parents also showed strong support. The Knights of Columbus, the Catholic Church and evangelical groups in the state also urged for a ban on gay marriage.

So why is the Mormon Church the only target?

It's because of the money, says Evan Wolfe, executive director of Freedom to Marry, a New York-based group that supports same-sex marriage.

"The Mormon Church hierarchy led the way on this attack on gay families and the California constitution," Wolfe said. "They provided more than half of the funding. They provided the ground troops and were a major political force in a way that no other group was.

"It's not like there's one centralized voice telling everyone whom to protest. People have their own reactions to what they see with their own eyes, and what they saw here was a $40 million deceptive campaign to take away rights, led by the Mormon Church hierarchy."

Lorri Jean, CEO of the L.A. Gay and Lesbian Center, wrote on the organization's Web site that she doesn't blame African-Americans or minority groups for the passage of Prop. 8.

"We have been critical of all of the out-of-state conservative religious groups that made significant contributions to the campaign, including the Knights of Columbus National Headquarters in Connecticut and Focus on the Family in Colorado. But the truth is that the LDS church leadership in Utah specifically directed its membership to get involved with the Yes campaign in an unprecedented way — both in terms of volunteer time and dollars," Jean wrote.

Exhibit AV

THE ORANGE COUNTY
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owner's daughter contributed $100 to the Yes on 8 campaign. Another is the California Musical Theatre, which was threatened with a boycott because its artistic director gave $1,000 to the campaign. The director then resigned.

"If it's the head of the company who's giving money, I'd say I wasn't going there," said Vassos, a retired school teacher from Irvine who, along with his wife, is a longtime political activist. "But if it's the daughter of the owner or an employee, I'm not so sure."

Inside the ballroom of the Doubletree Hotel, Yes on 8 leaders filled the room with more than 400 backers, who frequently interrupted speeches with cheers and gave the press conference the festivity of a rally or political convention. About 30 of the leaders shared the stage, with evangelical Christians and Muslims from throughout Southern California accounting for more than half.

They called gay marriage an assault on the family, and labeled Prop. 8 foes as hypocrites for calling the measure hateful and intolerant.

"They have shown their own intolerance and hatred," said Ron Prentice, chairman of the Protect Marriage Coalition.

Leaders said democracy had been exercised – and it was time to acknowledge that.

"I come here with a wholly righteous, God-given anger at what's happening in our state," Jim Garlow, a Sand Diego pastor, said of his opponents' activities. He also complained about unfair treatment by the media, and was enthusiastically cheered. "The bigotry must come to an end."

But the battle is likely to continue through a legal challenge and future ballot measures.

"Just because it was on the ballot doesn't mean it was constitutional," said Irvine's Mitch Goldstone, a gay man who married his longtime partner in June.

Goldstone was among protesters outside the hotel holding signs and periodically breaking into chants – including, "It's not over. It's not over." There was a mix of gays, lesbians and straights, like Vassos.

"We have two great gay friends," said Vassos, 76. "I said, 'I have to go over there for Kelly and Joe.'"

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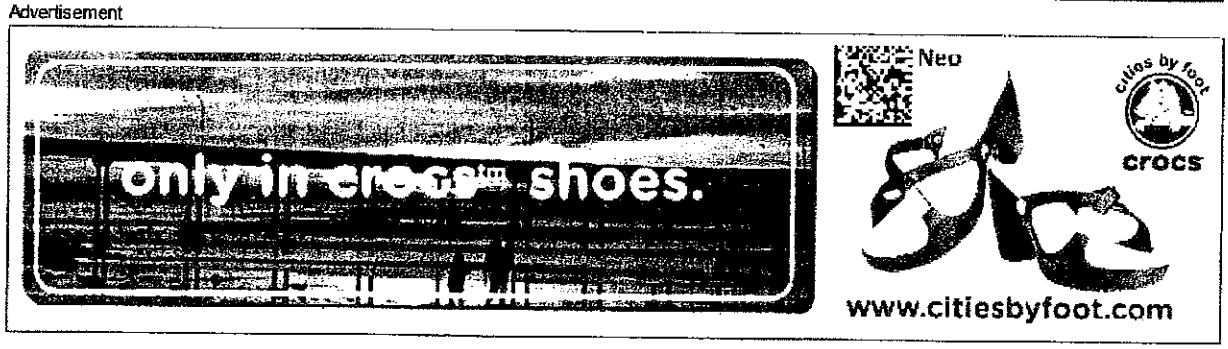

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THE ORANGE COUNTY REGISTER
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Friday, November 14, 2008

Prop. 8 leaders accuse foes of harassment, intimidation

Opponents of the gay marriage ban counter that boycotts are fair game; but some agree that other "nutcase" tactics have gone too far.

By MARTIN WISCKOL

The Orange County Register

SANTA ANA - Proposition 8 leaders gathered Friday to denounce their opponents' post-election tactics as harassment, intimidation and – in the case of white powder sent to two Mormon temples – "domestic terrorism."

Ten days after the Prop. 8 ban on gay marriage was approved by voters, protests and lawsuits by gay marriage proponents show no signs of abating. Indeed, several dozen protesters were on hand outside the Santa Ana hotel where the pro-Prop. 8 press conference was held, and at least two more Orange County protests are planned for the weekend.

Prop. 8 leaders were quick to acknowledge that demonstrations and lawsuits were the right of protesters – but other tactics that were out of bounds.

"What they don't have the right to do is harass and intimidate people," said Frank Schubert, director of the Prop. 8 campaign. "They don't have a right to blacklist and boycott our supporters."

Schubert listed three businesses that had been boycotted or threatened with boycotts by Prop. 8 foes. Newspaper accounts have specified at least three more. Cinemark Theatres, which has cinemas in Orange County, has also been mentioned as a possible target.

Leaders of the battle against Prop. 8 and protesters interviewed outside today's press conference condemned the use of violence, threats of physical harm, and the mailing of an unidentified white powder to two temples of the Mormons, who contributed significantly to the Prop. 8 campaign.

"That's some nutcase," protester Angelo Vassos said of the white powder. "That's just dumb."

Vassos and other Prop. 8 opponents say they generally support the boycott approach. But Vassos – who still doesn't eat Carls Jr. hamburgers because of the politics of the late Carl Karcher – said he isn't sure he endorses all of the current targets.

Among those is El Coyote restaurant in Los Angeles, which is being boycotted because the

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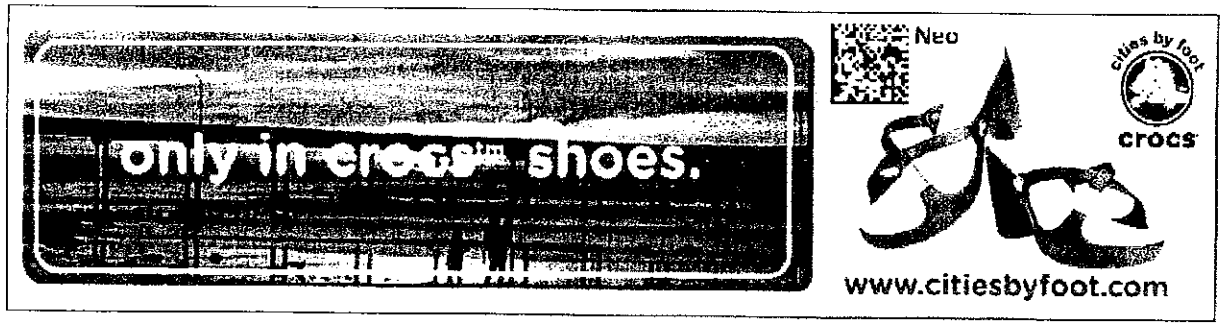

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Some Proposition 8 supporters say a minority of protesters have gone too far by targeting individuals. Opponents of the measure have called for a boycott of the California Musical Theatre after revelations that artistic director Scott Eckern, a Mormon, donated $1,000 to the Yes on 8 Campaign. Members of his church played a significant role in the campaign.

"It's disheartening that he is being singled out," said Lisa West, spokeswoman for the church in the Sacramento area. "We had hoped there would be more tolerance for different viewpoints."

Others who supported Proposition 8 said they have also been targeted. Scott Purves, of Purves & Associates, a Davis insurance company, said a protester carrying a sign reading "Purves Family Supports Homophobia" picketed his business Monday.

"If this had gone the other way, I can't imagine the backlash if people protested and called the other side names," said Purves. "People would be angry and rightfully so. ... It makes me sad that this would happen when a majority of people supported this measure."

Opponents of Proposition 8 issued a statement last week asking those disheartened by the passage of the initiative not to target those who voted the other way. "We achieve nothing if we isolate the people who did not stand with us in this fight," the statement said. "... We know people of all faiths, races and backgrounds stand with us in our fight to end discrimination, and will continue to do so."

Other ballot initiatives that have been approved by voters have faced legal challenges.

"When it comes to social initiatives, it can become very emotional," said Douglas Kmiec, professor of constitutional law at Pepperdine University.

He cited two initiatives that were approved by voters and later challenged in the courts. One was Proposition 209, the 1996 ballot measure that eliminated racial preferences at California agencies and public institutions; the other was Proposition 187, the 1994 measure that proposed barring undocumented children from schools and most health care.

"Although there were bumps along the way, Prop. 209 eventually passed, but 187 was ultimately invalidated," said Kmiec.

For now, Leatherby said, Proposition 8 should stand. "If they want to win me over," he said, "that's not how to do it."

Call the Bee's Jennifer Garza, (916) 321-1133.

THE SACRAMENTO BEE

This story is taken from Sacbee / Capitol and California

Prop. 8 victors upset by personal attacks

jgarza@sacbee.com

Published Wednesday, Nov. 12, 2008

Supporters of Proposition 8 won the election but now are frustrated because they are still fighting for their cause.

A week after a majority of voters passed the controversial measure to ban same-sex marriage, the conflict continues – in the courts, at protests and in personal attacks.

"I'm frustrated by what's going on," said Dave Leatherby, owner of the Leatherby Family Creamery in Sacramento, commenting on the protests and court battles.

"Let's move on. I always told my children that once a rule was made, you have to abide by it. I think it should be the same in this circumstance."

Leatherby and his family donated about $20,000 for the passage of Proposition 8. A devout Catholic and father of 10, Leatherby supported the measure for religious reasons. He said his business has been targeted by bloggers as a result, and that he is particularly confused because his business has participated in the annual gay pride Rainbow Festival.

"It saddens me that all this is happening," he said.

The battle over same-sex marriage will not end anytime soon. This week, 44 state legislators filed a friend-of-the-court brief on behalf of opponents of the gay-marriage ban. They maintain the initiative process was used improperly. The California Supreme Court could rule as early as this week on a lawsuit that seeks to invalidate Proposition 8, said court spokeswoman Lynn Holton.

Proposition 8 opponents said they will continue to fight for their civil rights.

"For them to say the voters have spoken and no one should question it is a bit disingenuous," said West Sacramento Mayor Christopher Cabaldon. He cited repeated attempts to pass other initiatives. "They believe in the justice of their causes, that's why they return over and over again with the same proposal on parental notification."

Cabaldon was referring to Proposition 4, which would have required parental notification before a minor could have an abortion. It was defeated for the third time last week.

Since the election, thousands have protested on the steps of the state Capitol and in some cities at temples of the Church of Jesus Christ of Latter-day Saints and other sites. The Sacramento temple has not been targeted.

"Protesting is a time-honored American tradition," said Ned Dolejsi, executive director of the California Catholic Conference. Catholic leaders were active in the Yes on 8 campaign. "But it's unfortunate when it steps over into religious bigotry or harassment."

Exhibit AT

were prevented from earning a living because of their politics.

Some say blacklist is the wrong analogy.

Larry Gross, professor and director of the school of communication at the University of Southern California, said publicizing donors is a legitimate tactic. He says it is similar to the Montgomery, Ala., bus boycott of the 1960s in which blacks were protesting segregated seating.

"This is a matter of private citizens saying they don't want to patronize businesses that have worked against their interests," Gross said.

But Ron Prentice, executive director of the California Family Council, says it is wrong to compare supporters of traditional marriage to racists.

"I think the general public is recognizing intolerance" of the blacklist, he said.

Find this article at:
http://www.usatoday.com/news/nation/2008-12-21-blacklist_N.htm

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Prop 8 foes turn to 'blacklist' tactics

By William M. Welch, USA TODAY

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LOS ANGELES — After losing on Election Day, some supporters of gay marriage are using economic boycotts and Internet lists to focus ire on the financial backers of Proposition 8.

Some on the receiving end say the tactic amounts to a blacklist, a term that conjures memories of Hollywood's refusal to hire screenwriters and others identified as communists in the late 1940s and 1950s.

"I just hate being pigeonholed as a hate monger or bigot," says Robert Hoehn, who contributed $25,000 to the campaign for Prop 8, which amended California's Constitution to exclude same-sex marriage. "I have friends in the gay community, and I don't think any of them would say that."

Hoehn has seen protesters outside his Carlsbad, Calif., car dealerships, his name and business have appeared on websites publicizing donors, and he has received "the most vitriolic kinds of e-mails, letters and phone calls."

His discomfort is exactly what some have in mind.

"I want to make it a little hot for these people," says Fred Karger, a retired Los Angeles political consultant who started the group and website called Californians Against Hate.

Small as well as large donors have felt heat:

• El Coyote, a Mexican restaurant in Los Angeles since 1931, has seen fewer diners and been picketed over a $100 contribution by a manager and member of the owning family. Marjorie Christoffersen told *The Los Angeles Times*, "I've almost had a nervous breakdown."

• San Diego developer Doug Manchester, who donated $125,000 to put Prop 8 on the ballot, has seen a boycott against hotels he owns, including the Manchester Grand Hyatt on San Diego Bay. Manchester did not return calls seeking comment. Sonja Eddings Brown, spokeswoman for the Protect Marriage coalition, which supports Prop 8, said Manchester's hotel "has lost several national conventions and conferences."

• A-1 Self Storage, with 30 locations across California, has also been targeted by Karger's group. Owner Terry Caster and family members donated $693,000.

Caster did not return calls but has a recording on his phone defending the contribution and Prop 8. "The homosexual community is trying to change something that has been practiced since the start of our great country," he says, referring to marriage. "I simply exercise my right to support that which I believe in."

Brown says she has received calls from small business owners in Hollywood and West Hollywood who have lost customers because of their donations. She said she has seen printed lists that name Hollywood studio employees who gave to the cause, an action that "replicates that feel" of blacklists of movie-industry figures who many in Hollywood to this day believe

Exhibit AS

protests faded. "Tons of people have called or come in to show their support, and that has been gratifying," she said at the El Coyote on a recent evening, when several tables remained empty.

Boycotters offer little sympathy, and some even suggest they won't go back unless she quits. "Marjorie," says Mr. Gerami, "has the key to make things better."

Write to Jim Carlton at jim.carlton@wsj.com

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contributions raised by the Yes on 8 campaign. "The main finger we are pointing is at the Mormon Church," says Vic Gerami, a leading gay activist in West Hollywood, Calif.

Some gay-rights advocates say they don't agree with the boycotts. "We need to get it together. I mean, gang, we lost," Dana Miller, a gay television producer from Los Angeles, wrote in a Nov. 24 column in the gay magazine, In Los Angeles.

Leaders of the gay-marriage movement say they don't endorse hurting people's livelihoods, but understand why some people would. "I am not going to support a business that will not support my rights," says San Francisco Mayor Gavin Newsom, who gained national attention for allowing same-sex marriages in his city in 2004.

Some legal experts say the boycotts raise issues about the civil liberties of people who are targeted. In most cases, individuals can boycott anyone they want for almost any reason so long as they aren't representing a government institution, says Vikram Amar, associate dean of the University of California at Davis School of Law. But if the boycotts include defamatory comments that are untrue, Mr. Amar said, the target of the boycott could have grounds for a lawsuit.

"If I am just outing you because you are a Proposition 8 supporter, there is nothing the law can do," said Mr. Amar.

In compiling blacklists, activists say they have tried to make sure a business really belongs on one. They decided not to target a law firm in Los Angeles after learning that only one of the partners had donated to Yes on 8 and that the firm employed many gay attorneys, says David Stern, publisher of Frontiers Magazine, a gay publication in Los Angeles.

But the fact that many of the El Coyote's 89 employees are gay didn't spare that establishment. The cafe also has long served as a gay hangout, which is why boycott organizers say they chose to target it after they discovered Ms. Christoffersen's donation."It just hit too close to home," Mr. Gerami says.

The restaurant invited activists to a free brunch on Nov. 12 and Ms. Christoffersen read them an apology. "I am sick at heart that I have offended anyone in the gay community," the 67-year-old manager told a few dozen activists in the colorfully decorated cafe. The meeting turned ugly when she refused to renounce her support of the gay-marriage ban. "I can't change a lifetime of faith in which I believe in very deeply," she said.

Boisterous street protests erupted that night, prompting a sharp slowdown of El Coyote's business. While the protests have died down, the restaurant has been assailed since in online reviews.

"It's a lynch mob," says Carl Bell, 77 years old, a retired Hollywood animator who dined there on a recent afternoon. "I'm ashamed of the gay community."

At first, Ms. Christoffersen stayed away, but then returned to the cafe when the

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THE WALL STREET JOURNAL.

DECEMBER 27, 2008

Gay Activists Boycott Backers of Prop 8

By JIM CARLTON

LOS ANGELES -- Soon after California's passage of a initiative banning same-sex marriage last month, dozens of gay activists descended on the El Coyote restaurant with signs and placards. They chanted "Shame on you," cussed at patrons and began a boycott of the cafe.

The restaurants's crime: A daughter of the owner donated $100 to support Proposition 8, the antigay-marriage initiative approved by voters. Gay activists have refused to lift the boycott -- which restaurant managers say has slashed revenues by 30% -- even after some El Coyote employees raised $500 to help repeal the new ban.

The boycotters have demanded that the owner's daughter, El Coyote manager Marjorie Christoffersen, pony up $100 to help repeal Prop 8. She tearfully declined, citing her Mormon faith, during a raucous meeting with activists. "You are not my friend if you take my civil rights," one activist shouted before she fled the room.

In the first days after California voters reinstated the ban on Nov. 4, activists vented much of their anger in protests at Mormon and other churches that had advocated Prop 8. But they soon shifted to a new tack: compiling Internet blacklists of businesses like El Coyote, where top officials or one or more employees were found from public disclosures to have donated to the "Yes on 8" campaign.

The idea is to use gay-spending power to punish businesses the activists say discriminate against gays' right to get married. Among the dozens of businesses now being targeted for boycotts are hotels, fast-food chains and dental offices.

So far, the boycott campaign has claimed at least two high-profile casualties: Scott Eckern, artistic director of the California Musical Theatre in Sacramento, and Richard Raddon, president of the Los Angeles Film Festival. Both men resigned after their private donations to Yes on 8 were revealed and activists threatened boycotts unless they quit.

Mr. Eckern and Mr. Raddon were members of the Church of Jesus Christ of Latter-day Saints, whose members accounted for much of the $40 million in

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Prop. 8 Opponents Protest Ice Cream Parlor

Related To Story

Family-Run Creamery Gave Thousands To 'Yes on 8' Campaign

POSTED: 4:14 pm PST November 16, 2008
UPDATED: 11:18 am PST November 17, 2008

SACRAMENTO, Calif. -- Opponents of Proposition 8, an amendment to ban same-sex marriage in California, gave out free ice cream Sunday in protest of a Sacramento family-run ice cream parlor.

About a dozen protesters rallied outside Leatherby's Family Creamery with signs and free rainbow sherbet.

Owner Alan Leatherby, his business and his relatives gave a total of $20,000 supporting the "Yes on 8" campaign, which worked to get the measure passed.

"I think that providing people with information is never a bad thing to do -- make an informed choice about where they are spending their money," said Rachel Gregg, who's opposed to Proposition 8.

A crowd also lined up out the door of Leatherby's to show their support for the ice cream parlor.

"We've had people drive in from Auburn," Leatherby said. "It's nice to have friends, it really is."

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Exhibit AQ

Gay marriage activists had been targeting some Yes on 8 donors well before the Nov. 4 election. In July, Karger started the website [illegible], which lists a "dishonor roll" detailing more than 800 donations of $5,000 or more to the Yes on 8 campaign. He said the site was getting 300 to 350 hits a day before the election. Now, it's receiving an average of 7,500 hits daily.

One business affected by the campaign is Lassen's, a family-owned chain of nine health food stores throughout California, from Bakersfield to Thousand Oaks. Lassen's owners gave $27,500 to the Yes on 8 campaign.

Scott Parvel, general manager of the Ventura store, said the contribution was a "private donation" by family members who are Mormon.

But No on 8 supporters listed their stores along with many others on websites, urging a boycott.

Since the election, the stores have received angry calls about Proposition 8 as well as comments from customers. "They have a right to their views, but they should take it up with the person who did it, not the people who work here. . . . We're providing a business, that's all we do," said Parvel, who has worked for the company since 2001.

Robert Hoehn was another person who made Karger's "dishonor roll." Hoehn, vice president of the Carlsbad-based Hoehn Motors, gave $25,000 of his own money to the Yes on 8 campaign in February. And he called what followed "a really, really ugly experience."

Hoehn said that most of the campaign against him came before the vote, when he received "dozens and dozens and dozens" of phone calls and his Honda dealership was picketed. Since the proposition passed, he said, he has received a few "vitriolic messages and phone calls."

Next time, he said, he will be "smarter" about how he gives such a donation, possibly in a way that doesn't require listing his business. "I wouldn't not do it because of fear," he said. "I am not ashamed of it, but it has been a very educational experience."

Despite the criticism, activists say they plan to continue applying pressure. "It doesn't matter if it's the CEO or if it's the hostess that greets you at El Coyote. It really makes no difference," said Gerry Moylan, 47, a Los Angeles Realtor who planned a night of picketing in front of the restaurant Thursday.

"If I'm going to eat dinner at El Coyote and part of my money is going to pay the hostess' pay and she turns around and uses her pay to promote a proposition that takes away my rights, then I'm going to stop paying my money to her."

Abdollah and DiMassa are Times staff writers.

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http://www.latimes.com/news/printedition/front/la-me-boycott14-2008nov14,0,4880904.story
From the Los Angeles Times

Proposition 8 protesters target businesses

Activists who oppose the ban on gay marriage are boycotting businesses whose employees or owners contributed money to the Yes on 8 campaign.
By Tami Abdollah and Cara Mia DiMassa

November 14, 2008

More than a week after the passage of Proposition 8, activists opposed to the ban on gay marriage have shifted their protests to new arenas -- using boycotts to target businesses and individuals who contributed to the winning side.

The effect of the boycotts remains unclear. Merchants said that the overall poor economy made it difficult to tell whether their businesses were declining specifically because of the threats. But the protests have been highly visible and have drawn strong objections from backers of the initiative.

"No matter your opinion of Proposition 8, we should all agree that it is wrong to intimidate and harass churches, businesses and individuals for participating in the democratic process," Ron Prentice, of ProtectMarriage.com, said in a statement. Boycotters were "unabashedly trampling on the rights of others," he said.

Activists behind the boycott effort argue they are simply exercising their political rights.

"People are determining who their friends are, and who are not their friends," said Fred Karger, a Los Angeles resident and retired political consultant. "I think people need to be held accountable for their financial support."

The activists have pored though campaign contribution databases and then "outed" Proposition 8 donors on sites like Facebook.com and craigslist.com. "People are going to do what they want, and it's in this society where you have campaign reporting that is all public information," said Karger.

Some gay rights activists also have gone onto the restaurant website *yelp.com*, giving bad reviews to eateries linked to the Yes on 8 movement.

"This one star is for their stance on Prop. 8," one poster wrote of El Coyote Mexican Cafe. "Enjoy it. . . . You deserve it."

Hundreds of protesters converged on El Coyote on Beverly Boulevard on Wednesday night, and the picketing got so heated that LAPD officers in riot gear had to be called.

All because Marjorie Christoffersen, a manager there and a daughter of El Coyote's owner, had contributed $100 to the Yes on 8 campaign.

Christoffersen, who is Mormon, met with protesters Wednesday and at one point broke down in tears, said Arnoldo Archila, another El Coyote manager. But the activists were not satisfied with her explanation and continued to post protests about her on the Web.

"She had a chance to make nice and blew it. I was almost feeling a tiny bit of sympathy for her. Not no more!!" wrote one blog poster, who also listed competing Mexican restaurants where diners should go instead of El Coyote.

By Thursday, Christoffersen had left town, said Archila, who said El Coyote employees -- some of whom are gay -- were left staggered by the protests, including more than 50 calls a day criticizing the restaurant.

"We are all a family," Archila said. "If this is going to affect the business, its going to affect them. There are people who have to feed children and pay mortgages."

Some activists are now turning their attention to Texas-based Cinemark, one of America's largest theater chains, whose chief executive contributed nearly $10,000 to Yes on 8.

A prolonged protest could cause trouble for the Sundance Film Festival, which uses Cinemark screens to show movies during the January event in Park City, Utah. The state of Utah is a focus of some boycotts because the Church of Jesus Christ of Latter-day Saints, which has its headquarters there, marshaled millions of dollars in contributions from its members for the Yes on 8 campaign.

Brooks Addicott, a spokeswoman for the Sundance Institute, said the festival received about 100 e-mails over the last few week, many of which had the same text, but it appeared that the efforts had peaked.

"Our position is that we have a festival that is essentially three months away," Addicott said. "We are committed to having our 25th festival; it's a celebration for us. We would be incredibly disappointed if people decided not to come because of a boycott."

Officials at Cinemark did not return calls for comment.

Exhibit AP

dailybulletin.com

As he hears about continued protests and talk of lawsuits, Chino Hills resident Kenn Rasmussen said this is the best thing that could happen to the "Yes people."

"Our case is made. They have proven they are an angry, revengeful group," he said.

Rasmussen and other supporters know there is a possibility the vote could be overturned, but he said he would rather see it done in a civil way.

"If they want to do it, let's have another election," he said.

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Daily Bulletin

Proposition 8 passage inspires protests; proponents claim intimidation

Lori Consalvo, Staff Writer

The 2008 election has come and gone, but the strong feelings about Proposition 8 have not subsided.

Those who opposed the ballot measure have been holding protests and rallies throughout the state - and even the nation - since its passage.

But supporters of the measure, which eliminated the right of same-sex couples to marry in California and provided that only marriage between a man and a woman is valid, say enough is enough.

"I think they're poor losers," said Jan Gurley of Upland about those who are protesting the measure's passage.

Proposition 8 passed 52 percent to 48 percent.

"The numbers were overwhelming," Gurley said. "It is still not being laid to rest."

In the days since the election, opponents of Proposition 8 have gathered in front of churches and walked down streets in California advocating for equal rights.

But the protests have gone too far, said Meg Waters, spokeswoman for the Yes on 8 Campaign.

The artistic director of a musical-theater company in Sacramento resigned amid protests that began when it was revealed that he financially supported the measure, picketers have harassed restaurant owners who supported Proposition 8 in Los Angeles, and others have been beaten up for their support in Carlsbad, she said.

"Harassing phone calls, intimidation, it just goes on and on and on," she said.

Waters was part of a news conference on Friday in Orange County that addressed the recent protests.

"We understand they have a right to protest and a right to file lawsuits," she said. "But they don't have a right to harass and intimidate and use violence against people they disagree with."

Supporters will "vigorously defend" any lawsuits filed "in a peaceful and respectful way," Waters said.

"There was a call by many pastors for continued respect with the other side," she said. "We can disagree with the other side, but we should still respect them. And we ask that we receive respect from their side as well."

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CBS NEWS

Prop. 8 Anger Spurs Donor Blacklists

SAN FRANCISCO, Nov. 13, 2008

(CBS) For supporters of same-sex marriage, the Election Day loss in California seems to be energizing their campaign rather than ending it.

Demonstrations against Proposition 8, the ban on same-sex marriage, have been growing, **CBS News correspondent John Blackstone** reports.

Now the anger is moving to the Internet, where supporters of same-sex marriage are posting blacklists - the names and businesses of those who gave money to help Proposition 8 pass.

Chris Lee, an engineer who is an immigrant from China, was shocked to see his name on the Web site AntiGayBlacklist.com after he gave $1,000 to the campaign to end same-sex marriage.

"I was completely disgusted," Li said. "This sort of blacklist should only appear in communist countries, should not be found in the United States."

In Los Angeles, demonstrators called for a boycott of a restaurant whose manager made a personal donation of $100 to the "Yes on 8" campaign.

"She didn't think it would be public record," said Jeff Yarbrough.

Anger over the blacklists brought out demonstrators in Sacramento, where Scott Eckern resigned as musical director of a local theater when he was identified as a donor.

While it isn't clear who is behind the blacklisting Web sites, political donations are public record and publishing them is legal. But this campaign is making even many supporters of same-sex marriage uncomfortable.

"I understand the anger, but I think we need to channel it," said Molly McKay of Marriage Equality USA. "into conversations, into moving forward because, you know again, hate vs. hate produces more hate."

Those campaigning to end same-sex marriage drew up their own blacklist, sending letters to large donors to the campaign to save same-sex marriage, demanding equal money or threatening to publish their names.

The Internet has made open political financing even more open - and perhaps more intimidating.

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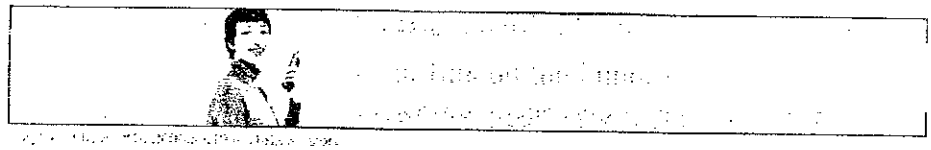

From the Los Angeles Times
Editorial

Prop. 8 -- boycott, or blacklist?

Shunning businesses is one thing; intimidation crosses the line.

December 10, 2008

Gays and lesbians -- at least some of them -- plan to and shopping today as an expression of their dismay over Proposition 8, the Nov. 4 measure that banned same-sex marriage, and as a showing of both their economic clout and their place within the larger community. If organizers carry it off, this is exactly the kind of tactic that can make a difference, though its impact might have been bigger before election day.

For all the complaints (mainly coming from the Yes-on-8 campaign), boycotts against corporations or organizations are a time-honored method of expressing opinions and pushing for social or political change. But in the superheated Proposition 8 debate, this venerable tactic has occasionally been used in ugly ways.

It started when the directors of the Yes-on-8 campaign to various companies that had donated to the opposition camp. The missives warned donors to pay an equal amount to the "Yes" side or risk being publicly outed as opponents of "traditional marriage" (the implication being that they would then face a boycott). The tactic looked and quacked a lot like extortion. It's one thing to boycott, or threaten it; a demand for hush money goes over the line.

Since then, postelection boycott efforts by the other side -- defenders of same-sex marriage -- have expanded into a vengeful campaign against individuals who donated to the gay-marriage ban, usually in the form of pressure on their employers. At least two people have resigned from their jobs and a third is considering it, including the artistic director of a stage company in Sacramento and a manager at an L.A.

As much as we abhorred Proposition 8, there's nothing to cheer about when private individuals are afraid to donate to the political campaigns of their choice because it may cost them their livelihood. In the case of who resigned from the California Musical Theatre in Sacramento, the future of the nonprofit company was at stake after some artists refused to work with him. But what if that situation were reversed and Eckern were targeted because he opposed Proposition 8? Or because he was gay? Professionals have to look past their personal and political differences or everyone with an opinion will be on an official list of undesirables.

The line between boycott and blacklist can be imprecise. Owners and officers of companies aren't just private individuals; they must accept that their political actions will reflect on the organizations they head and act accordingly. But a heated debate about a basic right -- in this case, the right to marry whom one chooses -- must also consider the rights of citizens to vote and donate without intimidation.

If you want other stories on this topic, search the Archives at

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presstelegram.com

Outing Prop. 8 donors

Web site decries `hatred,' but obscures the definition.

Posted: 12/01/2008 08:09:03 PM PST

The embers of last month's passage of Proposition 8 continue to burn. The latest brush fire is a Web site called "You Can't Hide Your Hate." The site, co-authored by Raphael Mazor of Long Beach, is dedicated to outing people who donated money to the "Yes on Proposition 8" campaign, the measure that amends the state Constitution to define marriage as a union between a man and a woman. The site lists hundreds of local donors, along with their cities, occupations and the amount of their donations.

A disclaimer on the site states, "We do NOT advocate blacklisting or boycotts, only informed decision-making and awareness." But Mazor is quoted in the P-T's Page 1 story Sunday as saying, "People in Long Beach who gave money (in support of) Proposition 8 harmed their community. We all need to know who our neighbors are .... They voted to undermine families by taking away someone's right to get married. It was a personal attack, so you cannot call this just another political disagreement."

On the other hand, Mazor told P-T reporters that he would never seek care from a doctor who contributed to Prop. 8.

How would an impartial person characterize that attitude?

Less than a month ago, California voters decided for the second time this century that the definition of marriage is a union between a man and a woman. The vote in favor of Proposition 8 was decisive. Gay activists, however, took to the streets in boycotts against several businesses whose owners donated to the "Yes on 8" campaign. Their ire also was directed against the Mormon Church, which expressed vocal and financial support for the measure. Which is their moral and constitutional right.

What Mazor and his colleagues don't understand is that people can disagree, and voice their opinions in democratic elections, but that doesn't mean they hate their opponents, wish them ill or are guilty of mob rule.

Mazor's Web site doesn't break any laws. But by its very name - You Can't Hide Your Hate - it tars people who did what their consciences dictated with a broad and clumsy brush.

A decision on the constitutionality of Proposition 8 is headed for the state Supreme Court - again. Until the court rules, we ask, once again, for a huge dose of civility.

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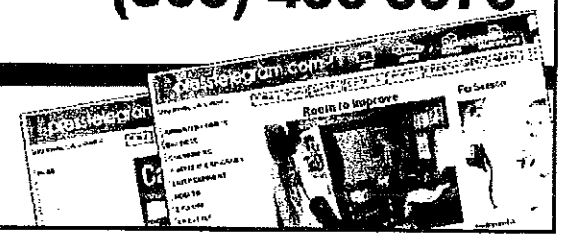

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Exhibit AL

Against Hate. "I wanted to make the public aware of who these people are and how much they're giving, and then they could make a decision as to whether or not they want to patronize their businesses."

The negative publicity is having an effect on both companies and individuals. Scott Eckern, artistic director of the California Musical Theatre in Sacramento, whose $1,000 donation was listed on ElectionTrack, chose to resign from his post this week to protect the theater from public criticism. Karger says a "soft boycott" his group had started against Bolthouse Farms — which gave $100,000 to Prop. 8 — was dropped after he reached a settlement with the company. Bolthouse Farms was to give an equal amount of money to gay rights political causes. The amount ultimately equaled $110,000.

Meanwhile, lists of donors to Prop. 8, once trumpeted on the Yes on 8 website, have been taken down to protect individuals from harassment. "It's really awful," says Frank Schubert, campaign manager for Yes on 8. "No matter what you think of Proposition 8, we ought to respect people's right to participate in the political process. It strikes me as quite ironic that a group of people who demand tolerance and who claim to be for civil rights are so willing to be intolerant and trample on other people's civil rights."

See TIME's Pictures of the Week.

See the Cartoons of the Week.

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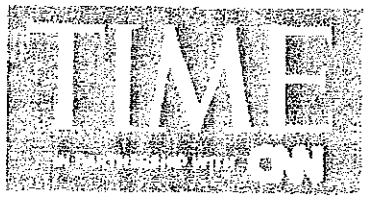

Saturday, Nov. 15, 2008

What Happens If You're on Gay Rights' 'Enemies List'

By Alison Stateman / Los Angeles

Ever since a slim majority outlawed gay marriage in California, opponents have waged national protests and petitions, urging the judicial system to reconsider the results of the Nov. 4 referendum. (Proposition 8 overturned an earlier decision by the California Supreme Court that legalized same-sex marriage.) While the court weighs whether or not to get back into the fray, the civil unrest ignited by the ban shows no sign of abating. A national protest against Prop. 8 organized by JoinTheImpact.com is scheduled for today. The Church of Jesus Christ of Latter-day Saints, which opponents say donated more than $20 million to the Yes on 8 campaign, has already become a focus of protests, with demonstrators gathered around Mormon temples not only in California but across the country.

The Mormon Church is not the only group being singled out for criticism. African Americans, 70% of whom voted yes on Prop. 8, according to a CNN exit poll, have become a target. According to eyewitness reports published on the Internet, racial epithets have been used against African Americans at protests in California — with some even directed at blacks who are fighting to repeal Prop. 8. Said Evan Wolfson, executive director of nonprofit group Freedom to Marry: "In any fight, there will be people who say things they shouldn't say, but that shouldn't divert attention from what the vast majority are saying against this, that it's a terrible injustice." (See the Top 10 ballot measures.)

In addition to the protests, gay rights activists have begun publishing lists online exposing individuals and organizations that have donated money in support of Prop. 8. On AntiGayBlacklist.com, individuals who gave money toward Prop. 8 are publicized, and readers are urged not to patronize their businesses or services. The list of donors was culled from data on ElectionTrack.com, which follows all contributions of $1,000 and more and all contributions of more than $100 given before Oct. 17. Dentists, accountants, veterinarians and the like who gave a few thousand dollars to the cause are listed alongside major donors like the Container Supply Company Inc. of Garden Grove, which gave $250,000. "Anyone who steps into a political fight aimed at taking away fundamental rights from fellow citizens opens themselves up to criticism," said Wolfson. "The First Amendment gives them the right of freedom of speech and to support political views, but people also have the right to criticize them."

Even before the passage of Prop. 8, the group Californians Against Hate compiled and published a "dishonor roll" of individuals (and their company affiliations) who gave $5,000 or more in support of the measure. Phone numbers and websites were added, along with commentary about some of the larger donors, all public information obtained through the California secretary of state's office. "My goal was to make it socially unacceptable to give huge amounts of money to take away the rights of one particular group, a minority group," says Fred Karger, a retired political consultant and founder of Californians

Exhibit AK

American River College is a state-funded two-year community college and is part of the Los Rios Community College District.

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Student Leaders Face Recall Over Prop. 8

Council Endorsed Measure On Sept. 30

POSTED: 5:56 am PDT October 21, 2008
UPDATED: 8:31 am PDT October 21, 2008

SACRAMENTO, Calif. -- Several student government leaders at American River College are facing a recall vote today and Wednesday after they supported Proposition 8, a statewide ballot measure that would ban same-sex marriage.

The American River College Student Council voted 8-3 on Sept. 30 to endorse Prop. 8. Three members of the council abstained.

Supporters of gay marriage responded by launching the recall effort.

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Jorge Riley

RECALL EFFORT

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Prop. 8, which is on the Nov. 4 ballot, defines marriage as being between a man and woman.

Jorge Riley, one of the student leaders facing recall, on Tuesday defended his earlier endorsement of Prop. 8.

"We definitely want to stand up against things that take away from family values in our community," Riley said.

Student Cassendra Smith said she supports Prop. 8, but added that she feels the leaders should not have taken their stand without discussing the issue more to fellow students.

"They didn't have the right to go out and just be the big voice like that," Smith said. "They should have kind of talked a bit more to the school."

"This is a decision made by students, and it's a stance that they wanted to take," added Phil Sander, campus life coordinator. "Would I have done it? No. But, you know, as a student government, I believe that they believe that that was something they needed to do, right or wrong."

Voter turnout among students at the campus is usually very low. Only about 1 percent of students took part in the election to elect the leaders in the first place.

Exhibit AJ

The idea of a blacklist and boycott have grown from Shaiman's postings and e-mails. The composer, who is openly gay, said he read about Eckern's contribution to the campaign on the Web site www.datalounge.com, and he felt he had to do something.

"I was so shocked. I'm dealing myself with being legally discriminated against, and then come to find out, I helped put money in his pocket that helped get this proposition passed," Shaiman said in a telephone interview.

Shaiman sent an e-mail which has reverberated through the national theater community and backed the CMT's leaders into the unusual position of doing damage control. He wrote he wouldn't allow his work to be done at California Musical Theatre, and theater workers around the country have followed his lead.

"No one should be surprised in 2008 at how fast information can be spread, and that's of course a doubled-edged sword," Shaiman said.

Susan Egan, star of "Thoroughly Modern Millie" and "Cabaret," followed with a similar e-mail.

Theater professionals flooded CMT's offices over the weekend with phone calls and e-mails decrying Eckern's actions.

In a statement released Monday, CMT executive producer Richard Lewis said: "Any political action or the opinion of Scott Eckern is not shared by California Musical Theatre. We have a long history of appreciation for the LGBT community and are truly grateful for their longstanding support."

New York talent agent Chris Nichols, who negotiated three of the four contracts for the actors employed in CMT's "Forever Plaid" at the Cosmopolitan Cabaret in Sacramento, said New York is watching the situation closely.

"I woke up to Susan Egan's e-mail Monday morning and have received that e-mail 11 times in less than 48 hours," Nichols said. "I would say the industry is buzzing. I took no less than half a dozen phone calls from clients today who are working in various theaters across the country asking if it was true."

Frank Schubert, the local campaign manager for Yes on Prop. 8, wrote a letter of support for Eckern on Tuesday, faxing it to all of CMT's board members.

"Mr. Eckern unfortunately is the victim of what appears to be a systematic attempt to harass and intimidate anybody who had the courage to stand up and support traditional marriage," Schubert said by phone. "There's nothing about supporting traditional marriage which is anti-gay."

Shaiman hopes the episode leads to better understanding of gay people.

"I love God. And this is how God made me," he said. "How people can say this is a choice? Unless you are – you don't know."

Call The Bee's Marcus Crowder, (916) 321-1120.

THE SACRAMENTO BEE

This story is taken from Sacbee / Our Region

Theater felt growing pressure before artistic director quit

mcrowder@sacbee.com

Published Wednesday, Nov. 12, 2008

The California Musical Theatre found itaself caught in a dramatic conflict between free speech and civil rights, a situation that ultimately led to today's resignation of artistic director Scott Eckern.

Eckern quit this morning. He became the target of strong criticism after it was learned he donated $1,000 to the Proposition 8 campaign to ban gay marriage.

In an industry long considered gay-friendly and tied to causes such as AIDS research, Eckern's donation outraged theater workers across the country.

In Sacramento, a number of the musical theater's supporters contacted The Bee to rally behind the embattled Eckern, stating that he was now a victim of intolerance and persecution himself.

Playbill and other media have said he issued an apology and plans to donate $1,000 to a nonprofit committed to achieving equal rights for gay, lesbian, bisexual and transgender people.

When Tony Award-winner Marc Shaiman, the composer of "Hairspray," read of Eckern's donation last week, he urged artists and theater workers across the country to boycott the theater.

On Tuesday, Kellie Randle and a group of like-minded friends launched www.supportscotteckern.blogspot.com to advocate for Eckern.

"It's everyone's First Amendment right to contribute to the causes they believe in and voice their political choice," Randle said. To show the abuse against Eckern, Randle's site links to the Clyde Fitch Report, one of numerous blogs now weighing in on the debate.

"I'm so enraged at the hypocrisy of the No on 8 community. I could care less how he voted on any issue. It's about what he does in his job. This is persecution," Randle said.

Other community members, including Kitty Wilson of Curtis Park, echoed this sentiment.

"Before any gay person talks about blacklisting anyone in theater, I'll remind them what McCarthy's blacklist did to the entire entertainment industry," Wilson said.

Exhibit AI

contributed to the campaign against same-sex marriage.

No one had called for a boycott of LAFF or Film Independent's Spirit Awards, though some board members worried about that possibility.

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process" involving general discussions and talking to many of the Film Independent board members.

On Monday afternoon, two emotional conference calls were held among the board members, who debated the issues involved.

"Generally we've been very happy with Rich, and most if not all of us have been unhappy with Prop 8," said board member and film director Rodrigo Garcia. "Most have felt that we don't fire people."

Even within the organization, there were questions about whether Raddon had offered an earlier resignation and, if so, why it had not been accepted.

"Some of us were consulted and some weren't," said one board member who spoke on condition of anonymity. "There was some question as to why (the resignation) wasn't accepted before."

Added Garcia: "The protests have kept growing. I've also heard rumblings that a lot of our members were unhappy."

The widespread impression that Film Independent had decided that Raddon should stay led to "a very rough week and a half," the board member said. "There have been a lot of calls and e-mails, and everyone is extremely opinionated."

Donaldson said that Film Independent executive director Dawn Hudson tried to reach out to all board members during the past few weeks. Hudson and Raddon did not respond to requests for comment.

On Tuesday, the Film Independent board issued a statement, saying that "with great reluctance" it accepted Raddon's resignation.

"Rich's service to the independent film community and to Film Independent has been nothing less than extraordinary," the statement read. "He has always shown complete commitment to our core principles of equality and diversity during his long tenure."

No immediate replacement was named.

"I'll miss Rich, who was a great film festival director," said Roadside Attractions co-president Howard Cohen, a member of the LAFF advisory board. "On the other hand, the wife of (Mormon church founder Brigham Young's descendant) Steve Young came out publicly against Prop 8. Standing behind the church holds no sway with me."

The controversy at LAFF comes amid a rising call in some quarters for boycotts of individuals and businesses that supported the "Yes on 8" campaign. Some activists have called for a boycott of the Sundance Film Festival because it is located in the Mormon church's home state of Utah -- or at least a selective boycott of the Holiday Village Cinemas, used by Sundance, because the theater is owned by the Cinemark chain, whose CEO Alan Stock

The Hollywood Reporter

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Richard Raddon resigns post

L.A. fest faces questions about Prop. 8

By Gregg Goldstein

Nov 25, 2008, 03:42 PM ET

Updated: Nov 25, 2008, 10:38 PM ET

NEW YORK -- In the wake of harsh industry criticism over his $1,500 donation in support of Proposition 8, the California initiative that banned same-sex marriage, Richard Raddon has resigned as director of the Los Angeles Film Festival. He had held the post at the fest, run by Film Independent, since 2000.

"I have always held the belief that all people, no matter race, religion or sexual orientation, are entitled to equal rights. As many know, I consider myself a devout and faithful Mormon," said Raddon, whose donation became public after gay-rights supporters began scanning lists of political donors. Members of the Mormon Church contributed more than $20 million toward the "Yes on 8" campaign that helped the proposition pass in a 52%-48% vote this month.

"I prefer to keep the details around my contribution through my church a private matter," Raddon said. "But I am profoundly sorry for the negative attention that my actions have drawn to Film Independent and for the hurt and pain that is being experienced in the GLBT community."

The heat surrounding Raddon's contribution has been building for several weeks. Film Independent not only has several openly gay members on its board but also supports indie filmmaking, with encouraging diversity one of its stated goals.

When word of Raddon's contribution first surfaced nearly two weeks ago, Film Independent appeared to back its festival director, saying: "As a champion of diversity, Film Independent is dedicated to supporting the civil rights of all individuals. At the same time, our organization does not police the personal, religious and political choices of any employee, member or filmmaker." Several outlets reported at the time that Raddon had offered his resignation but the group had declined to accept it.

But Film Independent general counsel Michael Donaldson said Tuesday that Raddon didn't formally offer to resign until Monday. Donaldson explained that "he was going through a

Exhibit AH

Guess what? Certain advocates of the cause *are* alienating people - and this approach needs to be called out. Remember, the No on 8 campaign was shouting "blackmail!" at the top of its lungs when the Yes side sent certified letters to major donors threatening to "out" them in a press release unless they also contributed to the marriage ban. Of course, that "threat" had a tinge of absurdity. Corporations such as PG&E, McDonald's and Levi Strauss were not afraid of being "outed" for their association with the marriage-equality cause. They were well aware that their major donations amounted to a public statement that might cause them to lose - and gain - customer goodwill.

Opponents of same-sex marriage should not be let off the hook for their post-election tactics. There is already talk of a recall campaign against California Supreme Court justices if they overturn Prop. 8, reminiscent of the unsuccessful attempt to oust Chief Justice Ronald George and Justice Ming Chin after they voted to overturn a law that required parental consent for minors to receive an abortion. The judiciary must not be intimidated in this nation of laws.

Assemblyman Mark Leno, the San Francisco Democrat who wrote a marriage-equality bill that passed both houses and was vetoed by Gov. Arnold Schwarzenegger, said he does not "defend or rationalize" overzealous tactics by those on his side. He noted that tumult and emotion have historically defined moments of momentous social change. "This is a visceral reaction to the fact that, for the first time in U.S. history, a recognized constitutional right was repealed by a simple majority vote," Leno said.

Time is on the side of marriage equality. Sixty-one percent of voters younger than 30 opposed Prop. 8, while 61 percent of those older than 65 supported it. Attitudes are changing and will continue to shift as more and more Americans see that extending the right to same-sex couples is not a threat to traditional marriage, but an affirmation of its value to society.

Intimidation, through attempts to chill free speech or an independent judiciary, should have no part in this debate. The leaders on both sides should have the honesty to recognize it within their camps - and the courage to condemn it.

John Diaz is The Chronicle's editorial page editor. You can e-mail him at jdiaz@sfchronicle.com.

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The ugly backlash over Proposition 8

John Diaz
Sunday, November 23, 2008

A supporter of Proposition 8, fed up with what he believed was the gay community's and "liberal media's" refusal to accept the voters' verdict, fired off a letter to the editor.

"Please show respect for democracy," he wrote, in a letter we published.

What he encountered instead was an utter lack of respect for free speech.

Within hours, the intimidation game was on. Because his real name and city were listed - a condition for publication of letters to The Chronicle - opponents of Prop. 8 used Internet search engines to find the letter writer's small business, his Web site (which included the names of his children and dog), his phone number and his clients. And they posted that information in the "Comments" section of SFGate.com - urging, in ugly language, retribution against the author's business and its identified clients.

"They're intimidating people that don't have the same beliefs as they do ... so they'll be silenced," he told me last week. "It doesn't bode well for the free-speech process. People are going to have to be pretty damn courageous to speak up about anything. Why would anyone want to go through this?"

Let the record show that I absolutely disagree with the letter writer on the substance of Prop. 8. I believe that same-sex couples should have the full rights and responsibilities of marriage. In my view, the discrimination inherent in Prop. 8 is morally and legally indefensible in a society where the concept of equal protection is supposed to safeguard the rights of the minority.

But let me also say that I am disturbed by the vicious, highly personalized attacks against the letter writer and others. Protesters have shouted insults at people headed to worship; temples and churches have been defaced. "Blacklists" of donors who contributed to Yes on 8 are circulating on the Internet, and even small-time donors are being confronted. A Palo Alto dentist lost two patients as a result of his $1,000 donation. The artistic director of the California Musical Theatre resigned to spare the organization from a fast-developing boycott. Scott Eckern, the artistic director of the Sacramento theater group and a Mormon, had given $1,000 to Yes on 8.

This out-of-scale attempt to isolate and intimidate decidedly small players in the Yes on 8 campaign is no way to win the issue in a court of law or the court of public opinion.

Equally disappointing is the lack of a forceful denunciation from leaders of the honorable cause of bringing marriage equality to California. "We achieve nothing if we isolate the people who did not stand with us in this fight," the No on 8 campaign reminded its coalition in a statement issued after the election.

Exhibit AG

It is unclear how the district will handle the issues or if ReidReynono's was the only complaint, and Gemma was out of the office Thursday.

In his letter, ReidReynoso said Bauer posted his opinions on various political topics on his personal blog and students are required to respond to the blog in order to earn participation points.

ReidReynoso said he would like a public apology from the teacher for what he calls "pure intimidation" and assurance from the district that what he terms harassment won't occur in the future.

Contact reporter Jennifer Bonnett at jenniferb@lodinews.com.

Editor's Note: This story was updated at 4:31 p.m. Friday, Oct. 31 to correct the classes that Alex Bauer teaches.

Galt attorney: Son harassed by teacher over Proposition 8

By Jennifer Bonnett
News-Sentinel Staff Writer

A Galt attorney claims his son is being harassed, even attacked, by a Galt High teacher for his views on Proposition 8.

Len ReidReynoso, who also sits on the school district's Bond Oversight Committee, said his son, Tarl, has been teased and even made a public example by Alex Bauer, who teaches economics and advanced placement American government.

Bauer, who is president of the Galt Federation of Teachers union, said the allegations are false.

"I have not done anything inappropriate," he said in an e-mail, declining to elaborate further.

Additionally, according to a letter sent to Superintendent Tom Gemma on Thursday, ReidReynoso said his son has been slapped and even received death threats from fellow students because he supports Proposition 8.

The proposition would remove the right for same-sex couples to marry in California. Tarl ReidReynoso does not support same-sex marriage, according to his father.

ReidReynoso's 17-year-old son was among the contingent last week who protested the California Teachers' Association's donation to fight against the proposition by staying home from school. Gemma said at that time the high school received about 30 calls from parents keeping their students home for that reason.

Because of his efforts in helping organize the protest, ReidReynoso said his son was made an example by Bauer, who allegedly presented to the class an out-of-state court case which states that blocking students while handing out flyers was not allowed.

Upon reading this case to the class, ReidReynoso said Bauer substituted Tarl's name and other personal information for the person in the court case.

"This was implying to all of the students present that Tarl, by supporting Proposition 8 and actively taking a political stand, was a bad person and had done something illegal ... This presentation by an adult teacher was in poor judgment and may even be itself illegal," he wrote to Gemma.

ReidReynoso, who said he does not plan to explore legal action against Bauer, said his son is not the only victim. Two parents have contacted him as an attorney to see what their options against on-campus harassment over Proposition 8 are.

"The parents of these harassed students are afraid to come forward due to fear of retaliation for their children at Galt High School," he said. "These parents lack confidence that the current administration will protect their children."

In addition to alleged incidents by Bauer, ReidReynoso said that one of these verbal "assaults" was over a three-day period and at the hands of a substitute teacher.

Exhibit AF

Major Victory for Prop 8 Protesters

Thursday , December 11, 2008

By Greg Gutfeld

FOX NEWS

Today, I salute gays for a major civil rights victory: They forced some old lady to quit her job.

After Proposition 8 passed, angry gays discovered that Margie Christoffersen — who fills pitchers at El Coyote restaurant in Los Angeles — had given cash to the cause, which restricted the definition of marriage to include only straights. So they picketed her place of business with hilarious protest signs until the evil lady finally resigned.

Now, some might say this is nothing like Rosa Parks on the bus. But they're wrong. I mean, it takes guts to ruin some old lady's life just because she supports a bill based on her silly religious beliefs!

Seriously, if I was there, I would have thrown paint on her — a soft lilac shade, of course.

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But why stop there? Now that you banished the old broad, get your ass down to those other parts of town where you don't brunch and give those blacks and Mexicans a piece of your mind. And, when you're done, why not the Muslims — who are not only against you marrying, but living too!

Look, I'm all for gay marriage, but just because some folks aren't as enlightened as you are, doesn't mean you can treat them like poop. No one is going to take you seriously until you protest more seriously. Blacks sat in restaurants where they weren't welcome and women protested outside the White House for days on end.

But instead of picketing a Cineplex playing a Tyler Perry movie, gays hit a joint in West Hollywood a few blocks from a busy gay bar.

And to that I say: *Comer con gusto!*

Greg Gutfeld hosts "Red Eye with Greg Gutfeld" weekdays at 3 a.m. ET. Send your comments to: redeye@foxnews.com

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Exhibit AE

Archila said he and other employees voted no on Prop. 8 and gave money to the legal challenge. As someone who came to the U.S. 30 years ago from El Salvador, Archila said, he's always cherished this country's right of free speech and the diversity of opinion.

"You can express yourself as a citizen," said Archila. "Not everyone has to believe the same things."

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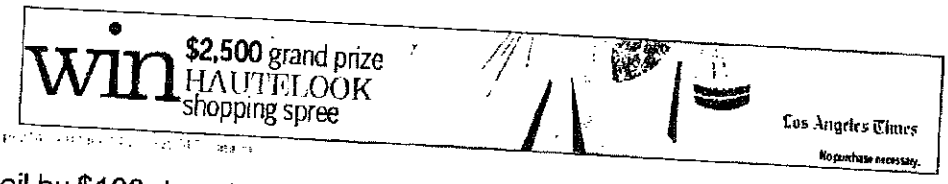

From the Los Angeles Times

A life thrown into turmoil by $100 donation for Prop. 8

Steve Lopez

December 14, 2008

Margie Christoffersen didn't make it very far into our conversation before she cracked. Chest heaving, tears streaming, she reached for her husband Wayne's hand and then mine, squeezing as if she'd never let go.

"I've almost had a nervous breakdown. It's been the worst thing that's ever happened to me," she sobbed as curious patrons at a Farmers Market coffee shop looked on, wondering what calamity had visited this poor woman who's an honest 6 feet tall, with hair as blond as the sun.

Well, Christoffersen was a manager at El Coyote, the Beverly Boulevard landmark restaurant that's always had throngs of customers waiting to get inside. Many of them were gay, and Christoffersen, a devout Mormon, donated $100 in support of Proposition 8, the successful November ballot initiative that banned gay marriage.

She never advertised her politics or religion in the restaurant, but last month her donation showed up on lists of "for" and "against" donors. And El Coyote became a target.

A boycott was organized on the Internet, with activists trashing El Coyote on restaurant review sites. Then came throngs of protesters, some of them shouting "shame on you" at customers. The police arrived in riot gear one night to quell the angry mob.

The mob left, but so did the customers.

Sections of the restaurant have been closed, a manager told me Friday during a very quiet lunch hour. Some of the 89 employees, many of them gay, have had their hours cut, and layoffs are looming. And Christoffersen, who has taken a voluntary leave of absence, is wondering whether she'll ever again be able to work at the restaurant, which opened in 1931 (at 1st and La Brea) and is owned by her 92-year-old mother.

"It's been so hard," she said, breaking down again.

A lot of customers saw Christoffersen as the face of the restaurant. She was the hostess who roamed from table to table with a pitcher of water, refilling glasses and schmoozing with friends.

Christoffersen, raised Mormon by her late father, told me she has no problem with gay people.

"I love them like everybody else."

But she supports her church's position that marriage is between a man and a woman.

I, on the other hand, opposed Prop. 8. And as I wrote more than once, I think organized Christian religion reached new levels of hypocrisy in using the Bible to preach discrimination and promote the initiative.

As for the Mormons, I have trouble taking any cues on social mores from a group whose founder and early leaders believed they were acting on directives from on high when they took enough wives -- many in their teens -- to fill every booth in the cavernous El Coyote.

But I didn't like what I was hearing about the vilification of Margie Christoffersen and others in California being targeted for the crime of voting their conscience.

"I agree with you on this," said Fred Karger. On his Californians Against Hate website, Karger has been outing Prop. 8 supporters, but he thinks Christoffersen's small personal donation didn't warrant such a backlash against El Coyote. Karger also spoke out against the resignation of a Sacramento theater director who gave $1,000 to Yes on 8 and happens to be Mormon.

The focus should be on the Mormon Church, Karger said, and on people and businesses that gave hundreds of thousands of dollars to Yes on 8. Wayne Christoffersen, who is also a manager at El Coyote, is not a Mormon, and he said he doesn't care who marries whom. But he doesn't think it's right that he and other employees at the restaurant are seeing their livelihoods threatened. Should Apple be boycotted by Yes on 8 people, he asked, simply because the computer company donated $100,000 to the No on 8 campaign?

El Coyote has never been known for gourmet cuisine. But the warm, kitschy vibe and cool patio scene have always been a hit with customers willing to wait in long lines under the distinctive neon sign.

Now business is off about 30%, Wayne said. Margie wants to blame it on the economy, because she can't deal with the alternative. But Wayne insisted the low-priced restaurant is largely recession-proof, and it's the controversy that has stemmed the flow of margaritas.

Margie tried to smooth things over last month by inviting gay clients to a free lunch to talk it over, but she left in tears when asked if she would write a check to the group challenging Prop. 8.

She blubbered all over again as she thought back on the last month. She has been a nightly fixture at El Coyote for two decades, walking to work from her home just a few doors away. It's been her life, she said. And she can't stand that it's been taken away.

On the other side, thousands of gay people can't stand that their recent marriages could be taken away, and thousands more feel as though their civil rights have been violated.

So even if Margie returns to work at El Coyote, her husband said, "she will never, ever be back here on a Thursday night."

Thursdays, as tradition had it, the place was mobbed with gay customers.

I had lunch at El Coyote on Thursday, and most of the tables were empty.

Margie was off in a dark corner of the restaurant -- at the table where Sharon Tate had her last meal -- exchanging Christmas presents with friends and her mother.

I sat on the patio with Wayne and two other El Coyote managers -- Arnoldo Archila and Bill Schoeppner -- who happen to be gay.

"We always joked around with Margie," said Schoeppner, who's been on the job 26 years. "I'm a Democrat and voted for Obama; she probably voted for McCain -- so what? If she were a bigot or a homophobe, you wouldn't have had all these gay people" working at the restaurant or eating at it.

Besides, the donation was personal.

"She didn't cut a check from the restaurant," added Archila, a 28-year employee. "The restaurant didn't have anything to do with it."

Exhibit AD

KCRA.com

Sheriff: Prop. 8 Signs Being Stolen, Burned

Both Sides Of Gay-Marriage Initiative See Signs Destroyed

POSTED: 9:31 pm PDT October 19, 2008
UPDATED: 12:08 am PDT October 20, 2008

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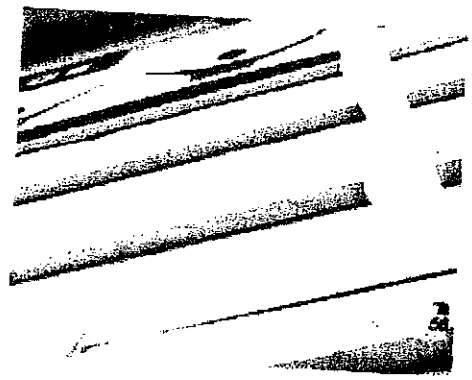

POLITICAL SIGNS

Video: Political Sign Vandalism Rising, Sheriff Says

SACRAMENTO, Calif. -- As the days leading up to Election Day dwindle down, signs on both sides of the gay-marriage initiative are being stolen, and in some cases even burned, sheriff's officials said.

Hector Lluen said that a "Yes" on Prop. 8 sign nailed to the front of his Fair Oaks home door was stolen in the middle of the night.

"My family and I strongly believe that their acts are cowardly," Lluen said. "It is not going to intimidate my family. We will continue to put up 'yes' on Prop. 8 signs."

Some supporters of the vote "No" on Prop. 8 campaign said those stealing signs are just hurting their own cause.

"If someone is doing it on our side it needs to stop, and if someone is doing it on their side that needs to stop as well," said David Cano, who supports the "No" on Prop. 8 campaign.

Some voters who have had their signs stolen said it feels like getting mugged.

"I feel disenfranchised," said Linda Subramanian, who had her political sign stolen. "That was my sign. That was my political expression."

In Midtown, voters are coming together to urge those breaking the law to have a better approach.

"You got to vote, that's where you make your opinion count," said voter Megan Evans.

Related Story:

- October 19, 2008: Survey: Race For Prop. 8 'Essentially Tied'

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Exhibit AC

THE ORANGE COUNTY
REGISTER
ocregister.com

Friday, October 31, 2008

Dana Point man will keep replacing downed signs favoring Prop. 8

By CHRIS DAINES

The Orange County Register

William Vogeler calls Proposition 8 sign-placement feuds the "battle of the signs" – but he says he's not giving up posting signs promoting the initiative until Tuesday's election is over.

"Virtually every sign I have put up from Santa Ana through Irvine, San Juan to Dana Point has been taken down," Vogeler said.

Proposition 8 is a ballot proposal to amend the California Constitution to define marriage as between a man and a woman. It would effectively end same-sex marriage in the state.

Though the signs around Vogeler's Dana Point home have been undisturbed, signs along the stretch of Pacific Coast Highway between Niguel Road and Harbor Drive are being removed almost as fast as he can put them up, he said.

"I put them out wherever I go for my work or otherwise, and when I go past where I've been, they are gone," Vogeler said.

Such sign removal has been rampant across Orange County and has ignited many discussions of free speech. Regardless of one's position on Prop. 8, Vogeler – who practices general law but specializes in media rights – says he wishes there could be more respect between the two sides.

"We live in a society where people have the right to say their piece," he said. "Taking down a sign is not saying your piece, that's vandalism."

Vogeler, who has been placing signs favoring Prop. 8 for several months in south Orange County, often receives looks and honks from passing motorists but said he can't tell whether they're friendly. He has taken cell-phone photos of people he thought were acting suspiciously around the signs, but he can't be sure whether they are removing them.

After a 7-foot-tall wooden Prop. 8 sign was removed a day after he placed it at the intersection of Alicia Parkway and Aliso Creek Road, Vogeler decided a steel sign would be harder to take down, and he put one up Thursday morning. He said Friday that he hadn't driven past the site yet, but he said someone would need a hacksaw to take it down.

"(If) I drive by and my sign is gone, I'll put another one up. I'll put a new one up the day after if it is gone, and again on Monday if I need to – the election is Tuesday."

Contact the writer: 949-492-5135 or cdaines@ocregister.com

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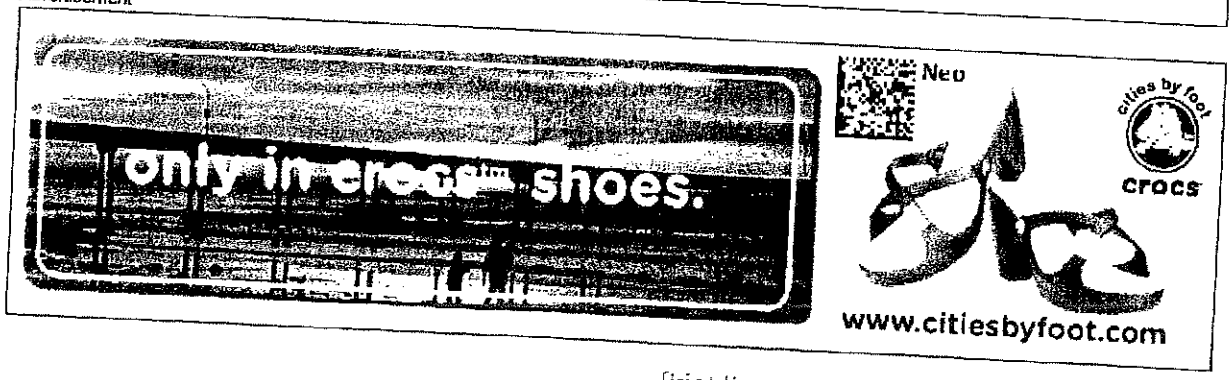

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Exhibit AB

It's a common occurrence, said Damon Micallizi, spokesman for the Orange County Sheriff's Department. As political signs go up, reports of stolen or vandalized signs surface, although the sheriff's department does not keep track of the numbers. They're listed along with other incidents thefts and vandalism. Taking signs from private yards and public areas is against the law, but the sheriff's department has not seen spike in incidents.

"We've had continued reports on both sides," Handfield said. "It's not just Prop. 8 signs, although that's one issue that seems to be polarizing."

Mike Erickson, a community organizer for "Yes on Proposition 8" said the campaign estimates about 25,000 signs have been stolen or vandalized in California, about one-third of the signs distributed.

"It is epidemic," he said. "It leads us down a dangerous road when you say you don't have a right to your speech."

In three weeks, Erickson said he has received about 670 emails from people reporting missing signs in the county. He said he believes the reason why so many signs have been reported stolen on both sides of the isle is because the issue at hand is something very personal.

"This is a sensitive issue," he said "It's about people's families and that's the most cherished relationships and passions are high on both sides."

Singam said he never took signs from people's yards and thought taking them from public spots was legal.

"I'm not gay but that doesn't mean I can't stand for equal rights," Singam said. "Their right to free speech is to put it up. Mine is to take it down."

Stolen signs might hurt the campaign's visibility, but it has also pushed some supporters of the proposition, Erickson said. One Orange County resident picked up signs after finding out his neighbor's sign was stolen.

In Fullerton, one resident posted more than 40 signs in her front lawn after several were stolen.

"Is it helping? I don't think so," Singam said about his opposition to the constitutional amendment. "I think by taking down the signs I'm letting them know people won't stand for it."

In the end, Erickson said, the discussion will continue in the poll box.

"I just ask they be respectful of my rights and participate in the political process," he said.

Contact the writer: shernandez@ocregister.com or 949-454-7361

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Thursday, October 30, 2008

Prop. 8 sign-stealing ignites free speech debate

Pro-amendment group says 25,000 'Yes on Prop. 8' signs have been stolen.

By SALVADOR HERNANDEZ

The Orange County Register

He admits he's done it at least 20 times – out of pure anger and frustration – but he said he didn't know it was against the law when he did it. Just don't ask him if he'll stop.

He's done it on his way to work or back home. The feeling was overwhelming, Shankar Singam said, and he would pull over to the side of the road, grab one of the yellow "Yes on Proposition 8" signs and throw it on the back of his truck.

"It's (Prop. 8 is) discrimination in disguise and it infuriates me," said Singam. "It's a civil right."

It's a scene that continues to play out on the streets as the day nears for California voters to decide on Prop. 8, which would amend the state constitution to define marriage as that between a man and a woman – and therefore ban same-sex marriage. While proponents and opponents of the proposition have raised more than a combined $21 million to campaign their views, individuals have been pushing their own personal campaigns.

Some of them have done so illegally.

Theft and vandalism of Proposition 8 signs have been reported in Santa Ana, Yorba Linda, Huntington Beach, Fountain Valley, Irvine and Laguna Hills. In Fullerton, five people were taken into custody after police there found 10 torn "Yes on Proposition 8" signs in their car. The suspects told police they had just attended a "No on 8" rally.

In Irvine, two citizen arrests have been reported of people stealing or vandalizing "Yes" signs and on Tuesday, three students were stopped by a police officer in an area where several signs had the word "No" spray-painted over several "Yes" signs. Two of them, a 17- and an 18-year-old were found to be in possession of spray cans. The minor was released to her parents, said Lt. Rick Handfield of the Irvine Police. Police are investigating the case involving the 18-year-old, who was not taken into custody.

Singam said he feels that at stake are the civil rights of thousands of people, equating it to the past prohibition of interracial marrying.

But 58-year-old Robert Thompson, who said he has had 14 "Yes" signs stolen from his front lawn, said his right to express himself is being hindered.

"Everyone has a right to voice their opinion," he said. "Why can't they get their own signs? I'm not going to be offended if they put up their own signs."

Advertisement

Exhibit AA

Among other incidents in Davis are keyed cars displaying Yes on 8 bumper stickers, while last week the Yes on 8 table located on the Quad was hit with water balloons by a group of students yelling "you teach hate," according to UC Davis graduate student Casey Meirovitz, who is married to Jo Lynn Meirovitz.

"I think yelling 'you teach hate' and exhibiting hate isn't the coolest thing in the world, especially at a university," he said. "People feel very passionately about Prop 8 and they are letting it get the best of them. Unfortunately they're weakening the stance of their argument by acting hypocritically."

Meirovitz and wife Jo Lynn have since replaced their Yes on 8 signs with a homemade sign made of plywood, attached to a tree in their front yard with a bike lock, a sign that they will not forfeit their right to free speech anytime soon.

Representatives from the No on 8 campaign did not respond to requests for information regarding sign theft or vandalism on their side.

AARON BRUNER can be reached at city@californiaaggie.com.

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Last published: Monday November 24 2008

Mostly sunny. Patchy fog in the morning. Highs 60 to 66.

Prop 8 supporters face sign theft, vandalism

Freedom of speech is at stake, supporters say

Written by AARON BRUNER
Published October 29, 2008

In a community that values free speech and open debate, recent political sign thefts have outraged some community members.

The controversy over Proposition 8, which would amend the California Constitution to allow marriage between only a man and a woman, has spilled over into petty theft and vandalism of lawn signs.

Yes on 8 supporters say they've been hit especially hard in Davis, where a large number of signs have been defaced or stolen.

Davis resident Jo Lynn Meirovitz had Yes on 8 signs stolen from her front yard last week.

"People preach tolerance but they are very intolerant of other people," Meirovitz said. "They see us protecting marriage as full of hate, bigots ... and are appalled that we would want to help Prop 8 pass. I'm sure the more signs they see the more frustrated they get."

Having left the house for only an hour and a half and not expecting her signs to be taken during the middle of the day, Meirovitz found two lawn signs missing upon her return, she said.

"We believe in freedom of speech for everybody, not just one side of this proposition," Meirovitz said. "Everybody should be able to voice their opinion."

Davis resident and Cedric Papa is involved in Yes on 8 sign distribution and says voters are calling in daily to report that their signs have been stolen.

Papa, who has had 14 signs taken, estimates that 200 or more may have been taken or vandalized in Davis alone.

"I will follow the law, no matter what happens, so I'd like to get my voice out now," Papa said. "We are just trying to keep our individual rights and keep the government out of our lives."

Papa said one group of people went so far as to pretend to support Prop 8 and took 100 signs and dumped them.

Yolo County Republican Party chair Mark Pruner said it has been common in this and previous elections for political signs to be stolen.

"We spend so much money replacing signs, you almost feel violated," he said.

In addition to sign theft in Davis, there have been several incidences of vandalism and theft in Sacramento, and video of at least two incidences have been posted on YouTube, Pruner said.

"Let's face it, stealing of political signs is something that always happens," he said. "We have to budget for paying for more signs."

There is little legal recourse for people who have had their signs stolen or vandalized, and many don't bother to report the crimes. The Davis and Sacramento Police Departments and the Yolo County Sheriff all say no police reports regarding stolen or damaged signs have been filed in their jurisdictions.

Exhibit Z

THE ORANGE COUNTY REGISTER
ocregister.com

Tuesday, October 21, 2008

Five held on suspicion of stealing "Yes" on Prop. 8 signs

Suspects tell police they were angry after attending a rally at a Fullerton bar.

By BARBARA GIASONE

The Orange County Register

FULLERTON - Five people were arrested early today on suspicion of participating in a sign-stealing spree the suspects said originated in a downtown bar, Sgt. Mike MacDonald said.

A police officer patrolling the area near Chapman and Pomona avenues at 1:30 a.m. saw a passenger jump from a car and place a campaign sign on the corner.

When the officer approached the driver, she noticed three "No on Prop 8" signs in the vehicle. She also located 10 torn-up "Yes on 8" signs on the front floorboard with three McCain-Palin signs.

The "Yes on 8" signs were allegedly stolen and the "No on Prop 8" signs were not, police said.

When questioned, the suspects said they had just come from a "No on 8" rally at a downtown business and were angry, MacDonald said.

Based on their statements, all five were arrested on suspicion of possession of stolen property.

Taken to city jail were Jonathan Barrett, 19, of Fullerton; Jennifer Berry, 23, Covina; Emanuel Muro, 23, Artesia; Daniel Palacios, 23, Lakewood; and Eric Gutierrez, 23, Fullerton.

MacDonald said all five admitted taking the signs.

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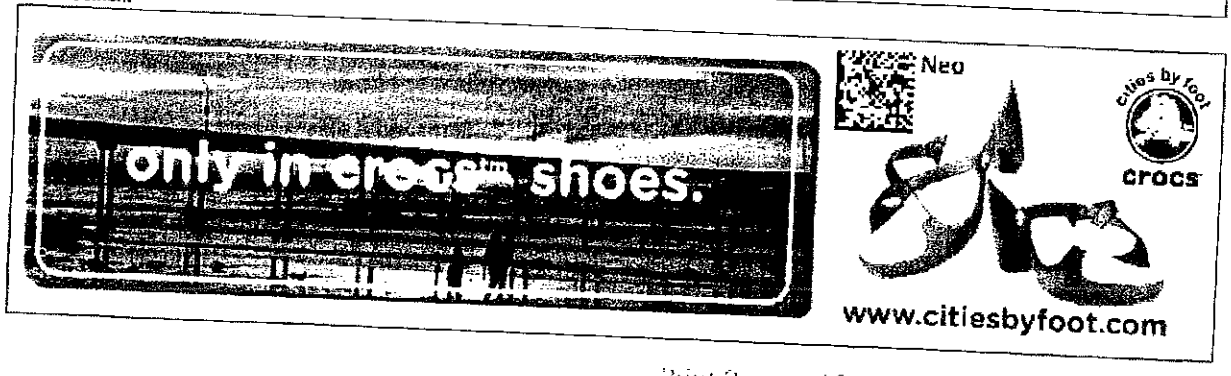

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Oct 28, 2008 8:58 am US/Pacific

Vandals Target Prop 8 Supporters In NorCal

Measure Proposes Ban On Same-Sex Marriage

Voter Guide: Compare Candidates, Measures
About The Candidates & Issues

SAN JOSE, Calif. (AP) — San Jose police are investigating another case of vandalism targeting supporters of a gay marriage ban in California.

Police were called to a house in South San Jose earlier this week after homeowners reported their garage was spray-painted with "No on 8" messages. Proposition 8 would take away the right of same-sex couples to wed.

The homeowners had signs supporting the measure on their lawn.

Sgt. Mike Sullivan said the department has not tracked incidents of political sign vandalism, but he does know there have been at least four reported incidents involving Proposition 8.

The campaign to defeat the measure issued a statement saying it condemns vandalism and activities of this kind.

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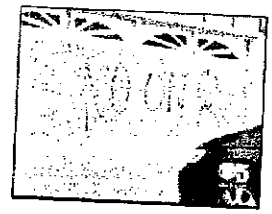

Vandals targeted supporters of a gay marriage ban in California by spray-painting their garage.
CBS

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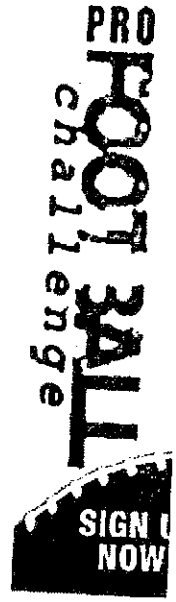

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Exhibit X

SOUTH BAY NEWS

Vandals strike Prop 8 homes in SJ

Monday, October 27, 2008 | 12:09 PM

SAN JOSE, CA (KGO) -- Vandals struck overnight in San Jose at two homes where the owners put out signs in support of Proposition 8.

A "Yes on 8" sign was painted over, and the garage doors on each of the two homes were sprayed with "No on 8."

One of their cars was also vandalized. Prop 8 would change the state constitution to outlaw same-sex marriage. One of the homeowners says she was mad at first, but is now trying to think about what was going through the vandal's mind.

Story continues below

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"Why would you, instead of just giving us a pamphlet, or wanting to talk to us, instead coming in and trying to destroy something we really worked hard for because we're very opened minded we're very open minded people. We're willing to talk to people," said Kelly Byrne, "Proposition 8" supporter.

Police took a report on the vandalism, but the homeowners say there's probably little that can be done to catch the culprit given the fact they have no suspect description.

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Exhibit W

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INLAND EMPIRE

Anti-prop 8 vandals hit Alta Loma home

Saturday, October 25, 2008

By Rob McMillan

ALTA LOMA (KABC) -- Suzie Taylor says she awoke to find that she was a victim of vandalism. Taylor says her fifth-wheel trailer was spray-painted advocating a no on Proposition 8.

"It was kind of a shock, and then our neighbors started coming out and they saw it" said Taylor

The words "love for all," "no on 8" and "equal rights were sprayed on three sides of her trailer. Taylor thinks the only reason she was targeted was because of the "Yes on 8" sign in her front yard.

"It's hard to understand why these things happen," said Taylor. "You have a little sign expressing your opinion about something and to have that response was a little shocking."

Story continues below

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And Taylor is not alone. Several people who are against the proposition say they have been victims of Vandalism.

As the elections draw neared vandalism and sign theft has become an epidemic across the nation.

Taylor says she now has to move her sign inside at night. Neighbors said it's sad it has come down to this.

"I am for freedom of speech and I think we have the right, but not to go vandalize," said Taylor's neighbor Al Marino. "That is what the courts are for."

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Exhibit V

vandalized our home, wow. Someone is obviously angry and upset. What is next? Are they going to destroy more of our property? Is this going to escalate? Anyone would think and be concerned about that," said a concerned resident.

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

JOHN DOE #1, an individual, JOHN DOE #2, an individual, and PROTECT MARRIAGE WASHINGTON, Plaintiffs, vs. SAM REED, in his official capacity as Secretary of State of Washington, DEBRA GALARZA, in her official capacity as Public Records Officer for the Secretary of State of Washington, Defendants.	No. C09 5456 **DECLARATION OF SCOTT F. BIENIEK IN SUPPORT OF PLAINTIFFS' MOTION FOR A TRO AND PRELIMINARY INJUNCTION** NOTE ON MOTION CALENDAR: [DATE]

I, Scott F. Bieniek, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am an attorney at law licensed to practice in the State of Illinois. I am an attorney at the law office of Bopp, Coleson & Bostrom in Vigo County, Indiana. I have personal knowledge of the facts set forth in this declaration, and if called as a witness, I can and would testify competently thereto.

2. On Thursday, July 23, 2009, I spoke directly with Defendant Debra Galarza, Public Records Officer for the Secretary of State of Washington. Defendant Galarza stated that referendum petitions, such as the petition submitted to place Referendum 71 on the ballot, are "public records" withing the meaning of the Public Records Act. Defendant Galazra stated that

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the Secretary of State's office would first image the Referendum 71 Petition (i.e., scan the ballot petition), at which point, it would be made available to the public pursuant to the provisions of the Public Records Act. Defendant Galarza stated that the Secretary of State's office generally provides one (1) week for the imaging process, but, she anticipated that the process could take as little as three (3) days. Defendant Galarza stated that it could be possible to have copies of the ballot petition available in various formats (e.g., micro fiche, cd-rom, hard drive) as early as Wednesday, July 29, 2009.

3. A true and correct copy of a blog entry, David Ammons, *Who Signs R-71? Foes May Post it Online*, California Secretary of State Blogs, June 2, 2009 (*available at* http://blogs.secstate.wa.gov/FromOurCorner/index.php/2009/06/who-signs-r-71-foes-may-post-it-online/), is attached hereto as Exhibit 1.

4. A true and correct copy of a website, WhoSigned.org, http://www.whosigned.org (last visited July 26, 2009), is attached hereto as Exhibit 2.

5. A true and correct copy of a website, KnowThyNeighbor.org, http://www.knowthyneighbor.org (last visited July 26, 2009), is attached hereto as Exhibit 3.

6. A true and correct copy of a press release, Press Release, KnowThyNeighbor.org, *Whosigned.org Refutes Intimidation Charges; Will Post Names of Petition Signers as Planned*, June 8, 2009, is attached hereto as Exhibit 4.

7. A true and correct copy of a newspaper article, Jim Camden, *Outing Referendum Petition Signers Works Both Ways*, The Spokesman-Review, June 7, 2009, is attached hereto as Exhibit 5.

8. A true and correct copy of a newspaper article, Richard Roesler, *Group Will Publish Names of Partner-rights Opponents*, The Spokesman-Review, June 3, 2009, is attached hereto as Exhibit 6.

9. A true and correct copy of a newspaper article, Lornet Turnbull, *Gay-rights Strategy Raises Issue of Privacy in Democratic Process*, The Seattle Times (June 7, 2009), is attached hereto as Exhibit 7.

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10. A true and correct copy of a newspaper article, Curt Woodward, *Gay Rights Supporters Plan to Out Referendum Signers*, The News Tribune, June 2, 2009, is attached hereto as Exhibit 8.

11. A true and correct copy of the editorial, Editorial, *Publicizing Petition Signers Will Bring Nothing But Trouble*, Yakima Herald-Republic, June 9, 2009, is attached hereto as Exhibit 9.

12. A true and correct copy of the editorial, Editorial, *Don't Try to Intimidate People Who Sign Initiative Petitions*, The Seattle Times, June 19, 2009, is attached hereto as Exhibit 10.

13. A true and correct copy of the letter to the editor, Chriten F. Kaufman, *Gay Rights: Group's Action Could Be Inflammatory*, The News Tribune, June 6, 2009, it attached hereto as Exhibit 11.

14. True and correct copies of the Declarations of John Doe #1 through John Doe #9, filed in Support of Plaintiffs' Motion for Preliminary Injunction in the case of *ProtectMarriage.com, et al. v. Debra Bowen, et al.*, No. 2:09-cv-00058 (E.D. Cal.), are attached hereto as Exhibit 12. For the Court's convenience, Plaintiffs' counsel has consecutively paginated Exhibit 12 by placing "Exhibit 12, Page x" in the lower right footer.

15. True and correct copies of the Declarations of John Doe #10 through #58, filed in Support of Plaintiffs' Motion for Summary Judgment in the case of *ProtectMarriage.com, et al. v. Debra Bowen, et al.*, No. 2:09-cv-00058 (E.D. Cal.), are attached hereto as Exhibit 13. For the Court's convenience, Plaintiffs' counsel has consecutively paginated Exhibit 13 by placing "Exhibit 13, Page x" in the lower right footer.

16. A true and correct copy of the domain registration for WhoSigned.org taken from the website NetworkSolutions.com's "WhoIs Directory," is attached hereto as Exhibit 14.

17. A true and correct copy of the slip opinion in the case of *Indep. Newspapers, Inc. v. Brodie*, 966 A.2d 432 (Md. 2009), is attached hereto as Exhibit 15.

18. A true and correct copy of the slip opinion in the case of *Center for Individual Freedom, Inc. v. Ireland*, Nos. 1:08-cv-00190 & 08-1133 (S.D. W.Va. Oct. 17, 2008), is attached hereto as Exhibit 16.

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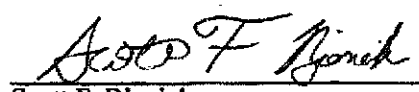
19. A true and correct copy of the slip opinion in the case of *Ass'ns and Community Orgs. v. Browning*, No. 08-445 (N.D. Fla. Oct. 29, 2008), is attached hereto as Exhibit 17.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 28th day of July, 2009.



Scott F. Bieniek
Counsel for All Plaintiffs

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Exhibit 1

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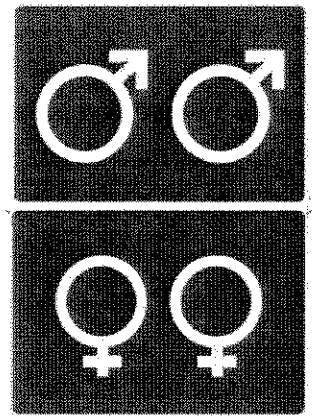
Who signs R-71? Foes may post it online

by David Ammons | June 2nd, 2009



Some foes of a referendum aimed at halting a new "everything but marriage" law in Washington state plan to eventually publish online the names and addresses of everyone who signs the Referendum 71 petitions. The state Elections Division is encouraging "civil debate" on the measure and expressing concern if the signature-gathering process is suppressed or voters feel threatened in any way.

Washington Values Alliance, which opposes gay marriage and is sponsoring R-71, will begin circulating petitions this week. They'll be racing a July 25 deadline to collect roughly 150,000 voter signatures (120,577 is the bare minimum, and a pad is suggested to cover the invalid signatures).

The new twist is that a group called whosigned.org (here is its link) intends to make the signatures available and searchable on the Internet. The referendum petition sheets, typically 10,000 or more, including the names and addresses of signers, become a public record after the sponsors actually submit them, in this case by July 25, and they are returned from Archives imaging.

Spokesmen for the new project say they want voters to think twice about signing the petitions and that opponents of R-71 should be able to talk with their neighbors and townspeople who signed to explain the ramifications. The main opposition group, however, opposes the online project and R-71 sponsors say it amounts to bullying and is aimed at suppressing signatures.

State Elections Director Nick Handy notes the the state has long been committed to open records and transparency in government, but says he's unhappy with the thought of the petition process being used as a weapon to dampen voters' participation in their constitutional right of petition. He says,

> "A vigorous debate on the issues is always welcome, but efforts to intimidate or repress participation are not. It just doesn't feel like the culture we have here in the state of Washington. An unhealthy chilling effect occurs when public debate reaches a point where the passion of some individuals drives some folks to take actions that are viewed by others as threatening or intimidating. We call for open and healthy public debate without resort to these methods."

It is a crime to interfere with signature-gathering or to threaten or intimidate voters.

The state of Washington has no authority to withhold the identities of people who sign initiative or referendum petitions, just as the names and hometowns of campaign donors to ballot campaigns are available online at the Public Disclosure Commission.

> "Nobody is comfortable with releasing personal information in situations like this, but it is part of transparency

in government," Handy says. "We hope people will keep their cool."

12 Responses to "Who signs R-71? Foes may post it online"

1. *Mikos* says:
June 2, 2009 at 1:48 PM

I've signed more petitions than I've ever voted for. Many I thought should make it onto the ballot because I believe in the democratic process especially when it comes to broad issues of public concern. I believe this is one, although I won't vote for it if it makes the ballot. The heavy-handed tactics of those who oppose this petition discredits their cause.

2. *Carol* says:
June 3, 2009 at 2:06 PM

I understand that many people don't want anyone to know that they support forcing women to bear the child of their rapist, or daughters to bear that of their incestuous father or uncle, or forcing a woman to choose death and give up the rest of her life to save a baby that may or may not live, because they know it is cruel and that despite rhetoric, their religion doesn't really support that position, but those raised in christian religions (yes, I know from personal recovery) are so brainwashed into thinking they're "bad" if they disagree with their religion that they don't WANT to face it, and doubtless are afraid to let anyone talk them around to some common sense and compassion (a trait they could at least share with Jesus). While the tactics of gay-rights proponents may be heavy-handed on this one particular issue, it will take that to fight the heavy-handed vitriole of their opposition.

3. *D.R. Walker* says:
June 3, 2009 at 3:36 PM

The problem is not the signing of these petitions,nor the publishing of the names. The problem is the harressment of those folks who are simply exercising thier right. Period. The solution is for law enforcement to come down hard on the folks who threat, intimidate, harm, or in any way embaress the signors.

4. *David A.* says:
June 5, 2009 at 8:38 AM

I like both Mikos and D.R.'s statements. I am a supporter of the expansion of Domestic Partnership rights and gay marriage, but I do not support the "exposing" of the petition signers. Sure signatures on a petition are public records (if they are eventually submitted to the Secretary of State) but that does not give those who disagree with the petition license to harass those who sign onto the petition. I am reminded of the public shaming that the government use to use against gay people when they raided gay bars and published photos and names of those exercising their first amendment right to free association.

5. *Joe Reilly* says:
June 5, 2009 at 1:39 PM

Reminding people that signing a petition for a referendum (or other initiative) is a public event, isn't in any way harassment. I know that I will be contacting any friends or family members who sign this petition and asking them to revoke their signature after educating them about the effects of the referendum. I don't expect signature gatherers to do a fair job of representing the referendum and welcome this opportunity set the record straight with my friends and family.

6. *Cassy Edwards* says:
June 6, 2009 at 9:55 AM

When I sign a petition I am requesting a public vote on the topic of the petition…PERIOD.

I am not stating a position either for OR against what I am asking to vote on – merely asking to be given a chance to vote on it.

My signature on a petition DOES NOT give ANYONE permission to contact me regarding my signature except for those in charge of ensuring that I did, in fact, lawfully sign the petition.

Publish my name, address, phone and anything else you may like about my having signed a petition – just don't contact me.

My vote, or intended vote, is privileged and private information. I WILL make up my mind WITHOUT outside interference, thank you very much!

7. *Davecomment* says:
June 9, 2009 at 4:04 PM

The goal of "transparency" and "education" of signors by "identifying" them is not what its promotors really want. Read the reports of post-election intimidation, loss of employment, vandalism, and harassment in California against donors in favor of Prop 8.

Those who think that "identifying" polticially wrong thinking segments of the population is for their "education" are naive.

This effort is to intimidate.

If Hitler had the internet he would have listed names and addresses of Jews.

8. *FedUpLisa* says:
June 10, 2009 at 8:51 AM

It seems the spirit of McCarthyism — blacklisting and intimidation — lives on. How sad.

9. *Baconcat* says:
June 10, 2009 at 11:29 AM

The creator of the whosigned website, unaffiliated with any pro-equality/pro-family groups and with little support from the pro-equality/pro-family community, has stated now that he only intends on listing by name and zip. Interestingly enough, anyone who fears they may be living near a homosexual domestic partnership may run a lookup by name of any of the 5,000 couples in this state and get all the info they want. Similarly, it isn't hard for them to get the vitals on all these couples.

With the unfounded and certifiably untrue claims made by the anti-equality/anti-family side in regards to violence against supporters of Prop 8 (none!, compared against the beating of the leader of an equality torch rally last week), claims of McCarthyism and comparisons to the nazis, do you think there is any reason to believe at this point that they are in any danger except to themselves?

The ballot language is clear, this is not marriage. That truth is not sufficient to the anti-family/anti-equality side, though, and that should be a red flag to any rational person, especially since the petition claims it is indeed marriage.

I'm sure any reaction based off of whosigned.org would pale in comparison to the revenge and attacks doled out by anti-equality/anti-family groups against pro-equality/pro-family groups and GLBT and elderly domestic partners, should R-71 fail to reach the ballot or pass in November.

Giving them political cover like this, especially when the story and reality has changed…? I'm not so sure I like this. Of course, it's just my own personal opinion, so let elected officials do what they feel is right and we'll sort it out at the polls later.

10. *Christina Siderius* says:

June 11, 2009 at 1:50 PM

Just a friendly reminder that the Office of the Secretary of State's blog use policy states that comments must not contain vulgar, offensive, threatening or harassing language or personal attacks. Under state law, we cannot post political statements, such as comments that directly endorse or oppose specific ballot propositions.

For the full policy, please visit this link:

http://blogs.secstate.wa.gov/FromOurCorner/index.php/blog-use-policy

Thanks!

11. *Brian San Diego* says:
June 21, 2009 at 1:41 AM

Dear Cassy Edwards:

Why would you sign a petition to get it on the ballot if you didn't intend to vote for it when it got there? If you expect anyone to believe that, you being disingenious. Also go ahead and sign the petition and then deny that you plan to support the repeal of a law that extends rights to people. Be proud that you helped repeal a law that grants loving couples hospital visitation rights etc. I don't understand why people would be so mean-spirited. You can couch it anyway you like. Calling it protecting marriage. It is stripping rights away from a minority of people. If you are proud to sign that petition, I encourage you to. But keep in mind, you are hurting people by doing so. If you can look the same-sex couple in the eye that you see at your local grocery store and feel good about it, then I feel sorry for you. Expect to be contacted after you sign the petition by your neighbors and co-workers and friends and family. Little do you know that one of them is gay and they will wonder why you would help get something on the ballot that would take away rights from them and really cause harm to them. People don't understand that they are hurting real people. It is so sad.

12. *frank* says:
June 30, 2009 at 5:27 PM

Just a thought about freedome they call and harass me its fredoom of speach I call them its a hate crime and 15 years in prision and they call that fair

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WHO WE ARE

WhoSigned.Org is a grassroots organization of Washington State residents who believe that fairness, equality and freedom from discrimination are core values of our state.

We believe the process for initiative and referendum petitions that maintain discrimination by opposing equal rights and protections for Washington State residents must meet a high standard of transparency to ensure a fair and open discussion in the public forum.

WHY WE EXIST

In April 2009 our elected representatives in the Washington State Legislature passed SB 5688. This bill expands existing Domestic Partnership legislation that protects both same-sex couples and opposite-sex couples aged 62 and older.

The bill also provides more protection and security to thousands of children who are growing up in the homes of same-sex couples in Washington State (according to analysis of US Census data, 18% of all same-sex couples in Washington State are raising children under 18 years of age).

The Faith and Freedom Network, under the leadership of Oregon resident Garry Randall and Larry Stickney, have lodged Referendum 71 to prevent these expanded Domestic Partnership protections from being enacted. Once the referendum title and description are approved, they have until July 25th 2009 to collect the 120,577 signatures needed to place Referendum 71 on the ballot in November 2009.

At a time when many states are moving from Domestic Partnerships and Civil Unions to providing Civil Marriage equality to their citizens, Washington state is still struggling with whether and how they will treat all couples and families equally.

WHAT WE ARE DOING

Once signature petitions for initiatives and referenda are submitted and verified by the Secretary of State they are part of the public record. When signatures for Referendum 71 have been verified WhoSigned.Org will:

WHAT YOU CAN DO

Pledge to Decline to Sign Referendum 71

Join "Decline to Sign 71" on Facebook
Join "Who Signed Referendum 71" on Facebook

Donate to Equal Rights Washington

NEWS & MEDIA COVERAGE

"This is probably our opponents worst nightmare" – The Stranger Weblog (May 12th, 2009)

Campaign targets same-sex rights – The Spokesman-Review (May 7th, 2009)

Debate about gay equality appears to be ending – The Seattle Times (May 6th, 2009)

Group Protests Same-sex Rights – The Spokesman-Review (May 5th, 2009)

Last Gasp – The Stranger Weblog (May 5th, 2009)

Larry Stickney's Referendum 71 Has No Support from its Natural Allies – Washblog (May 5th, 2009)

Foes challenge expanded same-sex Partner rights – SeattlePI.com (May 4th, 2009)

Work to make this public record signature information accessible and searchable on the internet.
Flag the 3% signature sample that is certified by the Elections Division of the Secretary of State.
Provide Washington State Voters with a way to check that the public record of their advocacy is correct.
Provide Washington State Voters with a way of reporting when their signature has been recorded either fraudulently or in error.

CONTACTS

Press and Media enquiries brian.murphy.wa.usa@gmail.com

Representation Without Taxation – The Stranger (April 28th, 2009)

Parasite Pastor - Why Is Gary Randall Really Opposing Gay Rights? - The Stranger (April 21st, 2009)

REMOVING REFERENDA & INITIATIVES FROM PUBLIC RECORDS

Washington Republicans for Secret Advocacy – The Gay Curmudgeon (March 3rd 2007)

Exhibit 3

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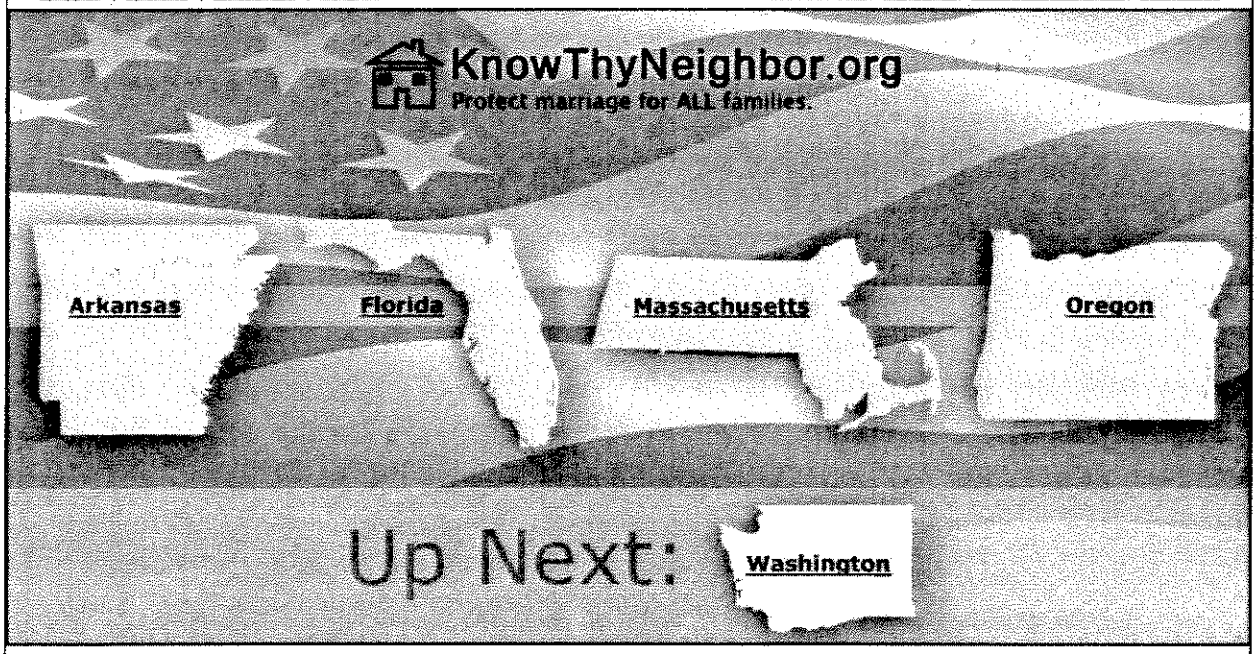

Press Releases

- 6/8/09 - Whosigned.org Refutes Intimidation Charges; Will Post Names of Petition Signers as Planned
- 4/28/09 - Arkansas Group Partners with KTN to Post Anti-Gay Names
- 4/28/09 - Names of Arkansas Anti-Gay Petition Signers Posted Online

barry

004_05 Exhibit 4.pdf
01/06/10 04:47 PM

Exhibit 4

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KnowThyNeighbor.org

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June 08, 2009

Whosigned.org Refutes Intimidation Charges; Will Post Names of Petition Signers as Planned

PRESS RELEASE
For Immediate Release
June 8, 2007

WHOSIGNED.ORG REFUTES INTIMIDATION CHARGES; WILL POST NAMES OF PETITION SIGNERS AS PLANNED

Seattle, WA - Despite criticism that making public information more accessible to the public amounts to intimidation, Whosigned.org and its national partner KnowThyNeighbor.org announced today that they will proceed with plans to post online the names of Washington citizens who sign the anti-gay petition known as Referendum 71.

"These charges of intimidation ring hollow," said Brian Murphy, director of Whosigned.org. "People should be directing their outrage at the movement to eliminate basic rights and protections for LGBT families, not at the gay community for using its democratic rights to protect itself."

Responding to criticism from within the gay rights community, Murphy said, "Some think that by asserting our rights as gay Americans, we make others feel uncomfortable. Well, I refuse to compromise the security of my family to make those attempting to dehumanize me feel more comfortable. I don't want to be nice. I want to be equal. And I want to be equal now."

While some allege that petition signers will become the targets of organized harassment, Aaron Toleos, co-director of KnowThyNeighbor.org, says, "Such claims are irresponsible, incendiary, and totally untrue. There is no organized plan to confront petition signers. In fact, we have never advocated for this and don't think it's constructive. No one is going to be knocking on random doors. It just doesn't happen."

What does happen, says Toleos, is that conversations are triggered between people that already have a personal connection like friends, relatives, and neighbors. "These conversations can be uncomfortable for both parties," he said, "but they are desperately needed to break down stereotypes and to help both sides realize how much they actually have in common."

KnowThyNeighbor.org has partnered with grassroots organizations to publish petitioner information in states across the country including Oregon, Arkansas, Florida, and Massachusetts. "Citizens approach petitions more thoughtfully once they realize it is a public document," says Toleos, "and we believe this makes the system stronger."

KnowThyNeighbor.org's website has also been pivotal in exposing petition fraud and has led directly to civil and criminal investigations.

While he acknowledges that some find it surprising to learn that petition information is a matter of public record, Toleos says, "Anyone that is honest about wanting a clean, transparent process should welcome the scrutiny that our website makes possible. And if they don't, you should wonder why."

# # #

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June 08, 2009 | Permalink

TrackBack

TrackBack URL for this entry:
http://www.typepad.com/services/trackback/6a00d83451c96669e201156fe51ac2970c
Listed below are links to weblogs that reference Whosigned.org Refutes Intimidation Charges; Will Post Names of Petition Signers as Planned:

Comments

You can follow this conversation by subscribing to the comment feed for this post.

of course its intimidation, saying NO ITS NOT!!!! doesnt refute anything--look what happens when this is done,--people start mass emailing peoples coworkers etc.

but the more you post the more we will send thank you's to all those whose name you post and give them encouragement

Posted by: PDSA | June 09, 2009 at 06:13 PM
I think you might be missing the point of a petition. The petition is meant to be a public declaration of your opinion on the matter at hand. Why would someone who signed one want that to be private? All KTN has done is make sure the names are searchable so people can know who signed it.

The whole point of doing that is to create dialog, which it has in the states we have done this. Not one single instance of unlawful misconduct has been attributed to this website's actions. That should be proof enough for anyone since KTN was founded back in September 2005.

Posted by: John Hosty-Grinnell | June 10, 2009 at 02:20 AM
I do believe a petition is somehting that is signed in order to help some legal action to be moved ahead or made possible. I really doubt that people who signed were told -- "please sign this, the primary purpose of your signing this it is to make public your name and make your address and phone number searchable. No -- it was to help something be up for a vote. You re-define it to suit your purpose and justify your actions. In California LOTS of people whose names were gleened from lists of political contributions to prop 8 were harrassed. HARRASED.Tehre was no constructive conversation going on. The lists were all over craigslists for one, and other places.

It was all about retribution, pay-back adn to let others see what will happen to them when they 'dare' to disagree with gay activists --pure and simple --bother people so much so they will hopefully think twice about it in the future. "Start a dialog"... ha. In a pigs eye. I wonder why when I contacted Brian Murphy and asked him for his address and or phone number so I could show up/call him to discuss my beliefs with him, he didn't answer me. I guess becasue having a stranger at your door or in possesion of your phone number is not something he is insterested in, although making lists available to gay activists so they can show up at peoples homes or have their phone numbers is ok.

The comments from gays/their supporters I saw on craigslist right after prop 8 first passed went like this: YOU BUNCH OF BIGOT, HATER F_____ERS!!!!. It was ever so constructive. In fact just try to have an exchange were you state your beliefs (and I don't name call or use put-down slang) on the topic on a neutral websites and the pro-gays call you every name in the book, as well as attack everything you say as a lie if it appears that what you have stated might give them cause to rethink anything.

Posted by: PDSA | June 10, 2009 at 01:55 PM
PDSA, why you so stupid?

A petition is a public document.

There's no further discussion.

Stand behind your hateful ways, or don't.

I don't really care.

But public record is just that.

Posted by: ryan charisma | June 10, 2009 at 04:13 PM
"All KTN has done is make sure the names are searchable so people can know who signed it. "

LIE

Names AND ADDRESSES AND TOWNS AND ZIP CODES - YOU MIGHT AS WELL PUBLISH PHONE NUMBERS

HATERS

Posted by: The Patriot | June 10, 2009 at 04:44 PM
"Names AND ADDRESSES AND TOWNS AND ZIP CODES - YOU MIGHT AS WELL PUBLISH PHONE NUMBERS"

Good Idea Patriot! I'd much prefer making phone calls from the privacy of my home. Especially on cold nights. Who wants to go out?

Posted by: Scott | June 10, 2009 at 08:05 PM
SICK

Posted by: The Patriot | June 11, 2009 at 10:23 AM
I signed and it and I'll be damed mad if you do not report may name. Let me make this clear. I WANT MY NAME POSTED ON THAT LIST!

Posted by: Franco | June 14, 2009 at 07:34 PM
Bull queers take by intimidation and force.

Posted by: Franco | June 14, 2009 at 07:36 PM
"I signed and it and I'll be damed mad if you do not report may name. Let me make this clear. I WANT MY NAME POSTED ON THAT LIST!"

If you are so proud to be a bigot, why don't you post your information here?

Posted by: Scott | June 14, 2009 at 10:26 PM
Franco, you get a lot of gay guys beating you up? What do you find intimidating, is it intelligence? ;)

Sorry sweety, this bear isn't sitting at the back of the bus for ANYONE, got it?!

Posted by: John Hosty-Grinnell | June 15, 2009 at 01:57 AM
haters - sick intimidators
your hatred does not go unnoticed

Posted by: The Patriot | June 15, 2009 at 07:14 AM
If you find me standing up for myself intimidating that's your issue, not mine or society's.

Your constant presence on a GLBT blog shows me that you are a closet case self hater who is angry at those who have their dignity.

Posted by: John Hosty-Grinnell | June 15, 2009 at 01:25 PM
Thanks John. Patriot is the Chief Hater that logs in here daily and tries his pathetic best to intimidate us, hate us and force us back into the closet. Not a chance! While we have lost a few battles, we certainly have not lost the war. Equality for all families will become law of the land. The momentum is there and not even the Patriot can stop it!

Posted by: Scott | June 15, 2009 at 09:35 PM
PDSA,

I couldn't have expressed your basic sentiments any better. I can think of no other situation or context where the making public of address, phone #, etc wouldn't intimidate someone. That would be like saying, "Sure you can vote anyway you like, but just remember, I know where you live". And there's simply no other way to prevent fraud than by "outing" people like this? Just makes me think of the tactic of collecting names of people, so that when you ARE in the majority, you can carry out reprisals with that much eaiser

Posted by: Rob | June 17, 2009 at 10:03 AM
Good Hosty - you stand up for yourself, just don't be surprised when someone sits you down for your delusional behavior and gets

violent with you. If its violence you want its violence you will get. Hate breeds hate - stop your intimidation and hatred

Posted by: The Patriot | June 17, 2009 at 10:25 AM
Sweet, now you're threating Hosty. I'm sure it's the pacifist in you. Christians would never do such horrible things.

douchenozzel.

Posted by: ryan charisma | June 17, 2009 at 11:41 AM
"If its violence you want its violence you will get."

Bring it on you pussy. You don't even have the balls to come out into view so peole can know who you are.

I'm not afraid of you or anyone else that would try to intimidate me because of my sexuality.

I'm through being afraid, I hope everyone else follows my example and tells people like you where they can go.

Posted by: John Hosty-Grinnell | June 19, 2009 at 05:39 PM
Ryan, if you think that you're on the same "side" as John H-G, and your common intention is to open up a dialog... you've succeeded! Congratulations, and welcome to the dialogue. So now that we're discussing things, why is it that you need to constantly refer to people as "stupid", "douchebag", and "douchenozzle"? While I admit that "douchenozzel" is hysterically funny, your intention is not to be funny- it's the basest form of name-calling. I would think that John H-G would be smart enough to realize that name-calling is the fastest way to lose an argument. It means that you're desperate. That's not meant to be an insult- it's just a statement of fact. Patriot, you're my favorite "douchenozzel" on here :). Thanks for speaking up.
The sad thing to me is that there are real hate-crime victims out there who now sound less credible because the cry of "WOLF" is being abused by over-active-ists. Look for K.T.N.s stance on the alleged hate-crimes in Provincetown. Also, Patriot, your last comment was removed on that page... must be a server error, huh?

Posted by: John Merigo | June 20, 2009 at 10:36 PM
John, what's eating you? I gave you the last word on the thread you were posting on and you said you were moving on, I'm surprised to hear from you. I also would like to know why you are so hostile.

If I have my facts straight you are still living on Commercial Street and driving a taxi, would it be OK for me to call you so we can talk?

I've never seen someone from the GLBT community go after me like you have and I would like to fully understand why you feel the need.

I still maintain that the Provincetown police screwed up and tried to cover their asses, but that is a moot point now after all this time, so I really don't understand why you are speaking up so vocally and so late.

As far as Patriot's postings here, he knows well the violations he commits and most of them are left here for you to review, but his post being removed is no indication of your previous suggested censorship or your concern for that matter.

Clearly you are trying to annoy me, my question is why?

Posted by: John Hosty-Grinnell | June 20, 2009 at 11:56 PM
John, maybe you responded too hastily- you might notice that my last comment was directed at Ryan, and mostly because he called me a "douchebag". Am I not allowed to ask NOT to be called a douchebag? Your scare tactics are proven here- I signed no petition against you, but you feel the need to post the street on which I live, and my profession- isn't that kind of irrelevant if all you want to do is ask me some questions? Lucky for me, no- you don't have your facts straight. I have not gone "after you" at all, other than to explain repeatedly why I disagree with you, and your tactics. Clearly you don't want to hear what I have to say, and it's because I don't agree with you. That's why you're annoyed. Nothing is eating me "sweety", except your threats and disrespect to those who disagree with you. I agree with Scott above- google me all you want- It's fine. I have not called you names, and I believe I wished you health. It's a far cry from what you're doing, no? If I'm so late in speaking up about the Provincetown issue, then why is it eating you so badly? May I not comment on other pages? You might be interested in reading what I wrote on YOUR Kris Mineau comments- you'll find I agreed with you. Thanks John.

Posted by: Djohn Merigo | June 21, 2009 at 12:47 AM
I've printed this page out, and photographed it.

Posted by: Djohn Merigo | June 21, 2009 at 01:00 AM
Merigo - Hosty is a f'ing loser and you would do well to stay away from his hate.

Oh Hosty - you and your lawyers would cry rape if I even looked at you the wrong way
You are a pathetic loser who fantasizes too much about your own little delusional quest.

If it weren't so laughable, it would be sad.
Sad because your violent talk and hate speech is exactly why people call you and KTN out for being the intimidaters you are.

Yes - your violence will beget more violence and you will end up beaten and confused. Don't you understand this? You are a HATER

Posted by: The Patriot | June 21, 2009 at 09:21 AM
John, I notice you are posting your name altered again like you expect your normal moniker is blocked from posting which you previously accused. I must have done an inadequate job helping you dismiss this notion.

Let me explain a little better how blocking comments works. I have two options when I want to block someone; I can use their IP adress which is recorded when anyone posts, or I can use a word block.

The reason I would never choose a word block is because it blocks all posts with that word in it. In your case that means every moniker or comment with the word "John" in it including my own posts would be blocked. The system would not see "John Merigo" as one blockable element, it would see two seperate words which it would block seperately.

Blocking or deleting is rarely done. This action we reserve for those who pretend to be other people that post here, people who post under multiple monikers, and some other rare instances where we find a comment or moniker appropriate.

You might also want to look around and notice that all the other old articles on KTN have had their comments section turned off in order to keep conversation on the most current posts. This is normal operating procedure for KTN that we've done for years, not something new because we don't want to hear from you.

I'm not sure what you think taking a photo of your post is going to accomplish. If you post something we deem inappropriate it will be removed. However, you'd almost have to be trying to get deleted given what we have let Patriot get away with here. I hope this clears some things up for you.

Forgive me for posting your street name but my intention was to confirm you were the same person who I met before in 2007. Now that you point it out I can see how someone might take it the way you did, so I apologize.

I met someone of the same name who was driving a taxi, was rather chatty, and had a firmer handshake than I expected. This is not information you can find on Google, is it?

You obviously came here to refute what has been said by myself and KTN, can we discuss this in a more productive and less adversarial fashion? I'm not twisting your arm to be here, but on the other hand I have a responsibility to monitor and respond to bloggers here, so if I have to entertain you I would prefer to do so more amicably.

I make a point not to fight publically with other politically active GLBT community members since we are scarce and our unity is fractured enough. If you care to discuss what's on your mind you might find I am very receptive to dissenting opinons since I know that they point out flaws in my arguments that I might not see from my perspective. We can disagree with civility and gain from the experience. That doesn't mean I won't make passionate points or say something out of line from time to time, I'm human too! ;)

My interaction with Patriot and a few other people out there is a poor example of my normal demeanor and if you stay around long enough or read enough of the archives you may understand why.

Best Wishes, I hope you continue to return.

Posted by: John Hosty-Grinnell | June 22, 2009 at 12:14 AM
LOL

Posted by: The Patriot | June 22, 2009 at 03:47 PM

Verify your Comment

Previewing your Comment

Posted by: |
This is only a preview. Your comment has not yet been posted.
Post Edit
Your comment could not be posted. Error type:
Your comment has been posted. Post another comment
The letters and numbers you entered did not match the image. Please try again.
As a final step before posting your comment, enter the letters and numbers you see in the image below. This prevents

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Exhibit 5

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THE SPOKESMAN-REVIEW June 7, 2009 in City

Outing referendum petition signers works both ways

Jim Camden

Tags: gay rights Referendum 71 whosigned.org

A gay rights group's plan to post the names of everyone who signs Referendum 71 petitions has some people outraged and others insisting that folks shouldn't sign petitions unless they have the guts to defend their decision.

In other words, it's your standard dichotomy in politics: WhoSigned.org is either assisting in a more open electoral process or engaging in a scurrilous political ploy in its fight against a ballot proposal that would overturn certain legal rights for same-sex couples.

Before deciding who's right, we can apply a test known as "change a few details, see what you think."

First, let's be clear: There's no question that the names on referendum and initiative petitions are public record. But that isn't really the point, is it?

In general, "public record" as far as a ballot petition goes means going to Olympia and sifting through thousands of pages of signature sheets, looking for names. WhoSigned is talking about placing the names in a searchable database and posting that to the Internet.

What would "pro-choice" groups have said in 1990 if a "pro-life" group announced plans to send the Catholic dioceses the names of everyone signing Initiative 120, which guaranteed Roe v. Wade abortion rights in Washington, or last year's Death with Dignity initiative?

What would worker rights groups have said about a business lobby in 1998 sending out the names of all signers to I-688, which tied the minimum wage to inflation, so employers could compare them against their personnel records?

What would civil rights groups have said if a law enforcement organization in 1998 copied off the names of signers of I-692, the medical marijuana initiative, and shipped them to the nearest drug task force?

Anyone who says "I'm fine with that" to all of the above can logically support the WhoSigned.org plans. Anyone who said "Wait a minute" to any of them should have a problem with outing the signers of Referendum 71.

It can be fun to apply "change a few details" to other situations. Take the anti-abortion activists protesting President Obama's speech at Notre Dame last month. If you thought peaceniks should have shut up and stayed home when George W. Bush made commencement speeches during his presidency, you could hardly have backed the Randall Terry show in South Bend; if you defended antiwar activists' constitutional right to complain any time Bush put on a cap and gown and got an honorary sheepskin, you should have been cheering for Terry.

Or take the Democratic National Committee's Organizing for America, which last week held a meeting in Spokane as part of its plan to harness the energy of last year's presidential campaign for Obama's agenda on health care and energy.

Some of you Democrats probably think that's a great idea. Some of you Republicans already have 10 reasons to object to this kind of "permanent campaign."

If the Bush campaign had a plan to gather its supporters to push his agenda for energy or tax cuts in 2001, how many Democrats would've said "damn straight" and how many Republicans would've pitched a fit?

Spin Control is a weekly political column written by Jim Camden, who can be reached at (509) 459-5461 or jimc@spokesman.com. Spin Control is also a blog with daily posts and videos at www.spokesman.com/ blogs/spincontrol.

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Exhibit 6

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THE SPOKESMAN-REVIEW June 3, 2009 in City

Group will publish names of partner-rights opponents

Richard Roesler / richr@spokesman.com, (360) 664-2598

Tags: domestic partnerships Referendum 71

OLYMPIA – Petitions were being printed Tuesday for Referendum 71, which asks Washington voters to overturn a new law granting same-sex domestic partners many of the rights of spouses.

But those who sign the petitions may be in for a surprise. Some R-71 opponents have put up a Web site – www.whosigned.org (http://www.whosigned.org) – where they intend to post the names of all the required 120,577 signers.

"We think that it will help neighbors talk to each other," said Brian Murphy, 45, a Seattle resident who helped create the site.

Referendum 71 organizers say the tactic is way over the line.

"It's intimidation, there's no question about it," said Gary Randall, president of the Faith and Freedom Network, one of the groups backing the measure.

Randall scoffed at the idea that the site will help foster conversations over backyard fences.

"It's a lie," he said. "... They may want to get to know their neighbors who disagree with them, but not to have a friendly conversation."

Murphy, who is gay, says it's undecided whether the Web site will list addresses. But he dismissed worries about harassment as overblown. Unlike a ballot, he said, "signing a petition is a public act."

It's signed in public, and the signature-gatherers and subsequent signers see signers' names and addresses, he said.

"It's very clear that there's no expectation of privacy there," Murphy said. Also, he points out, the state has posted an online list of the thousands of couples who have become domestic partners.

Petition signers could have their names and other information published by the Web site only after the petitions are verified by the Secretary of State's Office. At that point, the signed petitions are public records.

But even some fellow opponents of the referendum are uncomfortable with the plan to publicize signers' names.

"We did ask them not to put the site up," said Josh Friedes, a spokesman for Equal Rights Washington. "I have concerns that the Web site can be perceived as hostile or intimidating, and that's just not helpful."

R-71 opponents, who recently organized as Washington Families Standing Together, are trying to make the case that the law protects loving, committed partners and their families.

"We think the Web site may make it harder to have these conversations," Friedes said.If organizers can get enough signatures by late July, R-71 would likely be the highest-profile measure on the ballot. It asks voters to throw out a new law giving domestic partners virtually all the rights and responsibilities of married couples under state law.

Randall says that creates de facto marriage. Proponents disagree, noting that another state law clearly specifies that marriage is only between a man and a woman.

Opponents of the measure say they're planning to run a $2 million to $3 million campaign if R-71 makes it on the ballot.

Similar battles in other states have led gay-rights groups to publicize the names of political donors and petition signers. The Massachusetts-based gay rights group Knowthyneighbor.org has posted more than half a million names of petition signers in Massachusetts, Florida and Arkansas.

"These petition signers need to stand behind their signatures and be responsible for this dehumanizing attack on the gay community," Know They Neighbor's director, Tom Lang, said in April. Some donors to last year's Proposition 8, a California ban on same-sex marriage, faced boycotts, stolen yard signs, and vandalism of their homes and cars.

Some Mormons helping promote R-71 are "still raw to what happened in California," Randall said. "They're still being harassed to this day."

State elections director Nick Handy said he's unhappy with the idea of discouraging participation by publicizing names from the petitions.

"A vigorous debate on the issues is always welcomed, but efforts to intimidate or repress participation are not," he said in a written statement. "It just doesn't feel like the culture we have here in the state of Washington."

The more than 10,000 petitions needed will include names, signatures and home addresses.

"Nobody is comfortable with releasing personal information in situations like this, but it (is) part of transparency in government," Handy said. "We hope people will keep their cool."

Despite some strong criticism of the plan, Murphy said he has no intention of taking down the Web site. He understands the feedback from people who are urging a less confrontational approach, he said. But he said the stakes -- hundreds of spouse-type rights in a November vote -- are too high to turn back.

"Imagine that it was your family's rights that were being affected, and that you had to wait," he said. "What would you do?"

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Exhibit 7

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The Seattle Times

Monday, June 8, 2009 - Page updated at 11:06 AM

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Gay-rights strategy raises issue of privacy in democratic process

By Lornet Turnbull
Seattle Times staff reporter

Across the country, thousands who contributed to a campaign banning gay marriage in California — including some people in the Seattle area — have had their names and addresses permanently ascribed to an Internet site, along with the amount they gave and their place of employment.

Last week, a Seattle gay man said he will do something similar: post and make searchable online the names and addresses of all who sign a referendum petition to recall legislation giving gay couples in Washington the benefits of marriage, except the name.

This strategy signals a radical change in the way some gays are using the Internet to battle for their cause — putting typically archived public documents within reach of anyone with a computer.

Patterned after online sites in Massachusetts, Arkansas and Florida, the idea behind WhoSigned.org is generating debate inside and outside the gay community and raising questions about privacy in the democratic process and whether such tactics amount to intimidation.

"If you believe and understand and want to hurt families in Washington state and take their rights away, then don't hide, by all means go ahead and sign," said Tom Lang, director of KnowThyNeighbor.org, who launched the first campaign to out petition signers in Massachusetts, the first state to legalize gay marriage. "No minority group should have their civil rights subjected to the ballot box."

But Maggie Gallagher, an advocate who writes extensively against gay marriage, said the strategies could have a chilling effect on the democratic process and surely will spread as long as organizers are effective in intimidating voters.

"They are using the public-disclosure laws to punish people for participating in the democratic process — a core right," said Gallagher, the New York-based president of the Institute for Marriage and Public Policy.

"People only do these tactics when they are afraid of voters and want to intimidate them."

In the days since WhoSigned.org was announced, election officials at the Secretary of State's Office in Olympia have fielded calls and e-mails from people inquiring about its legality. While state law bans voter intimidation, whether posting the names of those who sign a petition rises to that level is unclear.

"It's not something we police but... a matter for the courts, if someone had a complaint," said Dave Ammons, spokesman for the secretary of state. "It's a matter of judgment. Where do you cross the line between freedom of expression and getting in someone's face?"

WhoSigned.org would make it easy to find out where someone lives, and that makes some who might sign the petition worry their families, homes and businesses could be targeted. Others have said "outing" them on a Web site could jeopardize job opportunities.

Joseph Backholm, executive director of the Family Policy Institute of Washington, said, "What I'd like to see is not necessarily agreement on core issues, but for those on both sides to see each other as real people and stop with the labels and constant name calling — that they're perverts, we're bigots. It's absurd."

Canvassers with Protect Marriage Washington, the Referendum 71 campaign, have a July 25 deadline to collect at least 120,000 signatures to qualify R-71 for the November ballot.

Backers of the referendum may get a boost from otherwise ambivalent voters who said they were angered by the threat of having their names and addresses posted online and now want to support the referendum.

Referendum backers say they don't know how many would-be supporters may have been chilled by the threat of being publicly named and won't sign.

"If we've had 1,000 people say they'll sign, there could be another 1,000 who may not as a result," said Gary Randall, executive director of the Faith & Freedom Network, one of the referendum organizers.

NNews of the Web site so infuriated Doug Crandall that he says he'll likely now sign the referendum where previously he had no intention of doing so.

"On this issue (R-71), I really don't have a strong opinion one way or another," said Crandall, of Bellevue. "I have great friends who make me feel one way, and personal convictions that make me feel another."

But the Web site is a bully tactic that emboldened him, he said. "I'm not going to bow to their intimation."

Evan Wolfson, executive director of the gay-marriage-rights group Freedom to Marry, said it's reasonable for gays to learn how members of their family and their neighbors, co-workers — even friends — stand on issues crucial to their lives.

"There's nothing more threatening and intimidating than launching a ballot measure to take away protections from your neighbors," he said.

Josh Freides, advocacy director with Equal Rights Washington, which is leading the Decline to Sign campaign against R-71, doesn't disagree with that.

But making an announcement to out people creates a barrier to civil discourse, "when what we need to be doing is talking about the problems that Washington families face because they don't have the equal rights to protect themselves," he said.

Lornet Turnbull: 206-464-2420 or lturnbull@seattletimes.com

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the news tribune.com

PRINTER FRIENDLY FORMAT

Tacoma, WA - Sunday, July 26, 2009

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Gay rights supporters plan to out referendum signers

r-71: Gay rights supporters say they will publish online the names of those who sign petitions

CURT WOODWARD; The Associated Press
Last updated: June 2nd, 2009 06:35 AM (PDT)

Gay rights supporters plan to publish online the names of people signing petitions for Referendum 71, which seeks a public vote to overturn broader domestic partnerships for same-sex couples.

The effort was announced Monday by a political group called WhoSigned.Org. It is patterned after campaigns in other states where gay rights ballot measures have been proposed.

If R-71 qualifies for the statewide ballot, it would ask voters to either accept or reject the most recent expansion of the state's domestic partnerships for same-sex couples. Opposite-gender seniors also can register as domestic partners.

The latest expansion, dubbed "everything but marriage," added domestic partners to all remaining areas of state law where only married couples are mentioned, including the use of sick leave to care for a partner, group insurance policies, and adoption and child custody rights. The partnerships do not affect federal law.

While WhoSigned.Org hopes gay-rights supporters identify people they know among petition signers to discuss the ballot measure, the intent is not to harass anyone, WhoSigned.Org director Brian Murphy said.

"They've got to be relaxed, neighbor-to-neighbor conversations," Murphy said. "They do not do any good if they are tense and angry."

Larry Stickney, who is leading the referendum campaign for Protect Marriage in Washington, rejected Murphy's explanation. The clear intent is to bully petition signers, he said.

"There's a typical pattern developing around the country, where the homosexual lobby employs hostile, undemocratic intimidation tactics wherever their interests and intents are challenged," Stickney said.

The petition-listing effort also is not supported by the official campaign trying to keep R-71 off of the ballot. Josh Friedes, campaign manager for Washington Families Standing Together, said the group had even asked Murphy not to proceed with his idea, believing the approach too confrontational.

"We think that this Web site runs the risk of making people feel defensive, and that's not what we want," Friedes said. "We want a really open conversation where people can ask questions, express their ideas, and learn."

Domestic partnership opponents could have their names and other information published by the Web site only after R-71 petitions are verified by Secretary of State Sam Reed, the state's top elections official. At that point, the signed petitions are public records, available for anyone.

But while the signatures are publicly available, they aren't published by the state. Murphy of Seattle acknowledged that his effort to publicize the information might make some people think twice about signing a petition.

Murphy also said he still was weighing whether to publish full addresses from signed petitions — one alternative might be to list the signer's city and ZIP code, the way registered domestic partners are listed on the state's Web site.

If any phone numbers were listed on the petitions, Murphy said he would not publish those.

Originally published: June 2nd, 2009 12:15 AM (PDT)

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From the YakimaHerald.com Online News.

Publicizing petition signers will bring nothing but trouble

Gay-rights debate

Yakima Herald-Republic

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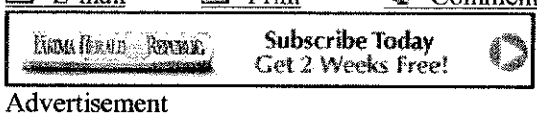

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The following editorial appears in the June 9, 2009, Yakima Herald-Republic.

This summer will find workers for Referendum 71 setting up tables outside grocery stores and malls in the hopes of collecting enough signatures for a public vote to overturn expanded domestic partnerships for same-sex couples.

The petition drive follows passage by lawmakers earlier this year of an "everything but marriage" measure that added domestic partners to all remaining areas of state law where only married couples are mentioned. The extended benefits include sick leave to care for a partner, group insurance policies and adoption and child custody rights.

What will also be evident later this summer is a move by gay-rights supporters to publish online the names of people who sign the Referendum 71 petitions. While the signatures of those who sign petitions for statewide measures have always been publicly available, the state has never published them.

That will change if WhoSigned.Org backers follow through on their promise to publish these names on the Internet. They have not yet decided if the list will also include addresses.

The gay-rights supporters argue they are doing so in an effort to engage these petition signatories in a friendly debate, not harassment.

While we hope that becomes the case, we doubt it will. We see this only as a means of coarsening the debate.

Go ahead and conduct public forums and distribute information through print media and over the airways.

But confronting those on an individual basis who willingly sign a petition has all the makings for bitter confrontation. We don't find that edifying at all.

** Members of the Yakima Herald-Republic editorial board are Michael Shepard, Spencer Hatton and Karen Troianello.*

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The Seattle Times

Friday, June 19, 2009 - Page updated at 06:46 PM

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Don't try to intimidate people who sign initiative petitions

By Ryan Blethen
Times editorial page editor

Identity is a powerful force, shaping how we view ourselves and how others view us. Identity is also open to internal and external interpretations.

Because of its malleable quality, identity often plays a role in politics. Not surprisingly, identity has emerged as a weapon in the most recent battle for gay rights. An issue welded to identity.

The trigger for the nastiness was the Legislature's passing and Gov. Chris Gregoire's signing of Senate Bill 5688, otherwise known as the "everything but marriage bill." The legislation rightly grants domestic partners nearly all the rights and responsibilities enjoyed by married couples. Everything, that is, except a state-sanctioned marriage, which is too bad. If the state is in the marriage business, it should not discriminate against a class of people.

This fight is all about erasing or shoring up government's discrimination against gays and lesbians. The campaign is becoming overheated because of the gains made on behalf of gay rights, especially during the past year. States from Maine to Iowa have followed Massachusetts and instituted marriage equality.

No doubt the anti-same-sex-marriage camp feels the pressure that comes with change. Instead of accepting the inevitable, this group is circulating Referendum 71, which, if they get 120,577 signatures by July 25, will have voters decide the fate of the domestic-partnership bill on the November ballot.

What a waste of time. The bill easily passed the House and Senate and is destined to happen anyway.

The anti campaign has clearly lost the identity battle. Every year, fewer and fewer Americans buy the tired argument that marriage equality is something dirty or inferior. A disingenuous stunt that does not serve Washington voters.

The defensive posture of the anti campaign leaves me wondering why gay-rights supporters have jumped into the toxic mud of using identity as a weapon.

The equality movement was dealt a blow last month when California's Supreme Court upheld a ban on same-sex marriage. That stinging rejection, coupled with the frustration of being so close to success in Washington state, has probably played a role in the same-sex-marriage supporters' use of questionable campaign tactics.

What I, and this page, take issue with is the Web site called whosigned.org. The site will list everyone who signed Referendum 71. On the Web site it says this is being done so voters can make sure the public record is correct.

We all know that is not the case. The real purpose of whosigned.org is intimidation. People who sign petitions should understand that it is public record. But just because somebody signs a petition does not mean they support the referendum. People sign referendums for all sorts of reasons. It is not hard to believe that someone who supports marriage equality will sign it because they firmly believe the voters, not the Legislature, should have the final say.

Both sides look bad in this tussle and are doing little to foster a collective identity that is growing more accepting. Equal rights for gays and lesbians is about much more than individual identity. We are fractured as a whole when

discrimination is institutionalized.

How we treat each other in the difficult times of struggle and change makes up our societal identity. Let's not regress. We've come too far.

Ryan Blethen's column appears Sunday. His e-mail address is: rblethen@seattletimes.com

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Tacoma, WA - Sunday, July 26, 2009

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GAY RIGHTS: Group's action could be inflammatory

CHRISTEN F. KAUFMAN; University Place
Last updated: June 6th, 2009 12:18 AM (PDT)

Re: "Out referendum signers?" (TNT, 6-2).

I am a registered voter and a member of the gay community. I care deeply about domestic partnership rights being upheld. However, I am also disturbed by WhoSigned.Org's plan to publish the names of those who sign the Referendum 71 petition.

This is an inflammatory action on a highly emotional topic. It attempts to intimidate people by making them think twice about exercising their legal right for fear that they may have an uninvited visitor at home or an unwanted conversation in line at the grocery store.

This is not the sort of invitation to dialogue our community should be promoting. Common justifications (it's all public record anyway, its being done elsewhere, we just want to talk, our intentions are harmless) mean nothing balanced against the gravity of condoning political intimidation as an acceptable tool.

I urge WhoSigned.Org to find a less divisive way to encourage discussion between the gay community and our neighbors. Our community is commonly accused of holding values detrimental to the well-being of society. To Brian Murphy I say: Do not bless our critics with an act that appears to justify that conclusion.

Originally published: June 6th, 2009 12:18 AM (PDT)

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John Doe #1

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

** Pro Hac Vice Application Pending*
*** Designated Counsel for Service*

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	Case No. 2:09-CV-00058-MCE-DAD **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** Date: TBD Time: TBD Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of the passage of Proposition 8, I donated $XX,XXX to ProtectMarriage.com – Yes on 8.

4. I own REDACTED, a local REDACTED store REDACTED in the Counties of REDACTED, REDACTED, and REDACTED. I have a total of REDACTED stores in this area.

5. My donation to ProtectMarriage.com – Yes on 8 was a personal one, but because one has to list an employer, I had to list the name of my business since I am self-employed.

6. In support of the passage of Proposition 8, I placed a yard sign in the front yard of my home.

7. In support of the passage of Proposition 8, I also made phone calls on behalf of the Proposition 8 campaign with a group of people from my church.

8. In October 2008, someone put flyers on all the cars in the parking lot of my REDACTED store. These fliers referenced my support of Proposition 8 and my financial contribution.

9. I believe that, because I was required to provide the name of my business when I made my personal donation to ProtectMarriage.com – Yes on 8, and because this information was made available to the public, my stores have been targeted for various forms of harassment.

10. On the social networking website of Facebook, at least three "groups" have been formed urging boycotts of REDACTED (Boycott REDACTED, Boycott REDACTED, and Boycott REDACTED – Equality for All!!!). As of January 9, 2009, one of these groups had over 160 members.

11. Someone started REDACTED and for a portion of November 2008, paid for it to be a sponsored link on Google. What this means is that, when one searches for my company on websites that show Google's sponsored links, REDACTED is the first website that appears on the list of sponsored links.

12. The website REDACTED makes reference to my personal donation in support of Proposition 8 and urges people to boycott my stores on the basis of my support

13. On Yelp.com, a website featuring reviews of local businesses and restaurants, several negative reviews of my stores have been posted. None of the reviews have anything to do with my business, but instead reference my donation to ProtectMarriage.com – Yes on 8.

14. Various other websites have published negative reviews of my stores based solely on my donation to ProtectMarriage.com – Yes on 8.

15. Since the passage of Proposition 8, my REDACTED store has been picketed twice.

16. On November XX, 2008, there was a march in opposition to Proposition 8 in downtown REDACTED. The REDACTED Police Department called and informed me that they had received information that the protestors planned to march to my REDACTED store and picket there.

17. Several of the protestors who came to the REDACTED store on November XX, 2008 were fairly aggressive. They stood in front of the entrance to the store and attempted to give flyers to my customers stating that they should not shop at my stores because of my donation to Proposition 8. A true and correct copy of the flyer distributed by the picketers is attached to this Declaration as Exhibit A.

18. Several people arrived and were fairly aggressive. They stood in front of the entrance to the store and attempted to give flyers to my customers stating that they should not shop at my stores because of my donation to Proposition 8.

19. The second time that my REDACTED store was picketed, several people assembled in front of the entrance to the store and tried to get my customers to sign some sort of petition.

20. The manager of the store told the protestors they could not block the entrances and exits of the store. The protestors refused to leave.

20. We called the REDACTED Police Department and asked them to ask the protestors to move to the sidewalk, since they were standing in front of the entrances and we believed they were trespassing, because the store is located on private property.

21. The REDACTED Police Department told me that the store is a public place and that the protestors were not trespassing. The Police Department refused to ask the protestors to relocate to the sidewalk.

22. After the passage of Proposition 8, an individual came into my REDACTED store, filled a shopping cart with groceries, and took it to the check-out line. Once the cashier had scanned in all of

the items in the shopping cart, the individual announced that he was not going to buy anything because I supported Proposition 8, and left without paying for the items.

23. I have retained many but not all of the letters and hundreds of e-mails that my stores or I received because of my support of Proposition 8.

24. My stores received numerous harassing phone calls that referenced my support of Proposition 8.

25. Around 30-40 people have walked into my stores since the passage of Proposition 8 and expressed their displeasure about my support of Proposition 8.

26. Because of my concerns about product tampering in light of my support of Proposition 8, I have been forced to install an additional sixteen security cameras in my stores to protect the integrity and safety of our products.

27. These experiences will hinder me from donating to a cause similar to Proposition 8 in the future. I feel very strongly about the issue of same-sex marriage, but in the future I would support a measure like Proposition 8 more discretely and would not donate like this again. I feel it is very unfair that I could not make my donation a personal matter only and leave the name of my business out. As a result of my personal donation, my stores and my employees have been subject to harassment, and I feel this is not right.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on REDACTED REDACTED REDACT

PROOF OF SERVICE

I, Timothy D. Chandler, am over the age of 18 years and not a party to the within action. My business address is 101 Parkshore Drive, Suite 100; Folsom, California 95630.

On January 15, 2009, I electronically filed the foregoing document described as Declaration of John Doe #1 in Support of Plaintiffs' Motion for Preliminary Injunction, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery Paul Morazzini
Zackery.Morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund C. Brown, Jr.

And, pursuant to Rule 5-135(f), on January 15, 2009, I served the foregoing document described as Declaration of John Doe #1 in Support of Plaintiffs' Motion for Preliminary Injunction by placing true and correct copies of the documents in sealed envelopes with postage thereon fully prepaid, in the United States mail at Folsom, California, addressed to the following non-CM/ECF participants:

Dean C. Logan
Office of the Registrar-Recorder
12400 Imperial Highway
Norwalk, California 90650

Department of Elections, City and County of San Francisco
c/o Office of the Mayor Gavin Newsom
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Jan Scully
Office of the District Attorney
901 G Street
Sacramento, California 95814

Eileen Teichert
Office of the City Attorney
New City Hall Building
915 I Street, 4th Floor
Sacramento, California 95814

Ross Johnson
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Timothy Hodson
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Eugene Huguenin, Jr.
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Robert Leidigh
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

and

Ray Remy
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Defendants

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 15, 2009 at Folsom, California.

s/Timothy D. Chandler
Timothy D. Chandler (CA Bar No. 234325)
Attorney for Plaintiff

Exhibit A

ATTENTION [redacted] CUSTOMERS!!!

Did you know that [redacted]s is ***supporting Proposition 8,*** which would take away the right of gays and lesbians to marry in the state of California?

- According to the website http://www.ibabuzz.com/politics/category/same-sex-marriage/ which tracks donors to the propositions, [redacted] gave more than [redacted] in support of Prop 8!

Is this where you want YOUR money going???

Show [redacted] that you do not share their prejudice by reconsidering where you buy your groceries! Go to http://news.lavenderliberal.com/2008/09/06/california-mormon-conference-calls-bring-out-rash-of-overnight-prop-8-donors/ and make sure other businesses you patronize are not on the list of donors.

Other local health food options include:

[redacted]

And of course, [redacted]

John Doe #2

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
Telephone: (812) 232-2434
Facsimile: (812) 235-3685
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, California 95630
Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

** Pro Hac Vice Application Pending*
*** Designated Counsel for Service*

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	Case No. 2:09-CV-00058-MCE-DAD **DECLARATION OF** REDACTED REDACTED **IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** Date: TBD Time: TBD Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of the passage of Proposition 8, I made two donations totaling $X,XXX to ProtectMarriage.com – Yes on 8.

4. In support of the passage of Proposition 8, I also placed a "Yes on 8" bumper-sticker on my car.

5. On Saturday, November XX, 2008, a flyer was distributed in the town of REDACTED, California, where I reside. Under a large headline reading, "Bigot," the flyer had a picture of me, as well as listing my name, the fact that I am a REDACTED at REDACTED Catholic Church, and that I contributed $X,XXX in support of Proposition 8. A true and correct copy of this flyer is attached as Exhibit A.

6. To my knowledge, no one outside of my family was aware of my financial contribution to ProtectMarriage.com – Yes on 8, so the only way that the person who made this flyer could have known about it is through the state's public disclosure of such donations.

7. Because of this incident, which I believe occurred because of my support of Proposition 8, I would be less likely to donate to a similar cause in the future.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on REDACTED

Signature Redacted
REDACTED

PROOF OF SERVICE

I, Timothy D. Chandler, am over the age of 18 years and not a party to the within action. My business address is 101 Parkshore Drive, Suite 100; Folsom, California 95630.

On January 15, 2009, I electronically filed the foregoing document described as Declaration of John Doe #2 in Support of Plaintiffs' Motion for Preliminary Injunction, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery Paul Morazzini
Zackery.Morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund C. Brown, Jr.

And, pursuant to Rule 5-135(f), on January 15, 2009, I served the foregoing document described as Declaration of John Doe #2 in Support of Plaintiffs' Motion for Preliminary Injunction by placing true and correct copies of the documents in sealed envelopes with postage thereon fully prepaid, in the United States mail at Folsom, California, addressed to the following non-CM/ECF participants:

Dean C. Logan
Office of the Registrar-Recorder
12400 Imperial Highway
Norwalk, California 90650

Department of Elections, City and County of San Francisco
c/o Office of the Mayor Gavin Newsom
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Jan Scully
Office of the District Attorney
901 G Street
Sacramento, California 95814

Eileen Teichert
Office of the City Attorney
New City Hall Building
915 I Street, 4th Floor
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Ross Johnson
California Fair Political Practices Commission
428 J. Street, Suite 620
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Eugene Huguenin, Jr.
California Fair Political Practices Commission
428 J. Street, Suite 620
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Robert Leidigh
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

and

Ray Remy
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Defendants

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 15, 2009 at Folsom, California.

s/Timothy D. Chandler
Timothy D. Chandler (CA Bar No. 234325)
Attorney for Plaintiff

Exhibit A

REDACTED

BIGOT

Photograph of John Doe #2

REDACTED REDACTED

@ REDACTED Catholic Church

SHAME ON YOU
FOR YOUR DONATION OF
$X,XXX TO YES ON 8

CHRIST WOULD NOT BE VERY PROUD OF YOU!

John Doe #3

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
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Counsel for All Plaintiffs

* *Pro Hac Vice Application Pending*
** Designated Counsel for Service

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	Case No. 2:09-CV-00058-MCE-DAD **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** Date: TBD Time: TBD Judge England

I, REDACTE, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. I am the pastor of REDACT Lutheran Church in REDACT, California.

4. Prior to the passage of Proposition 8, I stated to my congregation that the Bible supports marriage between one man and one woman, and that the members of my congregation should vote accordingly.

5. Prior to the passage of Proposition 8, an unknown person placed a "Yes on 8" yard sign on the church property, which remained standing on the property until sometime on November X, 2008 or November X, 2008.

6. Sometime between 10:00 p.m. on November X, 2008 and 8:00 a.m. on November X, 2008, the "Yes on 8" yard sign that had been placed on the church property and a heavy object, such as a rock, were used to break a large window of our church building. Pictures of the broken window and the "Yes on 8" sign are attached as Exhibit A. These pictures are a true and accurate representation of the broken window and "Yes on 8" sign as I discovered them on November X, 2008.

7. Our denominational newspaper of the Lutheran Church, Missouri Synod, published a story about the incident, which is attached as Exhibit B. This account of the events is a true and accurate representation of the events that occurred.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

Signature Redacte
REDACTE

Exhibit A

REDACTED

BIGOT

Photograph of John Doe #2

REDACTED REDACTED

@ REDACTED Catholic Church

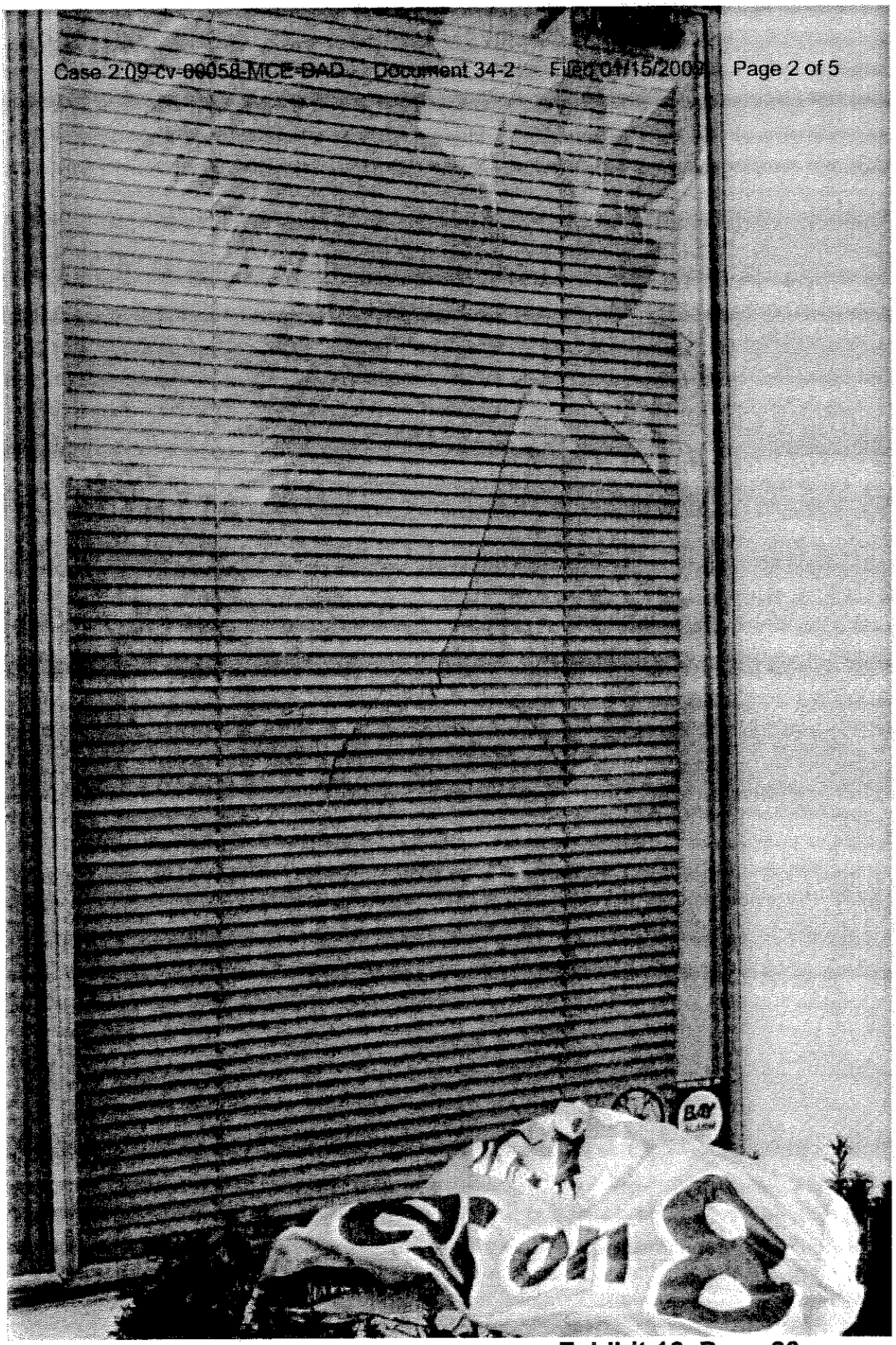
SHAME ON YOU

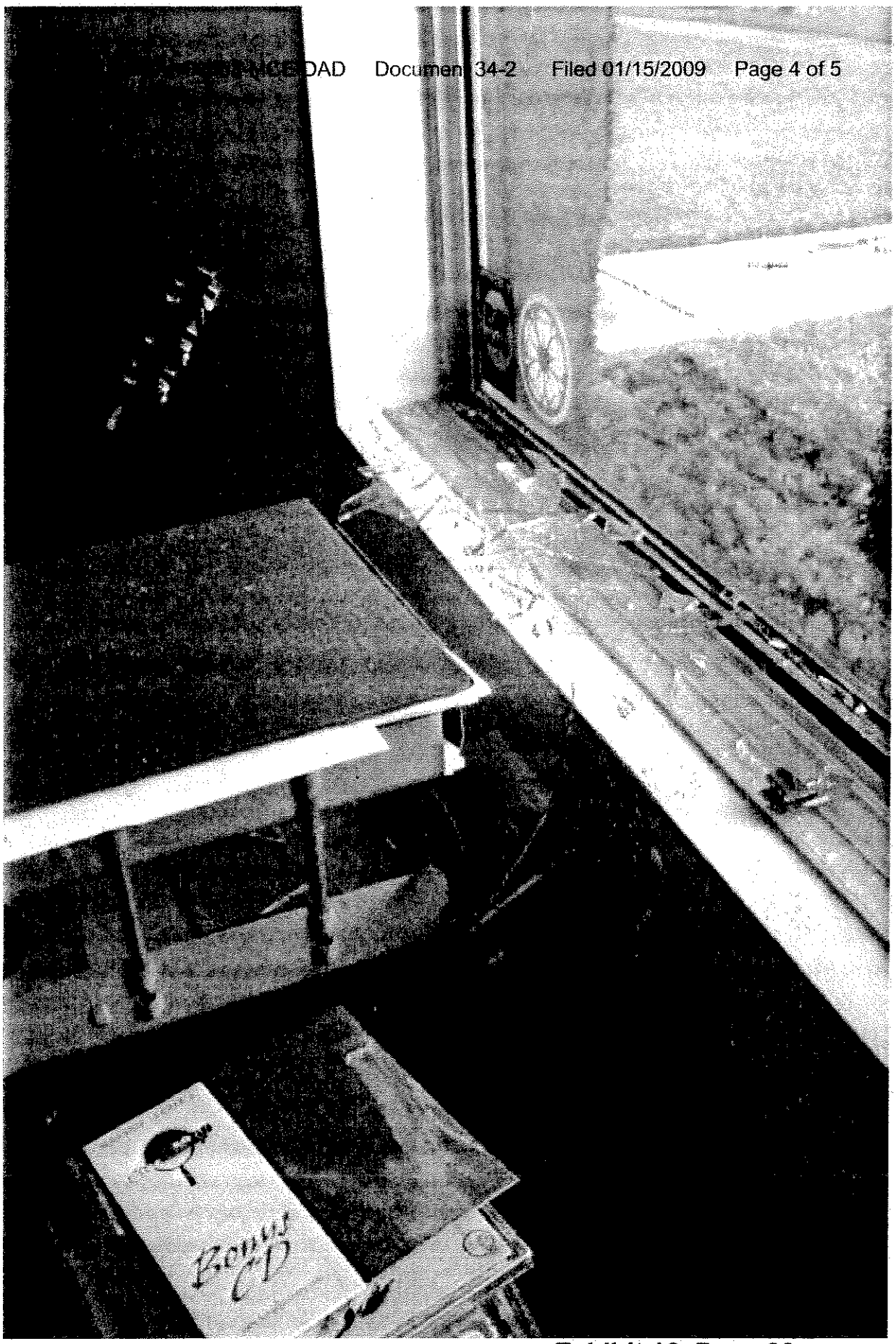
FOR YOUR DONATION OF

$X,XXX TO YES ON 8

CHRIST WOULD NOT BE VERY PROUD OF YOU!

Exhibit A


BAY
on


Brown
Cup

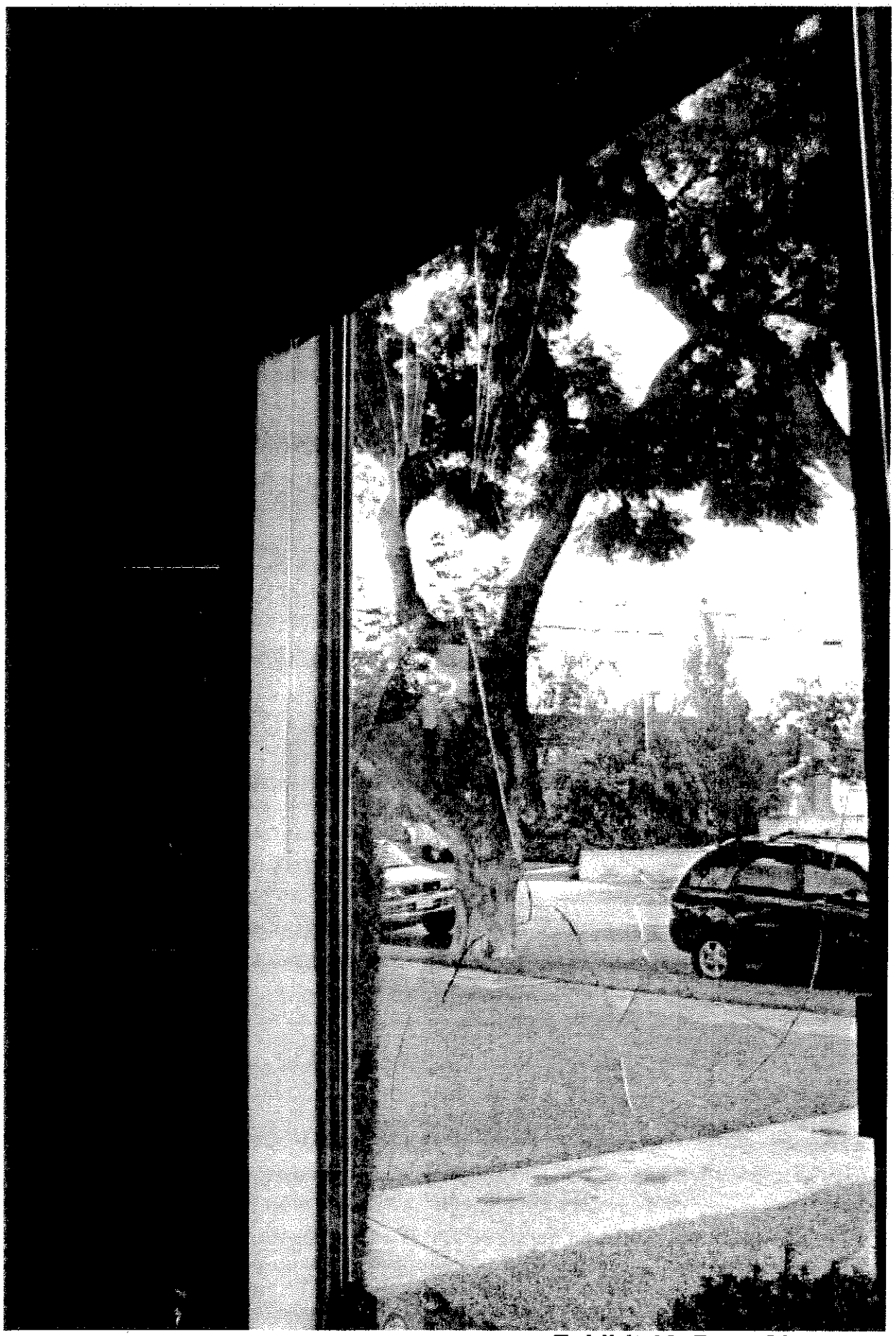


Exhibit B

Vandals hit LCMS church

While the marriage amendment passed in California with 52 percent approval, those opposing it made their views known even before the votes were counted.

A window was broken at REDACTED Lutheran Church, REDACTED, Calif., sometime between 10 p.m. on the eve of the election and 8 a.m. on REDACTED.

Michael Hayes

An office window at REDACTED Lutheran Church, REDACTED Calif., was broken by vandals who threw a "Yes on 8" sign and another object at the window either right before — or on — REDACTED

Rev. REDACTED, pastor at REDACTED, told *Reporter* that someone used a "Yes on 8" sign along with another object to break an office window. The sign had been on a street corner near the church.

"Ironically, these signs were all over the city of REDACTED and the perpetrator would not have known whether we put the sign on the corner or someone else," Hayes wrote in an e-mail.

REDACTED President REDACTED found it "disturbing" to see the public protests following the passage of Proposition 8. "Our electoral process allows the citizens to speak and then expects acceptance of the vote of the people," REDACTED said. "I am especially disturbed that one of the churches in the REDACTED was the victim of vandalism that may be related to the election."

The American Civil Liberties Union, Lambda Legal, and the National Center for Lesbian Rights have asked the California Supreme Court to invalidate Proposition 8. According to the Associated Press, gay-rights groups said they may ask California voters to overturn the ban on same-sex marriage if these legal challenges are unsuccessful.

Organized protests against the passage of the amendments were held in cities in many states over the Nov. 15-16 weekend, including Florida, where the amendment received 62 percent approval, and Arizona, where 55 percent of voters gave approval.

Posted Nov. XX, 2008

Return to Top

Printed from: REDACTED
Printed on: REDACTED

John Doe #4

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
Telephone: (812) 232-2434
Facsimile: (812) 235-3685
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, California 95630
Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Pro Hac Vice Application Pending*
** *Designated Counsel for Service*

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, *et al.*,** *Defendants.*	Case No. 2:09-CV-00058-MCE-DAD **DECLARATION OF** REDACTED [redacted] **IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** Date: TBD Time: TBD Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of the passage of Proposition 8, I donated $XX.XXX to National Organization for Marriage California - Yes on 8.

4. I am unsure if this donation to National Organization for Marriage California – Yes on 8 was made in my name, or in the name of my business, the Law Offices of REDACTED. However, as I am the full shareholder of the Law Offices of REDACTED, this donation was made at my direction, out of my personal funds, and can be attributed to me.

5. In support of the passage of Proposition 8, I served as REDACTED for ProtectMarriage.com - Yes on 8, wrote articles supporting Proposition 8, and gave talks to local groups in support of Proposition 8.

6. On August XX, 2008, I held a fundraiser at my home to raise money for the ProtectMarriage.com - Yes on 8 campaign.

7. At this fundraiser, a group of protestors demonstrated at the entrance to my community. They attempted to pass out fliers to the guests of the fundraiser as they passed through the gate to my community, criticized support of Proposition 8 in general, and criticized me personally for my support of Proposition 8. True and correct accounts of this demonstration are contained in the news articles attached as Exhibit A.

8. On my law firm's website, REDACTED, we provide a form for potential clients use to contact us.

9. From November 13-16, I received approximately 15-20 e-mails, containing threats and/or harassment, sent through the form located my firm's website. For example, one e-mail states: "hello propogators & litigators burn in hell." Another e-mail states: "Congratulations. for your support of prop 8, you have won our tampon of the year award. Please contact us is you would like to pick up your prize." True and correct copies of these e-mails and several others sent through the form on our website

are attached as Exhibit B. I did not retain copies of all of the harassing and threatening e-mails that I received.

10. At least one e-mail I received via the form on my firm's website referenced the amount I had donated in support of Proposition 8. The amount referenced in the e-mail also included a short-term loan that I made to ProtectMarriage.com – Yes on 8, which was reported by the California Secretary of State's office.

11. My name, business, and the amount I donated were posted on the website www.californiansagainsthate.org.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

SIGNATURE REDACTE

REDACTE

PROOF OF SERVICE

I, Timothy D. Chandler, am over the age of 18 years and not a party to the within action. My business address is 101 Parkshore Drive, Suite 100; Folsom, California 95630.

On January 15, 2009, I electronically filed the foregoing document described as Declaration of John Doe #4 in Support of Plaintiffs' Motion for Preliminary Injunction, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery Paul Morazzini
Zackery.Morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund C. Brown, Jr.

And, pursuant to Rule 5-135(f), on January 15, 2009, I served the foregoing document described as Declaration of John Doe #4 in Support of Plaintiffs' Motion for Preliminary Injunction by placing true and correct copies of the documents in sealed envelopes with postage thereon fully prepaid, in the United States mail at Folsom, California, addressed to the following non-CM/ECF participants:

Dean C. Logan
Office of the Registrar-Recorder
12400 Imperial Highway
Norwalk, California 90650

Department of Elections, City and County of San Francisco
c/o Office of the Mayor Gavin Newsom
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Jan Scully
Office of the District Attorney
901 G Street
Sacramento, California 95814

Eileen Teichert
Office of the City Attorney
New City Hall Building
915 I Street, 4th Floor
Sacramento, California 95814

Ross Johnson
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Timothy Hodson
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Eugene Huguenin, Jr.
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Robert Leidigh
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

and

Ray Remy
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Defendants

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 15, 2009 at Folsom, California.

s/Timothy D. Chandler
Timothy D. Chandler (CA Bar No. 234325)
Attorney for Plaintiff

Exhibit A

Please take note of our new website address... [redacted]

Anti-Gay Marriage Fundraiser in [redacted] Attracts Protesters

Reported by: San Diego [redacted]

Email: [redacted]
Last Update: 8/20 5:23 pm

Protesters gathered outside a [redacted] home Saturday afternoon where the Republican Party of [redacted] sponsored a fundraiser for supporters of a constitutional amendment to end gay marriage in California.

About 25 protesters held up signs at people driving into the event at the [redacted] development, said protest organizer Fred Karger from the group Californians Against Hate.

The event was held at the home of [redacted] is an attorney who is active in Catholic and GOP circles, and a leader in the battle to save the [redacted] is also the general counsel for the [redacted]

Among the speakers were [redacted]

Protesters tried to give attendees a fact sheet with quotes on civil rights from such Republicans as Ronald Reagan, Barry Goldwater, Gov. Arnold Schwarzenegger and San Diego Mayor Jerry Sanders, said protest organizer Fred Karger.

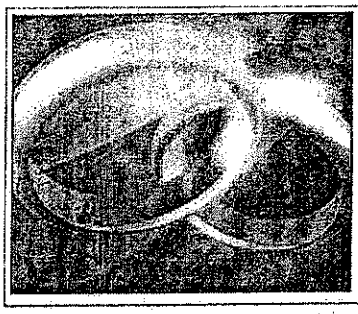
About half the attendees took the fact sheet and everyone was polite, he said.

"I gave one to [redacted] personally, who is the emcee," Karger said. "He kind of smiled."

Recently the state Supreme Court ruled an earlier ballot measure that outlawed same-sex marriage was unconstitutional, prompting the effort to change the constitution to make it illegal again.

The fundraiser also and featured congressional candidates [redacted] and [redacted] and [redacted] City Council candidate [redacted]

"This is truly the fringe element of the Republican Party," said Californians Against Hate Founder Fred



Do you support Poposition 8 to amend California's constitution to remove the right to same-sex marriage?

- Yes
- No
- Not sure

Vote Now

Related Links

- Protect Marriage site
- Californians Against Hate

Karger. "These people are out of step with the Republican Party."

"We hope to inform those attending about the rich history and philosophies of so many Republican leaders who fought for equality and against discrimination and hate," said Karger.

Fundraiser host

An invitation to the "Yes on Prop. 8" fundraiser asked participants to "join us in the battle to save marriage."

Congressional candidate stated his opposition to gay marriage when the California Supreme Court made it legal.

"The Court brazenly disregarded the will of the people and sent California down a road that will destroy traditional family values," said May. "I am committed to working to make sure this decision is overturned and that these liberal judges understand the gravity of what they have done."

The Californians Against Hate group has also mounted a boycott of the Grand Hyatt in downtown and two other hotels owned by Proposition 8 financial backer

Prop 8 briefs: Protesters greet guests at Yes on 8 fundraiser

NEWS

compiled by Seth Hemmelgarn
s.hemmelgarn@ebar.com

Published 08/21/2008

About two-dozen protesters held up signs and greeted at least 150 guests arriving at [redacted] attorney [redacted] home Saturday, August 16 for a $100-a-head pro-Prop 8 fundraiser.

Members of Californians Against Hate outside the home of [redacted] during a peaceful demonstration last weekend. Photo: Courtesy Californians Against Hate

According to a flier from the [redacted] Republican Party, guests were to include congressional candidates [redacted]

According to Californians Against Hate, a grassroots group that has held several direct actions in Southern California, protesters greeted guests at the front gate and handed them copies of a fact sheet entitled, "What Real Republican Leaders Past and Present Said on Civil Rights and Campaigns Against Gays and Lesbians."

The flier included comments from [redacted] Republican Mayor Jerry Sanders, who famously came out in support of same-sex marriage during a tearful news conference last fall where he spoke about his lesbian daughter.

ARTICLE TOOLS
Print this Page
Send to a Friend

Community Marketing, Inc.
LESBIAN SURVEY & GAY SURVEY
Quoted in the New York Times, USA Today, the LA Times, the Wall Street Journal, the Chicago Tribune, and more
CLICK HERE to take the survey now.
Please, only one entry per person. Survey must be completed by September 14, 2008.
Everyone who completes this survey by September 14th will be entered into a drawing for **one of five iPod Shuffles or the Grand Prize of Two Roundtrip Airline Tickets!***
*some restrictions apply

[redacted] who has contributed $10,000 to support the proposed anti-gay marriage initiative, said the protesters acted peaceably, but he's received negative e-mails because of his support of Prop 8.

One person wrote [redacted], "How do I hire an attorney to represent me against bigots who want to rip away my civil rights? Oh, never mind, you are one who is doing just that." The person also told [redacted] "people who tolerate hate and injustice become Nazis."

And Marriage for All to hold panel, parties

For the African American community, the subject of same-sex marriage can be difficult. Although recent polls show the majority of Californians' support marriage equality, African Americans tend to be less supportive of the idea in general.

Tonight (Thursday, August 21) from 6 to 8 p.m., the public education group And Marriage For All will kick off its campaign to reach out to African American communities throughout Northern California by hosting a panel discussion on the right to marry for same-sex couples.

The panel will include African American clergy, community leaders, elected officials, and legal advocates.

"If you believe the majority of media portraits, you'd think that same-sex marriage is primarily an issue for middle to upper-middle-class gay white folks" Andrea Shorter, And Marriage for All's campaign director, said in a statement. "The absence of diverse images and voices talking about this most fundamental right can make some people wrongly believe that the freedom to marry doesn't concern the African American community. Of course, that couldn't be further from the truth."

The panel will be held at First Congregational Church of Oakland at 2501 Harrison Street.

And Marriage for All will also host simultaneous "watch parties" on Thursday, August 28 in San Francisco and Sacramento to celebrate and view the Democratic National Convention. Senator Barack Obama officially will become the first black candidate to claim a major party's nomination for president. Obama is opposed to same-sex marriage.

The San Francisco party will be at Jillian's at Metreon, 101 Mission Street. The Sacramento event will be at Lounge on 20, 1050 20th Street, Suite 100. Doors for both parties open at 5:30 p.m.

For more information about these events, please contact Shorter at (415) 786-7779.

Exhibit B

REDACTED

From: pepprtwn@swbell.net
Sent: Thursday, November 13, 2008 5:31 PM
To: REDACTED
Subject: REDACTED - Contact Us Web Site Message

Law Offices of REDACTED - Contact Us Web Site Message

Name:
w

Street Address:
DID NOT RESPOND

City:
DID NOT RESPOND

State:
DID NOT RESPOND

Zip:
DID NOT RESPOND

Phone:
DID NOT RESPOND

Fax:
DID NOT RESPOND

Email Address:
pepprtwn@swbell.net

Brief description of your legal issue:
hello propagators & litagators burn in hell

REDACTED

From: steve__johnson__1970@hotmail.com
Sent: Friday, November 14, 2008 12:46 AM
To: REDACTED
Subject: Law Offices of REDACTED - Contact Us Web Site Message

Law Offices of REDACTED - Contact Us Web Site Message

Name:
steve johnson

Street Address:
DID NOT RESPOND

City:
DID NOT RESPOND

State:
California

Zip:
DID NOT RESPOND

Phone:
DID NOT RESPOND

Fax:
DID NOT RESPOND

Email Address:
steve__johnson__1970@hotmail.com

How would you like to be contacted?
Email

Brief description of your legal issue:
congratulations. for your support of prop 8, you have won our tampon of the year award. please contact us is you would like to pick up your prize.

REDACTED

From: jcharlesb@gmail.com
Sent: Friday, November 14, 2008 9:16 PM
To: REDACTED
Subject: Law Offices of REDACTED - Contact Us Web Site Message

Law Offices of REDACTED - Contact Us Web Site Message

Name:
Jim B.

Street Address:
DID NOT RESPOND

City:
DID NOT RESPOND

State:
DID NOT RESPOND

Zip:
DID NOT RESPOND

Phone:
DID NOT RESPOND

Fax:
DID NOT RESPOND

Email Address:
jcharlesb@gmail.com

How would you like to be contacted?
Email

Brief description of your legal issue:
How pathetic you and your firm are. It figures an ambulance chaser would be the General Counsel to such a misguided effort like prop 8. Attorneys have done more to ruin marriage than any gay person ever will.

REDACTED

From: humanrights39@yahoo.com
Sent: Thursday, November 13, 2008 9:15 PM
To: REDACTED
Subject: Law Offices of REDACTED - Contact Us Web Site Message

Law Offices of REDACTED - Contact Us Web Site Message

Name:
HUMAN RIGHTS

Street Address:
DID NOT RESPOND

City:
DID NOT RESPOND

State:
DID NOT RESPOND

Zip:
DID NOT RESPOND

Phone:
DID NOT RESPOND

Fax:
DID NOT RESPOND

Email Address:
humanrights39@yahoo.com

How would you like to be contacted?
Email

Brief description of your legal issue:
I AM BOYCOTTING YOUR ORGANIZATION AS A RESULT OF YOUR SUPPORT OF PROP 8

REDACTED

From: flexdc@aol.com
Sent: Friday, November 14, 2008 10:31 AM
To: REDACTED
Subject: Law Offices of REDACTED - Contact Us Web Site Message

Law Offices of REDACTED - Contact Us Web Site Message

Name:
Andrew Chan

Street Address:
DID NOT RESPOND

City:
DID NOT RESPOND

State:
DID NOT RESPOND

Zip:
DID NOT RESPOND

Phone:
DID NOT RESPOND

Fax:
DID NOT RESPOND

Email Address:
flexdc@aol.com

How would you like to be contacted?
Email

Brief description of your legal issue:
Your contribution to Prop 8 had caused great harm to society and proves that your store and your owners are homophobic sick individuals who would suppress a significant portion of our society. I will tell all my friends not to use your business. I will not give you my hard earned money knowing that you think I don't deserver the same rights as you do. This is the consequence of your hatred. And, word of mouth is the most potent form of Marketing.

REDACTED

From: marc.birou@gmail.com
Sent: Thursday, November 13, 2008 9:46 PM
To: REDACTED
Subject: Law Offices of REDACTED - Contact Us Web Site Message

Law Offices of REDACTED - Contact Us Web Site Message

Name:
Marc Birou

Street Address:
DID NOT RESPOND

City:
DID NOT RESPOND

State:
DID NOT RESPOND

Zip:
DID NOT RESPOND

Phone:
DID NOT RESPOND

Fax:
DID NOT RESPOND

Email Address:
marc.birou@gmail.com

How would you like to be contacted?
Email

Brief description of your legal issue:
Shame on your company for their lack of respect and intolerance for your gay fellow human beings. Shame.Marc BirouSan Diego, CA

REDACTED

From: no.on.hate.8@gmail.com
Sent: Sunday, November 16, 2008 1:45 PM
To: REDACTED
Subject: Law Offices of REDACTED - Contact Us Web Site Message

Law Offices of REDACTED - Contact Us Web Site Message

Name:
nathan

Street Address:
DID NOT RESPOND

City:
DID NOT RESPOND

State:
California

Zip:
DID NOT RESPOND

Phone:
DID NOT RESPOND

Fax:
DID NOT RESPOND

Email Address:
no.on.hate.8@gmail.com

How would you like to be contacted?
Email

Brief description of your legal issue:
SXX.XXX...SHAME ON YOU!!as a straight married man, i think you should be ashamed that you have anything to do with taking away a basic civil liberty of any human being

REDACTED

From: st@gmail.com
Sent: Friday, November 14, 2008 8:30 AM
To: REDACTED
Subject: Law Offices of REDACTED - Contact Us Web Site Message

Law Offices of REDACTED - Contact Us Web Site Message

Name:
Steve

Street Address:
DID NOT RESPOND

City:
DID NOT RESPOND

State:
DID NOT RESPOND

Zip:
DID NOT RESPOND

Phone:
619-542-4730

Fax:
DID NOT RESPOND

Email Address:
st@gmail.com

How would you like to be contacted?
Postal Mail

Brief description of your legal issue:
Not only are you scumbag personal injury lawyers you have hate all over your face. I hope your business drops off for voting yes on prop 6

John Doe #5

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
Telephone: (812) 232-2434
Facsimile: (812) 235-3685
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, California 95630
Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

** Pro Hac Vice Application Pending*
*** Designated Counsel for Service*

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	Case No. 2:09-CV-00058-MCE-DAD **DECLARATION OF REDACTED [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** Date: TBD Time: TBD Judge England

John Doe #5

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of the passage of Proposition 8, my company, REDACTED Communications, donated $XXX to ProtectMarriage.com – Yes on 8.

4. On November XX, 2008, I received an e-mail suggesting that my company's image would be damaged as a result of supporting Proposition 8. A true and correct copy of the text of that e-mail is attached as Exhibit A.

5. I feel threatened and uneasy knowing that my company and I could be targeted simply for participating in the democratic process.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE REDACTED

Executed on REDACTED

REDACTED

PROOF OF SERVICE

I, Timothy D. Chandler, am over the age of 18 years and not a party to the within action. My business address is 101 Parkshore Drive, Suite 100; Folsom, California 95630.

On January 15, 2009, I electronically filed the foregoing document described as Declaration of John Doe #5 in Support of Plaintiffs' Motion for Preliminary Injunction, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery Paul Morazzini
Zackery.Morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund C. Brown, Jr.

And, pursuant to Rule 5-135(f), on January 15, 2009, I served the foregoing document described as Declaration of John Doe #5 in Support of Plaintiffs' Motion for Preliminary Injunction by placing true and correct copies of the documents in sealed envelopes with postage thereon fully prepaid, in the United States mail at Folsom, California, addressed to the following non-CM/ECF participants:

Dean C. Logan
Office of the Registrar-Recorder
12400 Imperial Highway
Norwalk, California 90650

Department of Elections, City and County of San Francisco
c/o Office of the Mayor Gavin Newsom
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Jan Scully
Office of the District Attorney
901 G Street
Sacramento, California 95814

Eileen Teichert
Office of the City Attorney
New City Hall Building
915 I Street, 4th Floor
Sacramento, California 95814

Ross Johnson
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Timothy Hodson
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Eugene Huguenin, Jr.
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Robert Leidigh
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

and

Ray Remy
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Defendants

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 15, 2009 at Folsom, California.

s/Timothy D. Chandler
Timothy D. Chandler (CA Bar No. 234325)
Attorney for Plaintiff

Exhibit A

REDACTED

----- Original Message -----

From: chili.basalmic@yahoo.com

To: REDACTED

Sent: Saturday, November 15, 2008 9:11 PM

Subject: Disastrous PR Move? Re: REDACTED Donation to Yes on Prop 8.

It will be interesting to see if your firms' decision to support the 'Yes on Proposition 8' campaign will prove true the axiom - any PR is good PR.

I doubt it.

John Doe #6

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
Telephone: (812) 232-2434
Facsimile: (812) 235-3685
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, California 95630
Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Pro Hac Vice Application Pending*
** *Designated Counsel for Service*

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** *v.* **Debra Bowen, *et al.*,** ***Defendants.***	Case No. 2:09-CV-00058-MCE-DAD **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** Date: TBD Time: TBD Judge England

John Doe #6

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of the passage of Proposition 8, I donated $XX,XXX to ProtectMarriage.com – Yes on 8.

4. I did not engage in any other public support of Proposition 8, such as putting up a yard-side or placing a bumper sticker on my vehicle. The only way I could be publicly identified as supporting Proposition 8 was through the public disclosure of my personal information as a result of my donations to ProtectMarriage.com – Yes on 8.

5. My name and the amount that I donated to ProtectMarriage.com – Yes on 8 were listed on the website www.californiansagainsthate.com.

6. On or about November 28, 2008, I received a postcard that insulted me personally for supporting Proposition 8. A true and correct copy is attached as Exhibit A.

7. I am outraged that my private financial support of ProtectMarriage.com and Proposition 8 has subjected me to such a personal attack.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE REDACTED

Executed on: REDACTED

REDACTED

PROOF OF SERVICE

I, Timothy D. Chandler, am over the age of 18 years and not a party to the within action. My business address is 101 Parkshore Drive, Suite 100; Folsom, California 95630.

On January 15, 2009, I electronically filed the foregoing document described as Declaration of John Doe #6 in Support of Plaintiffs' Motion for Preliminary Injunction, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery Paul Morazzini
Zackery.Morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund C. Brown, Jr.

And, pursuant to Rule 5-135(f), on January 15, 2009, I served the foregoing document described as Declaration of John Doe #6 in Support of Plaintiffs' Motion for Preliminary Injunction by placing true and correct copies of the documents in sealed envelopes with postage thereon fully prepaid, in the United States mail at Folsom, California, addressed to the following non-CM/ECF participants:

Dean C. Logan
Office of the Registrar-Recorder
12400 Imperial Highway
Norwalk, California 90650

Department of Elections, City and County of San Francisco
c/o Office of the Mayor Gavin Newsom
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Jan Scully
Office of the District Attorney
901 G Street
Sacramento, California 95814

Eileen Teichert
Office of the City Attorney
New City Hall Building
915 I Street, 4th Floor
Sacramento, California 95814

Ross Johnson
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Timothy Hodson
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Eugene Huguenin, Jr.
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Robert Leidigh
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

and

Ray Remy
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Defendants

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 15, 2009 at Folsom, California.

s/Timothy D. Chandler
Timothy D. Chandler (CA Bar No. 234325)
Attorney for Plaintiff

Exhibit A

I'm a bank executive and my partner is an IT manager. We are gay, and we both served in the military during the Vietnam War. We got married recently, after being together for 30 years, but that's in limbo now thanks to the Great Religious War of 2008 in which the sanctity of marriage was preserved. What is important, in addition to marriage being saved, is that folks like us are relegated to permanent second class citizenship, so that we don't have the same hospital visitation rights as you, or the ability to file a joint tax return, or the pleasure and security that comes with knowing your committed relationship is recognized by the state. We deserve to be adrift without rights for the rest of our lives. Meanwhile, we will continue to pay our taxes to support your school systems for your children.

We just hope you are proud of your participation in this Great Crusade. Just think of how you have contributed to the economy with the money you donated! It doesn't matter that there are thousands of worthwhile charities that could have used those funds to feed starving people, clothe the homeless, and find cures for cancer and other life-threatening diseases. You must be so proud!

[redacted]
ALAMO, CA 94507

John Doe #7

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
Telephone: (812) 232-2434
Facsimile: (812) 235-3685
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, California 95630
Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

** Pro Hac Vice Application Pending*
*** Designated Counsel for Service*

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	Case No. 2:09-CV-00058-MCE-DAD **DECLARATION OF REDACTED [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** Date: TBD Time: TBD Judge England

John Doe #7

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. I am the senior pastor of Calvary REDACTED.

4. In support of the passage of Proposition 8, I donated $XXX to ProtectMarriage.com – Yes on 8.

5. In support of the passage of Proposition 8, my family displayed bumper stickers on our cars and put yard signs in our front yard.

6. During the petition phase of the campaign in support of Proposition 8, Calvary REDACTED served as a distribution center for petitions.

7. Calvary REDACTED also distributed yard signs and bumper stickers to church members and members of the community where the church is located.

8. Members of Calvary REDACTED also telephoned around 275 people on behalf of ProtectMarriage.com – Yes on 8.

9. Shortly after the petition drive ended, a woman called the church's number and asked if we were a distribution center. I took this phone call.

10. After I told the woman that we had already completed collecting the petitions, she asked me if I was going to sign the petition against divorce. I replied that I did not know what the woman was talking about. The woman then told me that if I was against gay marriage, I should be equally against divorce.

11. After I realized that this was an opposition call, I told the woman that I was not sure that I understood her, thanked her for calling, and hung up the telephone.

12. One of our family cars had two bumper stickers supporting Proposition 8 on it.

13. While this car was parked in the parking garage at my wife's place of employment, the bumper stickers were ripped off of this car on two occasions.

14. The first time the bumper stickers were ripped off of the car car, someone placed an anti-Proposition 8 note on the windshield. A true and correct copy of the note is attached as Exhibit A.

John Doe #7

15. After the bumper stickers were ripped off of the car a second time, a third set of bumper stickers was placed inside the windows with tape, so that they could not be ripped off again.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE REDACTE

Executed on: REDACTE

REDACTE

PROOF OF SERVICE

I, Timothy D. Chandler, am over the age of 18 years and not a party to the within action. My business address is 101 Parkshore Drive, Suite 100; Folsom, California 95630.

On January 15, 2009, I electronically filed the foregoing document described as Declaration of John Doe #7 in Support of Plaintiffs' Motion for Preliminary Injunction, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery Paul Morazzini
Zackery.Morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund C. Brown, Jr.

And, pursuant to Rule 5-135(f), on January 15, 2009, I served the foregoing document described as Declaration of John Doe #7 in Support of Plaintiffs' Motion for Preliminary Injunction by placing true and correct copies of the documents in sealed envelopes with postage thereon fully prepaid, in the United States mail at Folsom, California, addressed to the following non-CM/ECF participants:

Dean C. Logan
Office of the Registrar-Recorder
12400 Imperial Highway
Norwalk, California 90650

Department of Elections, City and County of San Francisco
c/o Office of the Mayor Gavin Newsom
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Jan Scully
Office of the District Attorney
901 G Street
Sacramento, California 95814

Eileen Teichert
Office of the City Attorney
New City Hall Building
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Eugene Huguenin, Jr.
California Fair Political Practices Commission
428 J. Street, Suite 620
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Robert Leidigh
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

and

Ray Remy
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Defendants

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 15, 2009 at Folsom, California.

s/Timothy D. Chandler
Timothy D. Chandler (CA Bar No. 234325)
Attorney for Plaintiff

Exhibit A

Why would you want to deprive others of fundamental human rights? What if a close friend, family member or co-worker was gay and wanted to get married? Wouldn't you want to support the love they have for their partner and want them to have the same rights as you and others? Please re-think your position. There are so many more important issues in this world that need our attention rather than gay marriage. We need to learn tolerance, acceptance and love of each other.

PLEASE VOTE NO ON PROP. 8

John Doe #8

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
Telephone: (812) 232-2434
Facsimile: (812) 235-3685
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, California 95630
Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

** Pro Hac Vice Application Pending*
*** Designated Counsel for Service*

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	Case No. 2:09-CV-00058-MCE-DAD **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** Date: TBD Time: TBD Judge England

John Doe #8

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of the passage of Proposition 8, I donated $XXX to ProtectMarriage.com.

4. In support of the passage of Proposition 8, I also displayed a bumper sticker on my car and placed a yard sign in my front yard.

5. My yard sign was stolen and destroyed twice.

6. In support of the passage of Proposition 8, I also attended numerous rallies, three press conferences, and spoke at a number of churches in the Los Angeles, Orange County, and San Diego areas.

7. I also participated on panel discussions at REDACTED, REDACTED and REDACTED High School involving the issue of same-sex marriage, as both a supporter of Proposition 8 and as a REDACTED.

8. I attended an election night gathering at a hotel in REDACTED with other supporters of Proposition 8. At this election night gathering, I photographed. A photograph of me at this event appeared in the REDACTED, and may have appeared in other publications on November X, 2008. A true and correct copy of the photograph that appeared in these papers is attached as Exhibit A.

9. On November X, 2008, the day that my photograph appeared in various newspapers, I began to receive harassing letters, e-mails, and at least one phone call at my workplace, because of my support of Proposition 8. I have since deleted most of these hateful e-mails but a true and correct copy of an e-mail that I did save is attached as Exhibit B.

10. The e-mails were very upsetting to me. Because of this, my boss began to preview my e-mails before letting me view them.

11. I also received many harassing messages on my MySpace and Facebook accounts because of my support of Proposition 8.

John Doe #8

12. As a result of these incidents, I have had to ensure my personal contact information is no longer available to the public in any manner. Thus, my personal contact information is not even available on the church bulletin of the church where I am employed.

13. Further, I sought and received a document from the [redacted] Police Department stating that my home is on private property, so that if anyone tries to picket my home, they will be considered trespassers and can be removed.

14. I believe that supporting Proposition 8 was the right thing to do, but I will be hesitant about supporting similar causes in the future due to my recent experiences.

15. Additionally, I am less likely to donate to a cause similar to Proposition 8 in the future because of my recent experiences.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

SIGNATURE REDACTE

REDACT

PROOF OF SERVICE

I, Timothy D. Chandler, am over the age of 18 years and not a party to the within action. My business address is 101 Parkshore Drive, Suite 100; Folsom, California 95630.

On January 15, 2009, I electronically filed the foregoing document described as Declaration of John Doe #8 in Support of Plaintiffs' Motion for Preliminary Injunction, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery Paul Morazzini
Zackery.Morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund C. Brown, Jr.

And, pursuant to Rule 5-135(f), on January 15, 2009, I served the foregoing document described as Declaration of John Doe #8 in Support of Plaintiffs' Motion for Preliminary Injunction by placing true and correct copies of the documents in sealed envelopes with postage thereon fully prepaid, in the United States mail at Folsom, California, addressed to the following non-CM/ECF participants:

Dean C. Logan
Office of the Registrar-Recorder
12400 Imperial Highway
Norwalk, California 90650

Department of Elections, City and County of San Francisco
c/o Office of the Mayor Gavin Newsom
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Jan Scully
Office of the District Attorney
901 G Street
Sacramento, California 95814

Eileen Teichert
Office of the City Attorney
New City Hall Building
915 I Street, 4th Floor
Sacramento, California 95814

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California Fair Political Practices Commission
428 J. Street, Suite 620
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Timothy Hodson
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Eugene Huguenin, Jr.
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Robert Leidigh
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

and

Ray Remy
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Defendants

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 15, 2009 at Folsom, California.

s/Timothy D. Chandler
Timothy D. Chandler (CA Bar No. 234325)
Attorney for Plaintiff

Exhibit A

Photograph Redacted

Exhibit B

From: Stacie Pook [mailto:chocandcheese@live.co.uk]
Sent: Friday, November 07, 2008 1:33 PM
To: REDACTED;
Subject: Dear Bigots

Jesus doesn't love you!

He will punish you in hell for voting to deny a minority the same equal rights the rest of us have. You're as bad as the racist white people who used to enjoy banning black people the same rights as them.

The rest of the world is disgusted by your

actions.

Best start rethinking your position NOW!

John Doe #9

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
Telephone: (812) 232-2434
Facsimile: (812) 235-3685

Timothy D. Chandler (Cal. State Bar No. 234325)
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, California 95630
Telephone: (916) 932-2850
Facsimile: (916) 932-2851

Counsel for All Plaintiffs

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	Case No. 2:09-CV-00058-MCE-DAD **DECLARATION OF** REDACTED [redacted] **IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** Date: TBD Time: TBD Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. On November X, 2008, I attended an election night gathering at a hotel in REDACTED, California for supporters of Proposition 8.

4. On November X, 2008, a photograph of me at this election night gathering appeared in the [redacted], and may have appeared in other publications. A true and correct copy of the photograph that appeared in these papers is attached as Exhibit A.

5. After the publication of this picture, I began to receive harassing messages on my MySpace and Facebook accounts. Many of these messages contained profanity, and one threatened me with assault.

6. When I arrived home on the evening of November X, 2008, there was a harassing message on my answering machine. The message was from a man, who stated in a mocking tone that the people in the picture with me were "Nazis" and against human rights. He also said, "I certainly hope that someday somebody takes away something from you and then you'll realize what a fucking bitch you are."

7. On November X, 2008, I received several harassing e-mails and phone calls at work because of my support of Proposition 8. Some of these messages stated that the authors or callers knew where I worked and the authors or callers were going to attempt to have me fired from my job. One caller knew my actual job position as it was listed online. Like the message I received on my home answering machine, the tone of these messages was mocking.

8. Because of the photograph of me at the election night gathering, other departments and employees at my workplace received a harassing e-mail that stated that I "come from a long line of bigots and racists."

John Doe #9

9. On November [redacted], 2008, because I was concerned for my safety after receiving the e-mails and phone calls stating that the authors and callers knew where I worked, I filed a police report with the [redacted] Police Department detailing the incidents that are documented here.

10. On November [redacted], 2008, I also began working with the security department at my workplace to ensure my safety while at work.

11. As a result of this harassment, I have had to change my home phone number.

12. Because of these experiences, I would not donate to or publicly support a similar cause in the future without thinking carefully about the possible consequences of my donation and/or support.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: [redacted]

[redacted]

PROOF OF SERVICE

I, Timothy D. Chandler, am over the age of 18 years and not a party to the within action. My business address is 101 Parkshore Drive, Suite 100; Folsom, California 95630.

On January 15, 2009, I electronically filed the foregoing document described as Declaration of John Doe #9 in Support of Plaintiffs' Motion for Preliminary Injunction, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery Paul Morazzini
Zackery.Morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund C. Brown, Jr.

And, pursuant to Rule 5-135(f), on January 15, 2009, I served the foregoing document described as Declaration of John Doe #9 in Support of Plaintiffs' Motion for Preliminary Injunction by placing true and correct copies of the documents in sealed envelopes with postage thereon fully prepaid, in the United States mail at Folsom, California, addressed to the following non-CM/ECF participants:

Dean C. Logan
Office of the Registrar-Recorder
12400 Imperial Highway
Norwalk, California 90650

Department of Elections, City and County of San Francisco
c/o Office of the Mayor Gavin Newsom
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Jan Scully
Office of the District Attorney
901 G Street
Sacramento, California 95814

Eileen Teichert
Office of the City Attorney
New City Hall Building
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428 J. Street, Suite 620
Sacramento, California 95814

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California Fair Political Practices Commission
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Sacramento, California 95814

Eugene Huguenin, Jr.
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Robert Leidigh
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

and

Ray Remy
California Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

Defendants

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 15, 2009 at Folsom, California.

s/Timothy D. Chandler
Timothy D. Chandler (CA Bar No. 234325)
Attorney for Plaintiff

Exhibit A

PHOTOGRAPH REDACTED

John Doe #3

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
Telephone: (812) 232-2434
Facsimile: (812) 235-3685
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, California 95630
Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Pro Hac Vice Application Pending*
** Designated Counsel for Service

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	Case No. 2:09-CV-00058-MCE-DAD **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** Date: TBD Time: TBD Judge England

John Doe #3

I, REDACTE, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. I am the pastor of REDACT Lutheran Church in REDACT, California.

4. Prior to the passage of Proposition 8, I stated to my congregation that the Bible supports marriage between one man and one woman, and that the members of my congregation should vote accordingly.

5. Prior to the passage of Proposition 8, an unknown person placed a "Yes on 8" yard sign on the church property, which remained standing on the property until sometime on November X, 2008 or November X, 2008.

6. Sometime between 10:00 p.m. on November X, 2008 and 8:00 a.m. on November X, 2008, the "Yes on 8" yard sign that had been placed on the church property and a heavy object, such as a rock, were used to break a large window of our church building. Pictures of the broken window and the "Yes on 8" sign are attached as Exhibit A. These pictures are a true and accurate representation of the broken window and "Yes on 8" sign as I discovered them on November X, 2008.

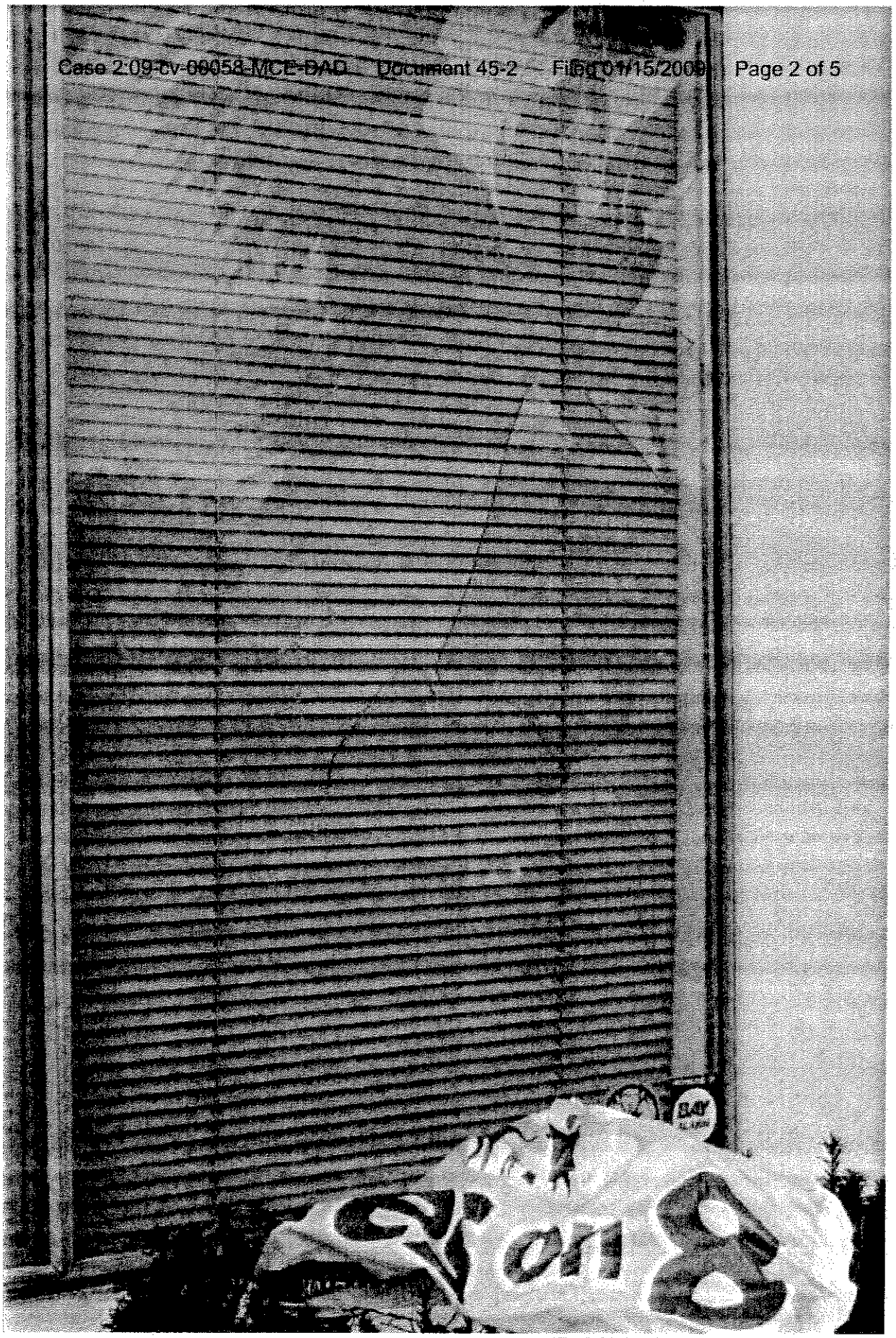
7. Our denominational newspaper of the Lutheran Church, Missouri Synod, published a story about the incident, which is attached as Exhibit B. This account of the events is a true and accurate representation of the events that occurred.

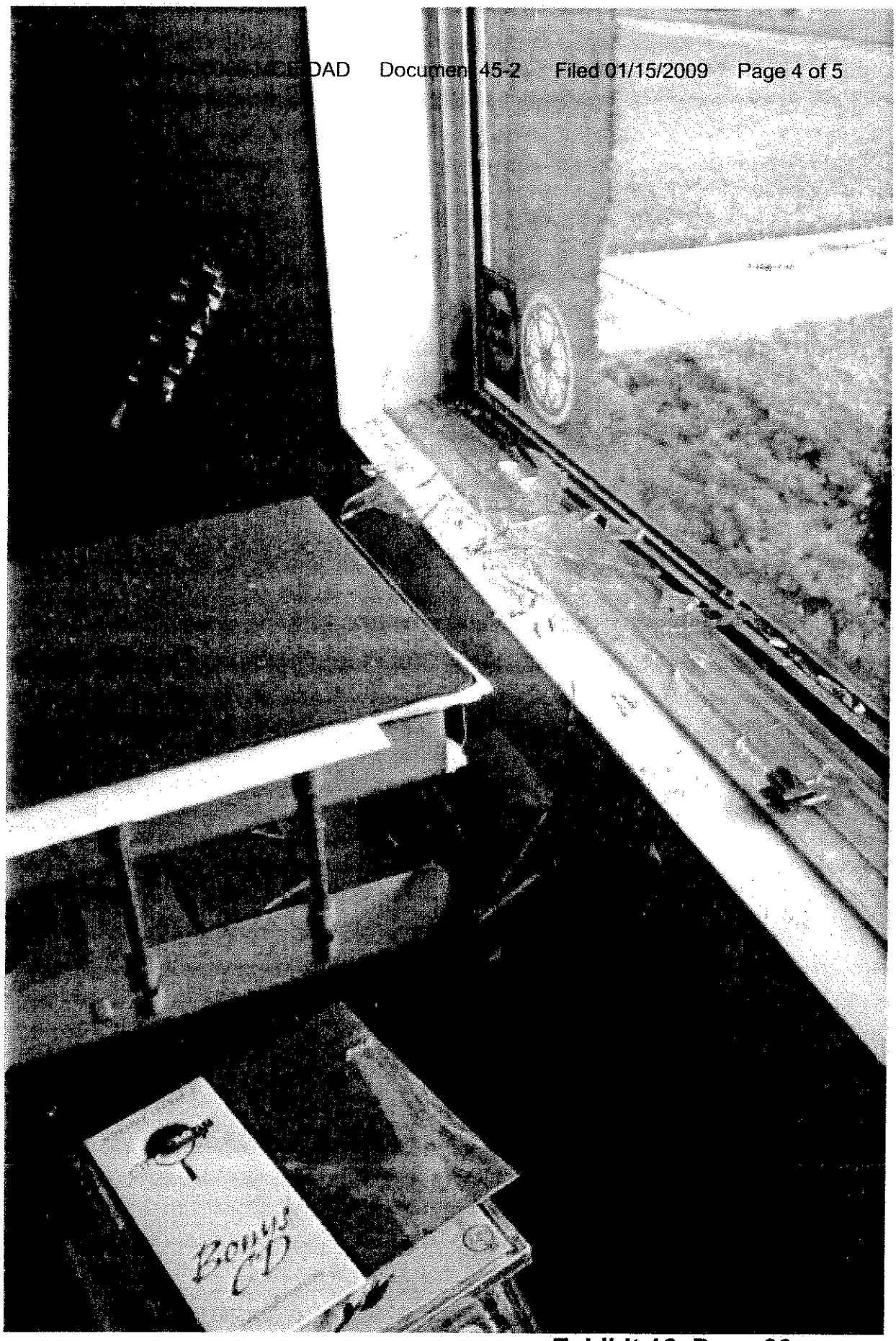
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTEI

Signature Redacte
REDACTE

Exhibit A




Bonus
CD

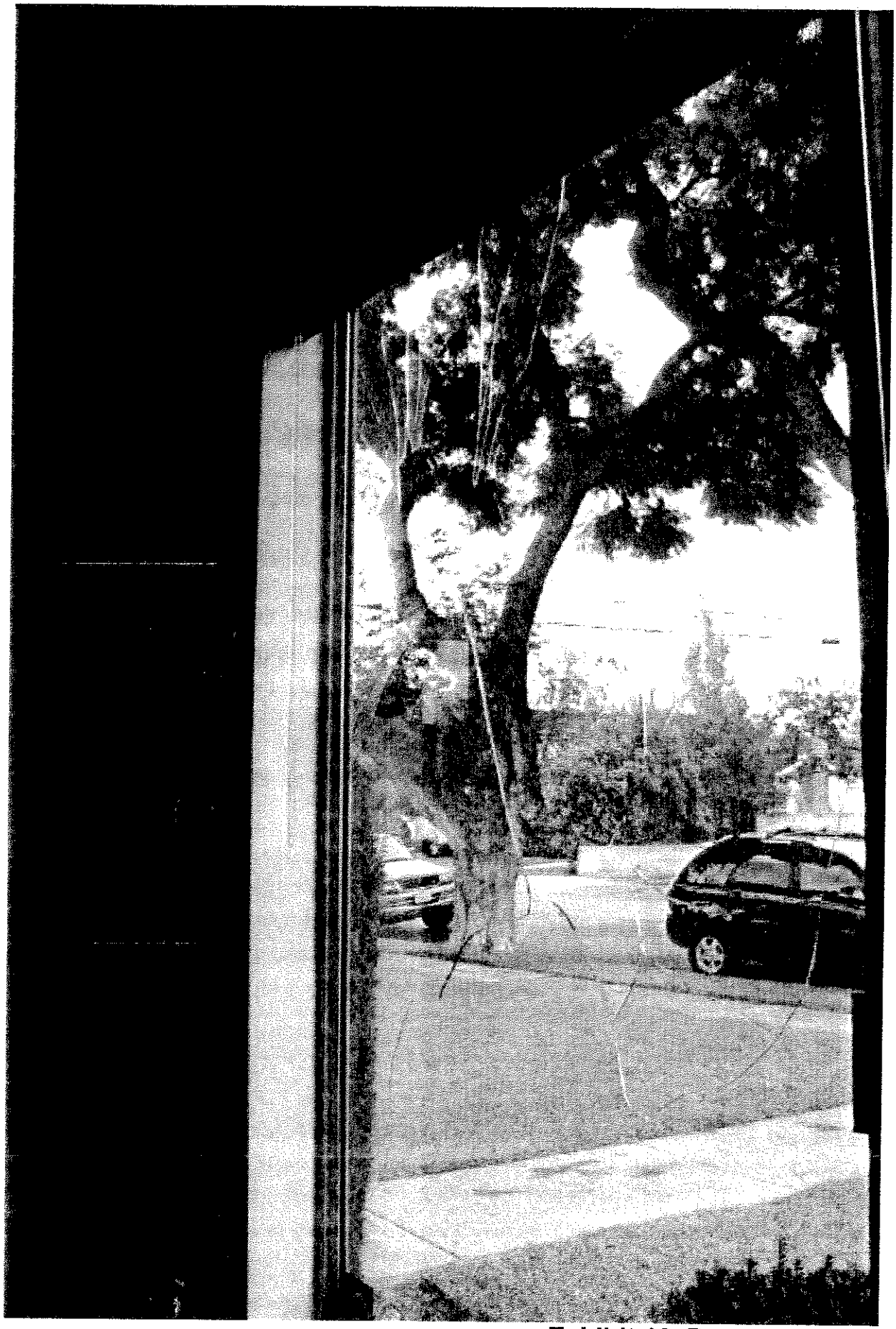


Exhibit B

The LUTHERAN CHURCH Missouri Synod

Vandals hit LCMS church

While the marriage amendment passed in California with 52 percent approval, those opposing it made their views known even before the votes were counted.

A window was broken at REDACTED Lutheran Church, REDACTED, Calif., sometime between 10 p.m. on the eve of the election and 8 a.m. on REDACTED.

Michael Hayes

An office window at REDACTED Lutheran Church, REDACTED Calif., was broken by vandals who threw a "Yes on 8" sign and another object at the window either right before — or on — REDACTED

Rev. REDACTED, pastor at REDACTED, told *Reporter* that someone used a "Yes on 8" sign along with another object to break an office window. The sign had been on a street corner near the church.

"Ironically, these signs were all over the city of REDACTED and the perpetrator would not have known whether we put the sign on the corner or someone else," Hayes wrote in an e-mail.

REDACTED President REDACTED found it "disturbing" to see the public protests following the passage of Proposition 8. "Our electoral process allows the citizens to speak and then expects acceptance of the vote of the people," REDACTED said. "I am especially disturbed that one of the churches in the REDACTED was the victim of vandalism that may be related to the election."

The American Civil Liberties Union, Lambda Legal, and the National Center for Lesbian Rights have asked the California Supreme Court to invalidate Proposition 8. According to the Associated Press, gay-rights groups said they may ask California voters to overturn the ban on same-sex marriage if these legal challenges are unsuccessful.

Organized protests against the passage of the amendments were held in cities in many states over the Nov. 15-16 weekend, including Florida, where the amendment received 62 percent approval, and Arizona, where 55 percent of voters gave approval.

Posted Nov. XX, 2008

Return to Top

Printed from: REDACTED
Printed on: REDACTED

Exhibit 13

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434

John Doe #10

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
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Counsel for All Plaintiffs

Benjamin W. Bull (Ariz. State Bar No. 009940)*
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Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, CA 95630
Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #10

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of Connecticut over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made several donations totaling $XXX, to the National Organization for Marriage California - Yes on 8, sponsored by National Organization for Marriage.

4. I did not support Proposition 8 in any other way, except by talking to acquaintances.

5. On February 2, 2009, I received an email that referenced one of my donations and called me a "rotten" person. A true and correct copy of the text of this email is attached as Exhibit A.

6. My husband responded to this email, and the person who wrote the original email replied to tell him that she plans to contact all of the parents in the school where I work. My husband told me this, and I find the effect of this to be chilling and very upsetting.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #10 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek

Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #10

EXHIBIT A

John Doe #10

From: Cecil Firefox [cecilfirefox@hotmail.com]
Sent: Monday, February 02, 2009 4:38 PM
To: REDACTED
Subject: You are a terrible person REDACTED.

I have seen your XX.XX contribution to hate, bigotry, and discrimination. This information is all public now and I felt like taking a moment of my day to tell rotten people just what I think of them. The notion that someones marriage is going to effect you is a downright lie. Sending money to take away peoples rights, the right to hospital visitation, the right to social security, survivor benefits, to sue for wrongful death, to be able to be considered someones next of kin is unforgivable.

What you did was shameful, rotten, and history will live to tell the tale of a nation that treated people as less then who they are.

We will defeat you.

John Doe #11

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Benjamin W. Bull (Ariz. State Bar No. 009940)*
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15100 North 90th Street
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Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
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Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

** Admitted Pro Hac Vice*
*** Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #11

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I placed a "Yes on 8" sign on my lawn, on a quiet residential street. In support of Proposition 8, I also placed a bumper sticker on my car.

4. One night, I had my car parked in the street in front of my house. Someone smashed the back window of my car in, and I had to replace the window. Because of this, I could not work for two days, and I had to pay the insurance deductible to have the window replaced. Moreover, I could not use my car for a week, because the car is older and a replacement windshield had to be shipped in. I am a senior citizen on a small income, and this incident was a financial setback for me. I believe that this incident was as a result of my support for Proposition 8.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #11 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #12

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs*, v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #12

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made a donation in support of Proposition 8.

4. In support of Proposition 8, I participated in a peaceful Proposition 8 rally in front of the REDACTED in downtown San Diego. I also attended a REDACTED meeting where five ministers spoke in support of Proposition 8.

4. In support of Proposition 8, I also had a "One Man, One Woman" bumper sticker on my car. While I was in a grocery store, someone keyed my car and let the air out of the tires of my car.

5. After this incident, I felt compelled to remove the bumper sticker, because I was intimidated and worried that something worse would happen if I kept the bumper sticker on my car.

6. In support of Proposition 8, I also had a "Prop. 8 = Religious Freedom" sign on the balcony of my home. About a week after the November 2008 election, my entire staircase leading downstairs was covered in urine, and there was a puddle of urine at the bottom of the stairs.

7. In the future, I would support a cause similar to Proposition 8 in public, and I would support my church in anything promoting a similar cause. However, I am not sure that I would support a similar cause at home, because I was targeted at my home for harassment. I would only place a bumper sticker on my car after considering its wording.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #12 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Attorney for Defendant Jan Scully

Mollie M. Lee
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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #13

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, my husband and I donated $XXX to ProtectMarriage.com - Yes on 8, a Project of California Renewal.

4. The city where I live is a very safe, family-oriented, education-focused city, and has been rated the safest large city in the United States by the FBI. This is a city with several universities and community colleges, where you never find any graffiti or vandalism.

5. Because of the reputation of the city, I was surprised during the Proposition 8 campaign to see vandalism directed at "Yes on 8" signs.

6. In support of Proposition 8, I called registered voters, volunteered 6-7 times at sign waving events at major intersections, delivered yard signs to volunteers, forwarded email updates to friends, and wrote blog entries, among other things.

7. Every time that I participated in a sign waving event, several people would shout obscenities, and other people would argue with us. Other people would make obscene gestures from their cars as they drove by. At some events, people with "No on 8" signs would come and stand in front of us to block our signs, and make hateful comments to us. At every sign waving event, I felt very nervous and scared, wondering if someone would come and yell at us or hurt us. Because of the hostile environment at these sign waving events, we did not bring our children to participate.

8. In support of Proposition 8, near the end of the campaign, I also had two bumper stickers on my car. During the fall, someone keyed the left side of the car, and I believe it was because of these bumper stickers, which was near the bumper sticker on the left rear window. The key line was about 27 inches in length.

9. In support of Proposition 8, I also placed two "Yes on 8" signs in my front yard.

10. After seeing that most of the signs on public streets were stolen almost as soon as they were put out, I brought one of the two "Yes on 8" signs inside and kept it in my front window. I kept the yard sign inside because I was afraid that if I kept it outside, it would be stolen.

11. I left the second yard sign out in the yard, but I brought it inside at night to keep it from being stolen or defaced.

12. Although I live in a gated community, at the end of October, someone slashed the one yard sign that was outside at the time.

13. I repaired the sign and replaced it in my yard. This time, I placed the yard sign inside a low wall in the front yard, so people would have to go out of the way in order to reach it.

14. Despite these efforts to prevent any further damage to the sign that remained outside during the day, on Halloween, someone ripped it out of the yard, pulled it out of the ground, and threw it about ten feet outside of my property.

15. Also on Halloween, I had teenagers come to my door for trick or treating and tell me that my support for Proposition 8 was "stupid and wrong." Some of the parents accompanying the children who were trick or treating also pointed and whispered to one another in disapproval of my support for Proposition 8.

16. I also saw that a neighbor's "Yes on 8" sign had been slashed on Halloween.

17. In the future, these incidents would make me hesitant about donating to or supporting a similar cause because of worry about harassment, violence, and discrimination against my family, and fear of damage to our property. I believe these sorts of incidents prevent freedom of speech and freedom in elections.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT|

Executed on: REDACTED REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #13 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #14

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
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Facsimile: (812) 235-3685
Counsel for All Plaintiffs

Benjamin W. Bull (AZ Bar No. 009940)*
ALLIANCE DEFENSE FUND
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Telephone: (480) 444-0020
Facsimile: (480) 444-0028
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
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Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

** Admitted Pro Hac Vice*
*** Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs*, v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated $XXX to my church.

4. In support of Proposition 8, I placed Yes on 8 signs in my yard and on a balcony of my house.

5. The Yes on 8 signs were ripped out of my yard and off of my balcony at least once a week after I put them up.

6. On September 23, 2008, someone egged and floured my home during the night.

7. In October, my home was once again egged and floured.

8. On the day before the November 2008 election, my home was egged and floured for a third time.

9. On November 1, 2008, my cars were egged and floured. Additionally, someone poured honey on my cars. This destroys the finish on the cars.

10. On November 3, 2008, my cars were once again egged, floured, and had honey poured on them.

11. In support of Proposition 8, I also placed bumper stickers on my cars and on my motorbike.

12. In August and September, the bumper stickers on my cars were scraped off the back glass windows of the cars. This happened during the day, while the cars were parked on the street.

13. At work, I park in a parking lot. One day while I was at work, someone scraped the bumper sticker off of my motorbike.

14. On November 5, 2008, my motorbike was pushed over.

15. Someone vandalized my church's temple. The next day, I assisted in the clean up of

the graffiti that had been spray painted at the Temple.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #14 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #15

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
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Counsel for All Plaintiffs

Benjamin W. Bull (Ariz. State Bar No. 009940)*
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Counsel for All Plaintiffs

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Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I signed up to help to circulate the petition to get Proposition 8 on the November 2008 ballot. However, I was unable to participate because the times assigned to me conflicted with my schedule.

4. I have a brother who is openly gay.

5. I never discussed the issue of Proposition 8 with my brother; however, during one of our regular phone conversations, he pressed me about how I planned to vote. I told him that I could vote "yes" or "no," just like anyone else could on Proposition 8 or any other ballot measure. He interpreted this comment as a suggestion that he should vote "yes" on Proposition 8.

6. As a result of the above conversation, I received an ugly and inflammatory e-mail from my brother's partner. A true and correct copy of this email is attached as Exhibit A. A true and correct copy of the series of emails that I exchanged after this initial email with my brother's partner is attached as Exhibit B.

7. This email was also forwarded to my sister-in-law, who supports gay marriage.

8. My brother will no longer speak to me as a result of my support for Proposition 8, and I believe that our family dynamics have changed forever.

9. I am deeply saddened that merely participating in the democratic process could have such adverse consequences for my family.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #15 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Attorney for Defendant Jan Scully

Mollie M. Lee
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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

Exhibit A

Subj: **Re: Proposition 8**
Date: 10/28/2008 9:28:25 A.M. Pacific Daylight Time
From: REDACTED
To: [redacted]

In a message dated 10/28/2008 8:00:24 A.M. Pacific Daylight Time, REDACTED writes:

> [redacted]...I am at a complete loss...I have not discussed prop 8 with [redacted], so I do not know where this is coming from? Can you please take a minute and fill me in? I would very much appreciate it. REDACTED
>
> In a message dated 10/28/2008 7:35:52 A.M. Pacific Daylight Time, REDACTED writes:
>
> Dear REDACTED
>
> Your views, among others, on proposition 8 has placed you in the camp of opposition to civil rights.
>
> I've seen this reaction with [redacted] before and it's seldom reversible.
> Remember Aunt [redacted]?
>
> [redacted]
>
> You ended your last conversation telling him to vote yes on proposition 8.
>
> Play online games for FREE at Games.com! All of your favorites, no registration required and great graphics – check it out!

Play online games for FREE at Games.com! All of your favorites, no registration required and great graphics – check it out!

Play online games for FREE at Games.com! All of your favorites, no registration required and great graphics – check it out!

Exhibit B

Subj: **Re: Remember Aunt REDACTED?**
Date: 10/29/2008
To: REDACTED

No REDACTED..this isn't just about REDACTED.this is also about you sending that e-mail..Does this e-mail mean that REDACTED really did direct that the e-mail go out and you had nothing to do with it? Or, are you just backing away from doing what is right? If I understood what you had to say, it was your decision to send that e-mail and REDACTED didn't agree with it..Is that right or not? If you did send it on your own, then you should correct what you did and make it right with the family and me. I could have done what you did, and hit "reply all" to all of this, but I didn't do that. Never would.
Correcting this is the least you can do for me.. REDACTED

In a message dated 10/29/2008 6:00:32 P.M. Pacific Daylight Time, REDACTED writes:

Don't kill the messenger.
You asked.
it's entirely beween you and REDACTED

message dated 10/29/2008 5:10:31 P.M. Pacific Daylight Time, REDACTED writes:

Like I said, REDACTED...I never told REDACTED to vote yes on 8...If he thinks that I did, then he took me out of context. There is no selective memory going on here.. REDACTED doesn't always listen when he is in argue mode. Why don't both of you give me the benefit of the doubt? Why have you chosen to take the low road? It seems so beneath two men that I have seen support fairness over the years. I did not want to discuss politics with REDACTED and told him that, more than once..None of this should have ever gotten to this. You made the decision to send that e-mail which was completely wrong of you to do...If either of you had a problem, then you should have communicated with me and not the family. When something like that goes out, it appears to me that it is coming from both of you. Yes...You did throw me under the bus, REDACTED
And what does being a Republican and Catholic have to do with anything? It doesn't...You have both chosen
to make this an issue about me and what you seem to think to know about my beliefs. If I do or don't agree with any proposition or candidate why should it matter? Isn't that private? Isn't that my right as a citizen? I have never done that to either of you...ever...Do you even realize how mean spirited and hurtful this has become? Does it matter to you? Why are you involving the family?

If you know that what you did was wrong, REDACTED, why not make it right? REDACTED

In a message dated 10/29/2008 4:10:39 P.M. Pacific Daylight Time, REDACTED writes:

REDACTED

One last salvo since you are convinced you have been thrown under the bus,
1. You DID make that statement on the final call - the cell phone call had nothing to do with it. Just before REDACTED handed me the phone he said. " How would it be if legislation were passed to ban marriage for all - then we would all be equal. " This was in answer to "be sure to vote yes on proposition 8. That I heard him say and you did not reply - the phone was handed to me. REDACTED would not make that up - I think we have a case of selective memory going on here.

In regard to "Remember Aunt [redacted] that was not from [redacted] - that was from me meaning that when [redacted] turns off on a person it's seldom retractable. You read that one completely wrong too. As far as [redacted] and I and [redacted] and [redacted]. We are not affected. as are you. This is a matter of civil rights.
It's hard to believe that a staunch Republican and a devout Catholic could think any other way.
Again there was no misunderstanding.

n a message dated 10/29/2008 12:35:59 P.M. Pacific Daylight Time, [redacted] writes:

No...It is not true...I told [redacted] that I did not want to talk about politics, prop 8 or anything else...that was one of my requests of [redacted], asking him not to always bring up politics. I told him that when I call it's to touch base, say hello and catch up...Not to get into never ending circles that get no where...He was agitated and I don't know what he heard, frankly, but whatever it was, I was misinterpreted (for sure)...Then my cell phone died and I called back on our land line. What you guys do or don't do and believe or don't believe is your business. I have never discussed prop 8 with either of you, nor have I shared my position. I have been conflicted about it because of you guys as well as [redacted] and [redacted].....and, I never told him to vote yes on 8...How presumptuous would that be of me? (and dumb). What I believe is my business and what he (and you) believe is your business...that's it. You know how sensitive things are with [redacted] and me...and now, I'm sure she's thinking what an awful person I am because I don't support you and [redacted] in this issue. It has literally made me ill...I know how it goes...from [redacted] to the kids, and I'm the bad guy. I am more upset by all of this than either of you know...It doesn't matter to you...You've succeeded in doing the damage, and there is nothing I can do about it. I'm sorry it has come to this, as well...It's all sad...I feel like my heart is breaking...

In a message dated 10/29/2008 11:50:18 A.M. Pacific Daylight Time, [redacted] writes:

[redacted]

First off I was wrong very wrong to involve the family in this matter - I'll explain why at the end of this statement. [redacted] also thinks it was wrong.

The crux of the whole thing was that your last statement to [redacted] was "be sure to vote yes on Proposition 8" Is this not true? Did [redacted] mis-interpret that statement? Now you say that you never mentioned prop 8.

Where do I stand ? I too believe that the marriage ritual is designed for a man and woman and the propagation of children and forming a family unit. I would call it something else but certainly grant the sanctions bestowed on married couples.

There are two main reasons for same sex marriages that I've been made well aware of . The first financial the second enjoying the rituals and celebration of a formal marriage. The right to show their love proudly to others. None of which affects [redacted] or I.
But we both feel that others have the right to what they feel is best.

We would not in anyway deny them their civil rights - much like the women's right to vote.

This is not a political nor a religious issue. This is a civil rights issue.

Now the reason I forwarded that E to G&B. When this whole thing about Gay marriage was instituted the first person wanting to know if [redacted] and I were going to do this was [redacted] even offered to stand for us. [redacted] registered to vote specifically for the opportunity to vote on this matter.

I know how [redacted] feels about this and I will not defend nor attack his reasoning. This is something that you and he have to deal with.

I am not true family so I don't have the blood thing to deal with.

Sorry it's come to this.

[redacted]

John Doe #16

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I contributed a total of $X,XXX to ProtectMarriage.com - Yes on 8, a Project of California Renewal.

4. In support of Proposition 8, I also put a "Yes on 8" yard sign in my yard, as well as the yard of my cousin. Although my sign was not touched, the sign I placed in the yard of my cousin disappeared within a week. Two other "Yes on 8" signs on the same street as my cousin's sign also disappeared.

5. On impulse the Saturday before the election, I stood with a "Yes on 8" sign on a corner for approximately four hours. Although I received many people who honked and supported me, I also had a number of people yell "No on 8," shake their fists at me, call out "shame," and give me a thumbs down.

6. One man who was going the opposite way from where I stood stopped his car, stood up (I believe through his sun roof), and shouted "You despicable filthy bag of shit!" at me.

7. Several cars drove around and around the block and yelled things like "You bitch" each time they drove by.

8. One car with several men in it stopped, and a man in the back seat opened the door and threw something right at me. Luckily, the object missed me, but I could not find the object that he threw at me, so I do not know what it was.

9. One woman stopped her car and yelled "Get the hell out of here. Who do you think you are, bringing that hate into my neighborhood?" I tried to tell her that I am a 4th generation San Franciscan, who owns a house four blocks from where I was standing. However, the woman kept screaming and drowning me out. She drove away, and came back two more times.

10. On January [redacted], [redacted], a letter I wrote was published in REDACTED, the official

publication of the San Francisco REDACTED); on January REDACTED, REDACTED, a letter I wrote was published in REDACTED, the paper of my employer, the University of REDACTED. These letters were signed with my first initial and last name only.

11. One of my bosses (who I believe is a lesbian), and an openly gay man work behind me at my office. On January REDACTED, REDACTED, the day after the publication of my letter in the paper of my employer, I heard them talking about me in ways that are not complimentary, and when I heard them speaking about me, I worried that my job might be in jeopardy.

12. On February REDACTED, REDACTED, the department head asked to speak with me, and in short, he told me that he could not guarantee my job beyond the current year. He suggested that I keep my options open. I am not sure that my support for Proposition 8 has led to my job being in jeopardy, but I suspect that it has put it in jeopardy.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #16 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
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Attorney for Defendant Dean C. Logan

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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #17

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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** Admitted Pro Hac Vice*
*** Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made a donation in August 2008 of $X,XXX to ProtectMarriage.com - Yes on 8, a Project of California Renewal. My wife also donated $X,XXX to ProtectMarriage.com in late October.

4. Because of my donation in support of Proposition 8, my name was listed on the "List of Shame" at the Californians Against Hate website.

5. After my name appeared on the Californians Against Hate website, I was contacted by our local REDACTED television affiliate to do a television interview on the "List of Shame." On September REDACTED, REDACTED, this interview appeared on television here in REDACTED. The interview appeared as part of a larger piece on Proposition 8 on the evening news.

6. On the evening of September REDACTED, REDACTED, after the interview appeared, I received a hate call. My family was not home at the time, and a female caller left a message on our answering machine. Using sarcasm, , she told us we must be proud of our decision to donate to Proposition 8.

7. Prior to doing the interview, I had let two other partners in my accounting business know about my decision to participate in the interview; both of them were supportive of my decision to appear on television as a supporter of Proposition 8.

8. Someone at my workplace saw my name and donation posted online, and told the human resources department where I work about my donation to Proposition 8.

9. Several days after the November 2008 election, the partner who oversees the human resources department and the human resources director let me know that someone had pointed out that my name appeared online as part of the blacklists of people who had supported Proposition 8 circulating on the internet. I do not believe that we received any complaints from

clients about my donation.

10. I also received a postcard, at work, from an anonymous gay couple opposed to our donation. I still have the postcard, which states:

> I'm a bank executive and my partner is an IT manager. We are gay, and we both served in the military during the Vietnam War. We got married recently, after being together for 30 years, but that's in limbo now thanks to the Great Religious War of 2008 in which the sanctity of marriage was preserved. What is important, in addition to marriage being saved, is that folks like us are relegated to permanent second class citizenship, so that we don't have the same hospital visitation rights as you, or the ability to file a joint tax return, or the pleasure and security that comes with knowing your committed relationship is recognized by the state. We deserve to be adrift without rights for the rest of our lives. Meanwhile, we will continue to pay our taxes to support your school systems for your children.
>
> We just hope you are proud of your participation in this Great Crusade. Just think of how you have contributed to the economy with the money you donated! It doesn't matter that there are thousands of worthwhile charities that could have used those funds to feed starving people, clothe the homeless, and find cures for cancer and other life-threatening diseases. You must be so proud!

11. My name and address are listed on the eightmaps.com website.

12. Although I would donate to a cause similar to Proposition 8 in the future, I believe that there are people who would be afraid to donate because of the harassment of supporters of Proposition 8..

13. Personally, I am most upset about the desecration of locations that we deem sacred, and the vilifying of our church online and in the press. It seems shameful that the hateful and personal nature of these actions have been justified in any measure in a country with a long history of freedom of religion.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORR

Executed on: REDACTED REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #17 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

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Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #18

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I served as a coordinator for Proposition 8 at my parish. Among the tasks that I performed as the coordinator were to go to the diocese and obtain inserts for our weekly church bulletins. I also distributed these inserts to other churches, including some churches that were not Catholic churches.

4. On November 2, 2008, the Sunday before the November 2008 election, two of these inserts were placed in each church bulletin.

5. After Mass on November 2, 2008, I attended a pancake breakfast at my church.

6. On my way to the pancake breakfast, I noticed that several signs supporting Proposition 8 that had been placed near the church had been removed. I replaced those signs with ones I had in my car.

7. After replacing the signs, a woman and her daughter told me that she did not like me putting up signs supporting Proposition 8.

8. I asked the woman if she was a parishioner at my church, and she replied that she was a parishioner. I am not a confrontational person, and I told her that our faith required the woman and her daughter to support Proposition 8, and discussed the basic elements of Proposition 8.

9. The woman and her daughter continued ranting about my support of Proposition 8 for several minutes, before leaving.

10. As a coordinator for Proposition 8 at my parish, I also distributed signs supporting Proposition 8. This is why I had signs in my car on November 2, 2008, which I could use to replace the ones that had been removed near the church.

11. On five occasions in the weeks leading up to the November 2008 election, I put out Yes on 8 signs. On each of these five occasions, the signs were removed. On one of these

occasions, the sign was gone within two or three hours of me putting it out.

12. Although I would support a cause similar to Proposition 8 in the future, these incidents shook me to the core.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #18 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #19

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #19

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of Louisiana over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I gave $X.XXX to National Organization for Marriage California - Yes on 8, sponsored by National Organization for Marriage.

4. Shortly after the passage of Proposition 8 in November 2008, a few of my colleagues informed me that an email had been sent to the REDACTED, my colleagues, and the alumni director from an alumna living in Georgia. The alumna stated that he would no longer contribute to the REDACTED, because he had read my name on a list of donors to Proposition 8.

5. If I was still employed as an untenured professor, this email may well have intimidated me. However, even though I retired as a chaired full professor, I still find this email irritating.

6. I have had political opponents in other causes, but I have never seen political opponents act so out of bounds as the opponents of Proposition 8 have acted.

7. In the future, I will think twice about supporting a cause similar to Proposition 8, because my son lives and works in San Francisco, California with my two granddaughters, and I worry that someone could go after them.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #19 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
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Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #20

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated $X,XXX to ProtectMarriage.com - Yes on 8, a Project of California Renewal.

4. In support of Proposition 8, I also organized and hosted wave parties, where supporters of Proposition 8 would gather and wave at passing motorists. I also made phone calls and participated in phone banks on several occasions, making calls in support of Proposition 8. On November 4, 2008, I called supporters of Proposition 8 from 10:00 a.m. until 6:00 p.m.

5. In support of Proposition 8, I also placed a Yes on 8 yard sign in my front yard.

6. There is a lesbian couple who lives near me. These women have been customers of my business for several years, and I have helped them with yard work in the past. When the couple saw the sign in my front yard, they told me that they would no longer patronize my business. They have not patronized my business since I placed the yard sign in my yard.

7. Sometime in October, this Yes on 8 yard sign disappeared from my yard.

8. My business is listed on YellowPages.com. YellowPages.com allows customers of a business to post reviews of the services provided by the business. As of February 6, 2008, the only review for my business on YellowPages.com states: "This company was a donor to the California "Yes on 8" campaign, which took away existing equal rights for same-gender couples." The review then lists my name and the Secretary of State's website, which lists the donation that I made in support of Proposition 8. A true and correct copy of this review as it appeared on February 6, 2008 is attached as Exhibit A.

9. These incidents would not change my support for a cause similar to Proposition 8 in the future. However, at any future wave parties, I would make sure that we have at least one man with each group of wavers, to ensure the protection and safety of the teenagers who are participating, and to keep confrontations with people opposing a cause similar to Proposition 8 at a minimum.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #20 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

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Mollie M. Lee
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Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

Exhibit A

YELLOWPAGES.COM

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USER REVIEWS:

Based on 1 review.

Values

Posted by not2shy on 11/08/2008

Not Recommended

This company was a donor to the California "Yes on 8" campaign, which took away existing equal rights for same-gender couples. REDACTED REDACTED REDACTED on REDACTED http://cal-access.ss.ca.gov/Campaign/Measures/Detail.aspx?id=1 REDACTED &session=2007

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Some data provided by Localeze and Acxiom.

John Doe #21

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. I am a member of the REDACTED, who donated $X,XXX,XXX as a group to support Proposition 8.

4. In support of Proposition 8, I spoke to many individuals about Proposition 8, and was successful in having some people who intended to vote "no" on Proposition 8 change their votes to "yes" on Proposition 8.

5. In support of Proposition 8, I also placed a "Yes on 8" sign on my front lawn. I live on the main street of a private country club.

6. My neighbor, who is an attorney, stopped me about the sign. He told me that I was a "bigot" and an "enabler." My neighbor was angry and belligerent when he stopped me to speak to me about Proposition 8.

7. Many of the members of the country club have made rude comments to me about my sign. The openly gay members of the country club have changed their attitudes toward me. They used to greet me warmly; now, they give me looks of disdain and do not greet me as I pass.

8. After Proposition 8 passed in the November 2008 election, a well-known Hollywood person put a "No on 8" sign on my lawn. After I took the "No on 8" sign down, this person put up another "No on 8" sign. I continued taking down the "No on 8" signs that this person put up, and this person continued to take them down for approximately two weeks after the election.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #21 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Jan Scully

Mollie M. Lee
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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #22

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made phone calls to remind citizens in Sonoma County to vote for Proposition 8, and I obtained a half dozen signs to give to others to put on their property.

4. I live on a well-traveled residential street, and in support of Proposition 8, I placed two "Yes on 8" signs in my yard in early October 2008. I have two patches of lawn on either side of my front stairs, and I placed one "Yes on 8" sign in each patch. On the second night that the signs were out, someone removed them.

5. After having our signs stolen, I began bringing in the replacement signs at night, so that they would not be stolen again.

6. Around October 15, someone left a note under my front doormat. The note appeared to have been written by a young person. There was a drawing on the note, and a message that said Yeshua loves me (presumably a homosexual), and does not love those who hate.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #22 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #23

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated over $X,XXX to ProtectMarriage.com - Yes on 8, a Project of California Renewal.

4. In support of Proposition 8, I also placed a bumper sticker on my car.

5. Because of my support of Proposition 8, my name was published on a "blacklist" of donors to Proposition 8. This made me concerned for the safety of my boys, and I instructed the principal at their school to alert the teachers that only my wife or I was to pick them up from school. Although most of the websites with blacklists have since been taken down, the San Francisco Chronicle now has a site where donors to Proposition 8 can be looked up. Additionally, I am very concerned about www.eightmaps.com, where people can obtain maps directing them to the homes of people who supported Proposition 8.

6. About a week after the November 2008 election, someone ordered a book containing the greatest homosexual love stories of all time and sent it to me. Amazon would not tell me who sent this book.

7. On the night of the election, when Proposition 8 passed, someone painted the face of the statute of Mary, the Mother of Jesus, outside of my church orange.

8. Because of these incidents, if I donate to a cause similar to Proposition 8 in the future, I may donate a lesser amount under the disclosure threshold, or donate to an organization in a way that will not require the disclosure of my name.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #23 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Attorney for Defendant Jan Scully

Mollie M. Lee
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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
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Telephone: (916) 932-2850
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs*, *v.* **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF** REDACTED **IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #24

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I called and emailed all of my friends and family, asking them to support Proposition 8. I put yard signs out, and contacted my representatives to tell them to support Proposition 8.

4. Before the November 2008 election, my daughters and I were walking our dogs. While we were walking, I noticed that someone had crossed off the word "Yes" on the "Yes on 8" yard sign in my front yard, and written "No" in its place.

5. In support of Proposition 8, I also placed a bumper sticker on my car. Long before the election, someone ripped the bumper sticker off of my car while I was parked in a shopping area. Instead of replacing this bumper sticker with a second bumper sticker on the outside of the car, I replaced it with a bumper sticker taped to the inside of my car window.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #24 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

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Lawrence T. Woodlock
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Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #25

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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Telephone: (916) 932-2850
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made donations for the costs of signs, and to the American Family Association.

4. I am a Pastor, and our church family participated in a peaceful demonstration at a major intersection, by holding signs and praying with other gathered demonstrators. While we were participating in this demonstration, some people driving by made obscene gestures and yelled obscenities at us.

5. Because of the behavior of these motorists, if I were to support a cause similar to Proposition 8 in the future, I would not bring children to any demonstrations.

6. In support of Proposition 8, I also placed a yard sign in my yard and placed a sticker on my wife's car.

7. At the end of October 2008, the sign was removed from our yard one night. We live on a cul-de-sac with almost no traffic. At about the same time, while my wife's car was parked at school, someone ripped the sticker off of her car.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #25 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated money toward signs and bumper stickers.

4. In support of Proposition 8, I also placed flyers in our church bulletin, and placed "Yes on 8" signs in my yard, as well as in areas where the city had approved the posting of signs.

5. During October 2008, I had four signs stolen off of my property. In order to remove the signs, the thief had to climb a brick retaining wall that is approximately 5.5. to 6 feet tall. The signs were stolen both at night and during the day.

6. At least four of the signs that I placed in city-approved areas were also stolen.

7. In support of Proposition 8, I also placed flyers on people's cars. While doing this, a man started yelling at me. He quickly became angry, and called me a"bigot."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #26 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

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Lawrence T. Woodlock
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Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #27

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

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Timothy D. Chandler (Cal. State Bar No. 234325)**
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
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Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #27

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of Michigan over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of the passage of Proposition 8, I donated approximately $XXX to National Organization for Marriage.

4. Although I have supported causes similar to Proposition 8 in the past, my only public support of Proposition 8 was the donation I made to the National Organization for Marriage California - Yes on 8, Sponsored by National Organization for Marriage ("National Organization for Marriage"). The only way I could be publicly identified as supporting Proposition 8 was through the public disclosure of my personal information as a result of my donations to the National Organization for Marriage.

5. When I made my donation, I had no idea that my name would be made public. It had been my intention to remain anonymous. Had I known that my name would be posted online, I probably would not have donated.

6. I am an author of three books under the pseudonym of REDACTED. I regularly check the internet to see what sort of information is being published about me.

7. In December, I performed one of my regular checks of the internet and discovered that my name had been posted on a "BoycottH8ers List" and listed as an intolerant "H8er" for supporting Proposition 8 in California. I support Proposition 8 because I believe that Natural Law is the basis of the U.S. Constitution and all laws. I am not a "H8er."

8. After being listed as a "H8er" on the internet, I sent an email to the Christian Legal Crew, and told them that I wished I would have known that my name would be posted on the internet if I made a donation. A true and correct copy of the text of that email is attached as Exhibit A.

9. In the future, I would be much less likely to get involved in a cause similar to Proposition 8 that does not assure my confidentiality.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #27 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #27

EXHIBIT A

John Doe #27

From: REDACTED
Subject: Boycott Alert??
Date: Fri, 5 Dec 2008 05:40:47 -0500

Dear Christian Legal Crew,
Because I support(ed) Natural Law as the basis for ALL LAW. as in the Constitution, my name gets posted on the internet, and sullied, as a discriminator and hater? Too bizarre. This has the potential to quash dissent and jeopardize contributors personal safety. Wish I would have known this before I contributed...
Sincerely,
REDACTED

http://www.boycotth8ters.com/cresults.asp? REDACTED

John Doe #28

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
1 South Sixth Street
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Telephone: (812) 232-2434
Facsimile: (812) 235-3685
Counsel for All Plaintiffs

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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF** REDACTED **IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD Judge England

John Doe #28

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of the passage of Proposition 8, I made two separate donations to ProtectMarriage.com – Yes on 8, each in the amount of $X,XXX.XX.

4. I did not engage in any other public support of Proposition 8, such as putting up a yard-sign or placing a bumper-sticker on my vehicle. The only way I could be publicly identified as supporting Proposition 8 was through the public disclosure of my personal information as a result of my donations to ProtectMarriage.com – Yes on 8.

5. On November 11, 2008, at 11:55 a.m., I received a voice mail from an unknown male at my workplace that said: "Hey, it's really disheartening to know that one of my neighbors supported Proposition 8 so heavily. What a scum-fuck!" A true and correct recording of this voice mail is attached as Exhibit A.

6. The phone number the unknown male called from was blocked, so I was unable to obtain the number from my caller-identification system.

7. I filed a report of this harassing phone call with the REDACTED Police Department. A true and correct copy of that report is attached as Exhibit B.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #28 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

Exhibit B

John Doe #28

REDACTED

This incident has been reported to the REDACTED Police Department and is pending approval

REDACTED Police Department
REDACTED Main Street
REDACTED CA REDACTED
REDACTED

General Information

Incident Type	Harassing Phone Call
Temporary Report Number	T08000053
Report Date	11/20/2008 12:48 PM

Reporting Person Information

Name	REDACTED
Home Address	
Home Phone	000-000-0000
DOB	REDACTED

Incident Information

Incident Location	REDACTED CA REDACTED
Incident Time (start)	11/11/2008 11:55 AM
Incident Time (end)	11/11/2008 12:00 PM
Incident Description	An uknown male from a phone number that showed up as "870" left me a harrassing and profane voice mail that said: "Hey, It's really disheartening to know that one of my neighbors supported Proposition 8 so heavily. What a scum-fuck!". I have an MP3 copy of that voice mail as the voice mail system delivers it to the email inbox. I can provide the copy at any time.

Print This Report Close Window

John Doe #29

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF** REDACTED [redacted] **IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of New York over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of the passage of Proposition 8, I donated $X,XXX to National Organization for Marriage - Yes on 8.

4. Prior to the November 4, 2008 election, my name was published on SFGate.com, the website of the San Francisco Chronicle, as a supporter of Proposition 8.

5. After my name appeared on the SFGate.com website as a supporter of Proposition 8, I received several harassing emails, which I deleted from my email account.

6. At approximately X:XX p.m., on February X, 2009, I returned to my home to find two men standing outside the house waiting for me. These men were reporters for the REDACTED. Although I had been sent an email earlier in the day telling me that these reporters would be at my house later in the day, I had not received this email by the time I returned home. After speaking briefly with the reporters, the reporters left my house.

7. The presence of these reporters at my house angered me. My husband recently had a heart attack, and I worry that the stress of people showing up at my house without warning, because of the publication of my address, could cause aggravation of his heart or other health problems.

8. On February, REDACTED, an article about my donation to Proposition 8 appeared in the REDACTED. A true and correct copy of that article is attached as Exhibit A.

9. On February, REDACTED, after the article appeared in the REDACTED, I received approximately 45 emails at my gmail account, and another 10-12 at my personal email account. True and correct copies of the text of several of the emails that I received are attached as Exhibit B.

10. The emails I received included threats harassment, and reprisals. For example, one

email states: "Your donation to Yes on prop 8 purchased you a BOYCOTT from gays/lesbians and our friends." Another states: "you work is garbage and should be defaced!" Still another states: "[O]therwise you better not ever show your face again at any gay gathering."

11. I am an artist, but I also regularly write on art and culture. After publication of the article in the REDACTED, one of my former editors received a letter from a member of the homosexual community regarding my donation in support of Proposition 8. He forwarded this letter to me, and I responded. True and correct copies of our communications, including the letter sent to my former editor, are attached as Exhibit C.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #29 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

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mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #29

Exhibit A

John Doe #29

Artist draws gays' ire for same-sex nups ban support

[redacted]

Tuesday, February 3rd 2009, 4:00 AM

LOS ANGELES - A [redacted] artist known for her colorful canvases of drag queens and gay pride parades gave [redacted] to help pass California's ban on same-sex marriage.

[redacted] made her sizable contribution to the National Organization for Marriage's "Yes on 8" fund in June, a [redacted] review of campaign records found.

The Westchester County woman was one of tens of thousands who poured a total of more than $83 million into the coffers of Proposition 8 support groups - money that helped convince California voters to overturn an earlier court decision granting gays the right to marry in the Golden State.

Questioned outside her home in [redacted] - the same town where [redacted] and [redacted] ve - she refused to discuss her donation last night.

When asked how she could have donated money to fight gay marriage after making money from her depictions of gays, she just said, "So?"

"If you write that story, I'll sue you," she said.

On her Web site [redacted] y says gay parades are a "marvelous spectacle" and "assertion of solidarity."

"It is an erotic celebration loosed for a day to keep us all mindful that Dionysus is alive, powerful and under our own porch," said [redacted], a former art critic for the now-defunct [redacted]

Gay activists felt betrayed at word of [redacted] donation.

"If I were a buyer of her work, I wouldn't buy it anymore," said Charles Leslie, co-founder of Leslie/Lohman Gay Art Foundation in Manhattan.

Leslie stopped short of calling for a boycott of [redacted] work, but the threat of boycotts was part of the reason supporters of Proposition 8 asked a judge to keep secret the names of most donors.

The federal judge denied the request last Thursday.

With [redacted]

in [redacted].

[redacted]

John Doe #29

Exhibit B

John Doe #29

From: Mark Knowles <lilabner2@yahoo.com>

Date: February 3, 2009 12:33:52 PM EST

To: REDACTED

Subject: "So..?" That's the best you can do? That was Bush's response when asked about weapons of mass destruction

Thanks for trying to annul my marriage by supporting prop 8 with money you made from painting homosexuals. Guess you just think of gays as disposable "spectacles" for you to make money from. What a crappy person you are.

John Doe #29

From: Tod Wohlfarth <tod@rockpaperpixel.com>

Date: February 3, 2009 12:30:17 PM EST

To REDACTED

Subject: Very sad

The pain and suffering you have inflicted upon the gay community from your hypocritical stance on gay marriage is just atrocious.

You should be ashamed of yourself and your out and out abuse of the trust that the gay community placed in you. You should apologize for your actions and deceit. In addition, if you don't fully embrace our community, you should stop using us as your subject matter in this incredibly exploitative manner. You must realize that your actions are no different than an artist depicting the black community contributing to white supremacist organizations. It is NO different in our eyes. You may not agree, but your actions are a violence upon our community.

I wish you well and I hope that you find the peace within yourself to move forward in your life with love and not hate.

Tod Wohlfarth

Principal Designer

Rockpaperpixel

135 West 20th Street

Suite 204

NY, NY 10011

T 212.777.8949

F 646.290.9042

tod@rockpaperpixel.com

Check out our site at http://www.rockpaperpixel.com

John Doe #29

From: Roman Feeser <romanfeeser@yahoo.com>

Date: February 3, 2009 12:10:41 PM EST

To: REDACTED

Subject: Shame on You!

As an artist you should know better.

How limited your work must be. I guess when you reach the abilitiy to honor all of God's cration's as equals you then will reach your true potential.

Until then your work is fluff!

Good luck.

Roman Feeser

www.theplayabouthenry.com

http://www.youtube.com/watch?v=HTU4SJ7bGBs

John Doe #29

From: Paul Regan <**paulreganesq@hotmail.com**>

Date: February 3, 2009 12:35:49 PM EST

To: REDACTED

Subject: REDACTED

Just another hateful fraudster that has no problem leeching off of a population as long as that population remains one rung below.

I for one was really never that impressed with your "work". I will bang some heads together to get these queens to boycott anything you have a hand in.

Paul Regan

John Doe #29

From: Rutherford <**rutherford_r@mac.com**>
Date: Tue, Feb 3, 2009 at 12:19 PM
Subject: you disgust me
To: REDACTED

you're disgusting, i hope you never sell another "artwork". i certainly will do everything in my power to publicize your two-faced agenda.

John Doe #29

From: <wunderdogny@aol.com>
Date: Tue, Feb 3, 2009 at 11:28 AM
Subject: your art
To: REDACTED

REDACTED

In light of the recent disclosure of your sizeable donation to Proposition 8 and your obvious desire to take away rights from gay and lesbian Americans, your work has become crystal clear to me and anyone who now views it. You are nothing more that a perpetuator of base stereotypes. In fact, you are guilty in the worst way.

Lautrec painted the Paris underworld because it was a world he inhabited, a world he knew and loved. You can see his genuine affection for the prostitutes and marginal characters so beautifully depicted in his work (not that I am comparing your work with that of such a legendary artist). You, on the other hand, paint of a world you obviously view with disdain and self-imagined superiority. I have to wonder if your work is meant to confirm the viewers' worst ideas about gay men. Your work reflects your view of the subjects as "objects" and "less than." Doesn't this at best diminish and at worst negate your work? You must have been thrilled with the passing of Proposition 8, since it furthers your wish for gays to be seen as second class citizens, objects meant for your amusement, modern day eunuchs, if you will.

You have done a great disservice to the gay and lesbian community and to our country. Years from now when amazed Americans express their horror at the way gays and lesbians were treated "all those years ago", just as we are now shamed and disgusted at how Jews and African Americans were treated fifty years ago, it is *you*, REDACTED, they will be referring to. You are the oppressor the history books will note. Therein lies your fame.

Shame on you for profiting off the very people you so mightily wish to keep down, American citizens whose rights you helped take away and whose discrimination you have bought and paid for. This will be your legacy and the context in which your body of work will be judged, if indeed you are lucky enough to have it remembered at all. What a pity.

Emphatically,
Alan Stephenson

Great Deals on Dell Laptops. Starting at $499.

John Doe #29

From: Mark <**mark5e@bellsouth.net**>
Date: Tue, Feb 3, 2009 at 1:05 PM
Subject: Donation to Yes on prop 8
To: REDACTED

REDACTED,

Your donation to Yes on prop 8 purchased you a BOYCOTT from gays/lesbians and our friends.

YOU particularly offend me, since you profit from making images with gay themes, and selling them to MY community, well honey that gravey train left the station, go paint by and for BREEDERS! Maybe they need another LOSER to paint Mormon murals.

From: Brian Petty <**brianepetty@hotmail.com**>
Date: Tue, Feb 3, 2009 at 12:16 PM
Subject: REDACTED
To [redacted]
REDACTED

Madam,

I was disgusted to see the following article in the REDACTED. The fact that you have, at least in part, made a living through your relationship with the GLBT community and then turned around and supported our oppression is inexcusable. (The fact that **you also gave [redacted] on [redacted] to the reprehensible Swift Boat people** is also reprehensible, but at least you don't have a whole collection of paintings of Senator Kerry to shill.)

Find some other minority community to exploit. I for one will have none of your work in my home, and will encourage my art collector/dealer friends to do likewise. I will also refuse to subscribe to any publication to which you contribute, and will refuse to patronize any gallery exhibiting your work. There are many other artists out there who are doing good work and who are not two-faced hypocrites. Perhaps instead you could sell your "work" to the Mormon church...

Know that I am not alone in this sentiment. And please do remember that the "assertion of solidarity" (your phrase) happening at gay pride parades has nothing whatsoever to do with the likes of you. You really do have very little of which to be proud.

Brian Petty.

REDACTED, [redacted], made her sizable contribution to the National Organization for Marriage's "Yes on 8" fund in June, a REDACTED review of campaign records found. The REDACTED woman was one of tens of thousands who poured a total of more than $83 million into the coffers of Proposition 8 support groups - money that helped convince California voters to overturn an earlier court decision granting gays the right to marry in the Golden State.

Questioned outside her home in REDACTED - the same town where REDACTED live - she refused to discuss her donation last night. When asked how she could have donated money to fight gay marriage after making money from her depictions of gays, she just said, "So? If you write that story, I'll sue you."

On her Web site, REDACTED says gay parades are a "marvelous spectacle" and "assertion of solidarity." "It is an erotic celebration loosed for a day to keep us all mindful that Dionysus is alive, powerful and under our own porch," said REDACTED, a former art critic

for the now-defunct REDACTED. Gay activists felt betrayed at word of REDACTED donation. "If I were a buyer of her work, I wouldn't buy it anymore," said Charles Leslie, co-founder of Leslie/Lohman Gay Art Foundation in Manhattan.

Windows Live™: E-mail. Chat. Share. Get more ways to connect. **See how it works.**

John Doe #29

From: kw <**kevinscribbles@gmail.com**>
Date: Tue, Feb 3, 2009 at 11:08 AM
Subject: REDACTED, tsk tsk, using gays for your livelihood then fighting against their equality--
To: REDACTED

You're basically a vampire, disgusting old crone who uses people. You're a discredit to the human race and utterly nauseating in every way.

John Doe #29

From: Matt Barolo <mbarolo@haring.com>
Date: Tue, Feb 3, 2009 at 12:15 PM
Subject: ?
To: REDACTED

Did you actually donate $$ to support Propositon 8?
I find that - um - deeply shocking.
If it is true - I hope you take a long look in the mirror and feel the hate that's looking back at you.
For shame.
For shame.

John Doe #29

From: R Z <**robert_zachary@hotmail.com**>
Date: Tue, Feb 3, 2009 at 10:22 AM
Subject: You better explain QUICKLY
To: REDACTED

your decision to give money to Yes on Proposition 8. Because otherwise you better not ever show your face again at any gay gathering. Do you have any gay friends? How could you do this to them?

Robert

Windows Live™ Hotmail®:...more than just e-mail. **Check it out.**

John Doe #29

From: James Anthony <**jamesanthonyc@gmail.com**>
Date: Tue, Feb 3, 2009 at 10:14 AM
Subject: Garbage.
To: REDACTED

BOOOOOOOOOOOOOO! Bigot! Hypocrite! your work is garbage and should be defaced!

Love Always
James Anthony + David Lopez
Married 4 years
Northampton, MA

John Doe #29

From: <**dkershaw@optonline.net**>
Date: Tue, Feb 3, 2009 at 9:20 AM
Subject:
To: REDACTED

You are an artist...a bullshit artist...And EXPLOITER a money hungry old hag...Signed Denise Kershaw

John Doe #29

From: charley stark <**mclean04@yahoo.com**>
Date: Tue, Feb 3, 2009 at 1:12 PM
Subject: Gay Pride
To: REDACTED

Go to hell.

John Doe #29

From: <gfarquhar@aol.com>
Date: Tue, Feb 3, 2009 at 11:17 AM
Subject:
To: REDACTED

$REDACTED to prevent me from my pursuit of happiness?...

GARY FARQUHAR

Great Deals on Dell Laptops. Starting at $499.

John Doe #29

From: kenlindley@optonline.net

Date: February 3, 2009 1:20:41 PM EST

To: REDACTED

Subject: essay on hypocrisy and exploitation

Just read about your donation to the Yes on 8 campaign. Can't wait to read your essay exonerating yourself of hypocrisy and exploitation.

John Doe #29

From: Chris Triebsch <**ctriebsch@hotmail.com**>
Date: Tue, Feb 3, 2009 at 1:24 PM
Subject: Shame on you
To: REDACTED

What kind of human being are you? The people in your work are human beings, not animals. And they should be treated as such.

Windows Live™ Hotmail®:...more than just e-mail. **Check it out.**

John Doe #29

From: Erik <**erikwm@gmail.com**>
Date: Tue, Feb 3, 2009 at 1:28 PM
Subject: LOL
To: REDACTED

Saw you in the REDACTED ! Just wanted to say, you've taken stupidity to an artistic level. If they gave out Darwin Awards for career suicide, you would so be getting one.
Nice job, idiot! LOL

John Doe #29

From: Marc Lallanilla <**marclallanilla@hotmail.com**>

Date: February 3, 2009 2:27:36 PM EST

To: REDACTED

Subject: hi REDACTED

REDACTED: I was interested to read that you supported Prop. 8.

Can you explain your reason for denying gays and lesbians their basic civil rights? I'd hate to think it's because you're a bigot. You're not a bigot -- are you?

Marc Lallanilla

John Doe #29

From: GREGORY TRUESDELL <gtruesdell@msn.com>

Date: February 3, 2009 2:14:03 PM EST

To: REDACTED

Subject: pro hate

giving to prop 8 was your choice burning your art work that i have aquired over the years is mine

John Doe #29

From: SD HOUSECHICK <**sdhousechick@yahoo.com**>

Date: February 3, 2009 2:08:38 PM EST

To: REDACTED

Cc: REDACTED

Subject: Artist Starving days await you - thanks to your YesOnH8

Reply-To: sdhousechick@yahoo.com

With your YesOnH8 contribution, you have proven yourself to be a homophobe and user of people.

I will be using my extensive contact list (including the East Coast) to ensure people know about you so they don't purchase any of your "art".

Hope you have fun in your return to Artist Starving Days!

John Doe #29

From: Grace Nye <grace.nye@gmail.com>

Date: February 3, 2009 2:03:56 PM EST

To: REDACTED

You're willing to appropriate gay imagery in your art, but you don't want to see them granted actual rights and dignity? That's fascinating. I sincerely hope that you have a long think about human rights, pray to God if you believe in one, and change your mind about this. But that seems unlikely, considering that you've been painting gay people for years and you still passionately believe that they should be denied the right to marry.

Therefore, I hope you never sell a picture again. Have fun suing the REDACTED!

John Doe #29

From: "Jack Gaffney" <**jack@witmornyc.com**>

Date: February 3, 2009 2:01:51 PM EST

To: REDACTED

Cc: REDACTED

Subject: You are a disgusting TURD of a woman to support the passage of PROP 8 - SHAME ON YOU

Jack Gaffney

President/C.E.O.

Witmor Worldwide Inc.

55 Bethune St. Ste. D905

New York, N.Y. 10014

212-645-3250/800-727-8898

917-609-3222 - emergencies and mobile

212-645-3280-fax

John Doe #29

From: "Ira Schechtman" <**ischechtman@taftjobs.com**>

Date: February 3, 2009 5:20:37 PM EST

To: REDACTED

Subject: you are trash

Just a short email (I am straight by the way) to let you know that you are the lowest form of life. You state that "gays offer a "marvelous spectacle and their parades are an "assertion of solidarity". You then contributed money to an organization against gay marriage!!! You should be ashamed of yourself you piece of trash. I hope that the arthritis and glaucoma that is awaiting you will end your career. Please call me at the number below so that I can repeat myself.

Ira Schechtman

Taft Associates

130 E 40 St

suite 1005

NY,NY 10016

212-447-5200x211

ira@taftjobs.com

John Doe #29

From: wes jackson <**wesbjack@yahoo.com**>
Date: Tue, Feb 3, 2009 at 8:46 PM
Subject: gallery
To: REDACTED

THANKS FOR THE PROP 8

REDACTED IS RIGHT.....WILL BE CONTACTING YOUR PEERS, GALLERIES, ETC.

John Doe #29

Exhibit C

John Doe #29

From: REDACTED

Date: February 4, 2009 4:19:56 PM EST

To: REDACTED

Subject: Re: REDACTED

Thanks for clarifying the situation. I can see how it might irk some gay people that an artist relishes gay subjects in her paintings but supports a conservative position on marriage legislation. I'd take issue with the REDACTED on one item of their reportage, however, namely the question: "how she could have donated money to fight gay marriage after making money from her depictions of gays"? There are two implications here. That to paint a gay parade and oppose gay marriage is not compatible, and that REDACTED is indebted to gays and their causes because she likes to paint them. To the first proposition one simply need point out all the artist who painted nude women without supporting female emancipation. To the second, the key thing is that REDACTED paintings have whatever following they have because of their vision and their execution, not their subject. It would rather be like suggesting that a person who paints leopards is profiting off leopards and ought therefore not to support the skinning of leopards for fashion accessories or hearth rugs- again, hardly a consistent position, based as it is on a non sequitor.

Meanwhile, however, I'm very grateful to you for letting me know that, because we have stored in our archive previously published articles by the redoubtable REDACTED (who was a contributing editor for a while, but not for a couple of years now), the gay community will, at your instigation, be boycotting REDACTED. I might share this correspondence with readers in case some of my gay readers are not yet aware of the boycott. If I do, may I trouble you for your real name? You know ours, and we prefer to only use real names at artcritical.

Sincerely, REDACTED

REDACTED

Editor and Publisher, REDACTED

Art Critic/Contributing Editor, REDACTED

John Doe #29

On Feb 4, 2009, at 12:15 PM, REDACTED wrote:

REDACTED,

Thank you for your prompt response. I just wanted you to be aware that the Gay Community is looking at our adversaries and those who may support them. Please view at REDACTED

Thank you again.

REDACTED

John Doe #29

On 04 Feb 2009, at 14:08, REDACTED wrote:

> Thanks for letting us know. Could you be more specific and point out some details that led to your decision? Is it something REDACTED has written here at REDACTED, for instance, or something she has done or said elsewhere?
>
> BTW, good luck enforcing a GLBT boycott of a free art magazine.
>
> REDACTED
>
> REDACTED
>
> Editor and Publisher, REDACTED
>
> Art Critic/Contributing Editor, REDACTED

John Doe #29

On Feb 4, 2009, at 1:10 AM, REDACTED wrote:

> The GLBT community will be boycotting your organization for having an association with a person who endorses H8 and discrimination against us but has no conscious profiting off of us.

John Doe #30

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
1 South Sixth Street
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Telephone: (812) 232-2434
Facsimile: (812) 235-3685
Counsel for All Plaintiffs

Benjamin W. Bull (Ariz. State Bar No. 009940)*
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Counsel for All Plaintiffs

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101 Parkshore Drive, Suite 100
Folsom, CA 95630
Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

** Admitted Pro Hac Vice*
*** Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated $XX in support of Proposition 8, and my name was disclosed as a donor to Proposition 8.

4. I also supported Proposition 8 by walking the precincts in San Mateo and San Francisco. I also worked phone banks.

5. Because of my support for Proposition 8, I have received numerous harassing and threatening emails and inquiries at my website. True and correct copies of some of these emails and inquiries are attached as Exhibit A. One email states: "I tolerate you because I don't come to where you are and slaughter you. . . . I will actively pursue your financial ruin through legal means." Another email states: "Your company is now on a list I am producing of those that will be boycotted and shut down soon."

6. These incidents with the emails make me want to fight harder for causes similar to Proposition 8. However, from this point forward, I will be very careful about what I do in support of similar causes. I will try to donate anonymously, and I will not speak out publicly on similar causes, because I would fear for the safety of my children if I did so.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #30 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

Exhibit A

From: <tomcogburn@earthlink.net>
Date: Friday, October 31, 2008 8:58 PM
To: REDACTED
Subject: Re: Your Support of Proposition 8

You seem to have gotten "tolerance" confused with "passivity". I tolerate you because I don't come to where you are and slaughter you. However, I will not remain passive--I will actively seek to undermine your future as a business owner. I tolerate your existence, but I will actively pursue your financial ruin through legal means. Do you see the difference?

> [Original Message]
REDACTED
> To: <tomcogburn@earthlink.net>
> Date: 10/31/2008 7:42:08 AM
> Subject: Re: Your Support of Proposition 8
>
> How tolerant of you.
>
> tomcogburn@earthlink.net wrote:
> >
> > I saw that your company supports proposition 8. Suffice it to say
> > that your $ will cost you untold money in lost revenue. People like
> > me will actively seek to reduce your customer base because of your
> > decision to support a hateful and discriminatory proposition.
> >
> > Tom Cogburn, San Francisco

--
Internal Virus Database is out-of-date.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 269.22.11/1368 - Release Date: 4/9/08 4:20 PM

Date: Friday, November 07, 2008 2:22 AM
To: REDACTED
Subject: Inquiry from REDACTED Website

Values submitted from web site form:
recipient : REDACTED
Name :
Company :
Address :
City :
State :
Zip :
Phone :
email :
subject : REDACTED from Website
Comments : You should be ashamed of yourselves for supporting Proposition 8. I hope your company goes bankrupt.
submitButtonName : Submit

--
Internal Virus Database is out-of-date.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 269.22.11/1368 - Release Date: 4/9/08 4:20 PM

Date: Monday, November 10, 2008 8:22 PM
To: [redacted]
Subject: Inquiry from [redacted] Website

Values submitted from web site form:
recipient : [redacted]
Name : Mark N Melanson
Company :
Address :
City : San Francisco
State : CA
Zip : 94102
Phone :
email :
subject : [redacted] from Website
Comments : This company gave $$ to the Yes on 8 ? DISGUSTING!

Once that word gets out I dont think you will have very much business in this area. Maybe you should move your company elsewhere.

submitButtonName : Submit Query

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 270.9.0/1776 - Release Date: 11/8/08 6:49 PM

From: <cameronscot@gmail.com>
Date: Thursday, November 13, 2008 2:57 PM
To: REDACTED
Subject: Inquiry from REDACTED Website

Values submitted from web site form:
recipient : REDACTED
Name : Cameron Scott
Company :
Address :
City : San Francisco
State : CA
Zip : 94110
Phone :
email : cameronscot@gmail.com
subject : REDACTED Inquiry from Website
Comments : Shame on you for contributing to Yes on 8. If you don\'t support gay rights, move your operations to the Central Valley. We are a big part of making this city great, and I guarantee you many of your employees and customers are members of the GLBT community.
submitButtonName : Submit Query

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 270.9.0/1776 - Release Date: 11/8/08 6:49 PM

From: <hgwm31@hotmail.com>
Date: Thursday, November 13, 2008 10:54 PM
To: REDACTED
Subject: Inquiry from V REDACTED Website

Values submitted from web site form:
recipient : REDACTED
Name : Mitch Bryan
Company : N/A
Address :
City : San Francisco
State : CA
Zip : 94117
Phone :
email : hgwm31@hotmail.com
subject : REDACTED Inquiry from Website
Comments : I was thoroughly disgusted when I saw that you donated money to the Yes on 8 campaign... you should be ashamed of yourself. Your company is now on a list I am producing of those that will be boycotted and shut down soon
submitButtonName : Submit Query

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 270.9.0/1776 - Release Date: 11/8/08 6:49 PM

From: <pfogerty@comcast.net>
Date: Saturday, November 15, 2008 9:21 AM
To: [redacted]
Subject: Inquiry from [redacted] Website

Values submitted from web site form:
recipient : [redacted]
Name : Patrick Fogerty
Company :
Address :
City : San Francisco
State : CA
Zip : 94103
Phone :
email : pfogerty@comcast.net
subject : [redacted] Inquiry from Website
Comments : I just discovered that [redacted] contribued to the Yes on Proposition 8 campaign. I can\'t tell you how disappointed I was to disover that you sponsored a proposition that succeeded in doing nothing but deny basic human rights, engender hate, and promote discrimination.

Rest assured that I will ensure friends, family, and colleagues know of your sponsorhip, and rest assured that we will never do business with [redacted]
submitButtonName : Submit Query

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 270.9.0/1776 - Release Date: 11/8/08 6:49 PM

From: <mikemcallister@mac.com>
Date: Saturday, November 15, 2008 9:44 AM
To: REDACTED
Subject: shame

Shame on you for supporting a proposition that stripped equal rights from some of your fellow Americans. You'll definitely never get any of my business, and I'm sharing this info with my friends and family.

Mike McAllister

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 270.9.0/1776 - Release Date: 11/8/08 6:49 PM

Date: Sunday, November 16, 2008 7:59 PM
To: [redacted]
Subject: Inquiry from [redacted] Website

Values submitted from web site form:
recipient : [redacted]
Name : San Franciscan
Company :
Address :
City : san francisco
State : ca
Zip : 94123
Phone :
email :
subject [redacted] Inquiry from Website
Comments : Your contribution to yes on 8 has been noted, discrimination is not welcome in San Francisco or California for that matter. Your radical view to take rights away from human beings is the same reason we are fighting a war in Iraq against the Taliban who strips rights for human beings everyday.
submitButtonName : Submit Query

--
Internal Virus Database is out-of-date.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 270.9.0/1776 - Release Date: 11/8/08 6:49 PM

Date: Monday, November 17, 2008 10:47 PM
To: [redacted]
Subject: Inquiry from [redacted] Website

Values submitted from web site form:
recipient : [redacted]
Name : Carlos
Company : Carlos
Address : 2222 oak
City : san francisco
State : ca
Zip : 94121
Phone :
email :
subject : [redacted] Inquiry from Website
Comments : shame on you
submitButtonName : Submit Query

--
Internal Virus Database is out-of-date.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 270.9.0/1776 - Release Date: 11/8/08 6:49 PM

John Doe #30

From: "Jason Durant" <jasonjdurant@gmail.com>
Date: Wednesday, November 19, 2008 12:04 PM
To: REDACTED
Subject: Your Donation to Prop 8

Dear REDACTED, please know that the GLBT commmunity, which is known throughout the world as a peaceful, loving and harmonious group, is no longer going to settle for being treated with contempt. While I will not use profanity to express my outrage, I will tell you this: your commitment to Proposition 8 is tantamount to hatred against millions of your taxpaying fellow citizens who are just trying to make it in the world. Your contribution makes it that much harder for us to do so. Finally, your dollars have sent a message to millions of born and unborn GLBT children who will one day have to continue this struggle: we don't care about you.

You will get money from the LGBT community to discriminate against us.

Jason Durant

Internal Virus Database is out-of-date.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 270.9.0/1776 - Release Date: 11/8/08 6:49 PM

From: "e sf" <sashimily@hotmail.com>
Date: Wednesday, November 19, 2008 12:46 PM
To: REDACTED
Subject: Your Business

As a straight, well-educated native San Franciscan, I am horrified to see that you gave money to the Yes on 8 campaign. My disgust cannot be put into words. God will judge you, and do so harshly.

Get more done, have more fun, and stay more connected with Windows Mobile®. See how.

Internal Virus Database is out-of-date.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 270.9.0/1776 - Release Date: 11/8/08 6:49 PM

Date: Wednesday, November 19, 2008 3:07 PM
To: [redacted]
Subject: Inquiry from [redacted] Website

Values submitted from web site form:
recipient : [redacted]
Name : Eric Smith
Company :
Address :
City : San Francisco
State : CA
Zip : 94124
Phone :
email :
subject : [redacted] Inquiry from Website
Comments : We notice that you have donated to the Yes on 8 campaign. We will make sure that we do everything in our power to drive you out of business.
submitButtonName : Submit Query

--
Internal Virus Database is out-of-date.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 270.9.0/1776 - Release Date: 11/8/08 6:49 PM

John Doe #30

Date: Friday, December 05, 2008 11:33 AM
To: [redacted]
Subject: Inquiry from [redacted] Website

Values submitted from web site form:
recipient : [redacted]
Name :
Company :
Address :
City :
State :
Zip :
Phone :
email :
subject : [redacted] Inquiry from Website
Comments : under \"about us\" you forgot to include \'specializing in bigotry\"
submitButtonName : Submit

--
Internal Virus Database is out-of-date.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 270.9.0/1776 - Release Date: 11/8/08 6:49 PM

From: "Andy Jolley" <andyjolley@yahoo.com>
Date: Tuesday, February 03, 2009 6:07 PM
To: [redacted]
Subject: Re: Shame on YOU H8-er!

Wow, you really don't get it.....Ignorance must be bliss, take care as the world has changed and you will sadly be left behind.

--- On **Mon, 12/15/08,** [redacted] wrote:

From: [redacted]
Subject: Re: Shame on YOU H8-er!
To: andyjolley@yahoo.com
Date: Monday, December 15, 2008, 5:39 AM

Proposition 8 has nothing to do with hate. It has to do with preserving the benefits of marriage for children, because the needs of children are best met by a mother and a father to which they are biologically related.

Those of you that are advocating for gay marriage want these benefits for yourselves. It is disgusting to me to see grown people clamoring to take for themselves benefits that are meant to be for innocent children.

It is you who should be ashamed.

Andy Jolley wrote:

> There is no room for H8 in our city and you should be ashamed of yourself. It's one thing to exercise your right to vote, but it's an entirely different thing to give money to this hateful cause! NO MORE HIDING for YOU! SHAME ON YOU!

John Doe #31

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, IN 47807-3510
Telephone: (812) 232-2434
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Counsel for All Plaintiffs

Benjamin W. Bull (Ariz. State Bar No. 009940)*
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Scottsdale, Arizona 85260
Telephone: (480) 444-0020
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Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
ALLIANCE DEFENSE FUND
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Folsom, CA 95630
Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD Judge Morrison C. England, Jr.

John Doe #31

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I placed a sign in my front yard.

4. In support of Proposition 8, I also placed a bumper sticker on my vehicle.

5. During the two weeks leading up to the November 4, 2008, election, the sign was stolen from my front yard on five separate occasions. Each theft occurred during the evening and I was forced to replace the sign after each theft.

6. The bumper sticker on my vehicle was also defaced while the vehicle was parked in my driveway. Someone had changed the "Yes on 8" to "No on 8." As a result, I was forced to replace the bumper sticker.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #31 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

Exhibit A

Plunderbund

A Progressive Political Playground

Ohio's Homophobes Revealed, Part II: REDACTED

- Posted by Joseph
- November 16, 2008

Yesterday we started talking about the list of homophobes from Ohio who contributed money to help pass the gay marriage ban in California.

Blogger Interrupted has already exposed the guy who works at NASA REDACTED and the certified diversity contractor REDACTED REDACTED

REDACTED is up next.

REDACTED is the owner of a plastics company in REDACTED

He's a member of the REDACTED

Oh, and he's a homophobe.

Two years ago he made a couple of contributions to REDACTED - Ohio's leading homophobe - during REDACTED failed run for REDACTED

This year REDACTED decided to skip the political contributions and donate his money directly to an organization that hates gays as much as he seems to: the national organization for marriage.

UPDATE:

It turns out REDACTED is not just a single-issue guy.

Judging by this comment on the REDACTED blog he also seems to have signed on to the anti-union, pro-school voucher and muslim-hating aspects right wing nuttery:

> "political correctness dictates that God is taken out of the classroom with a threat from the ACLU and (for recent example in another public school system) replaced with mandatory field trips to the local mosque (with headscarves for the girls to boot)"

You've just been upgraded REDACTED From a simple homophobe to a full-fledged wing nut. Congrats!

Information and Links

Join the fray by commenting, tracking what others have to say, or linking to it from your blog.

Information

November 16th, 2008

One Response

Feeds and Links

Comment Feed

From This Author

DeLicio.us

Digg

Technorati

Categories

Plunderbund

Other Posts

Follow Up On Richard Duncan's Presidential Campaign

Ohio's Homophobes Revealed

Plunderchat:

1 Written by: tim russo
Posted on: November 16, 2008 at 8:10 am

this is so much fun. let's continue, shall we?

Plunderbund

Unless otherwise specified, all content is made available under the Creative Commons License.

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
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1 South Sixth Street
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Counsel for All Plaintiffs

Benjamin W. Bull (AZ Bar No. 009940)*
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Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

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1. I am a resident of the state of Ohio over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made three donations, totaling $XXX, to the National Organization for Marriage California - Yes on 8, sponsored by National Organization for Marriage.

4. I have supported causes similar to Proposition 8 in the past, and I have never experienced any sort of retribution because of my support for these causes.

5. Because of my donations in support of Proposition 8, at least one website has singled me out as a "homophobe" and a "wingnut" because of my support for Proposition 8. A true and correct copy of this website as it appeared on February 6, 2008 is attached as Exhibit A.

5. I have a son in California who shares my name. My son is a practicing lawyer.

6. Because we share the same name, I feel that these attacks on me are an indirect attack on my son, even though he is not involved with supporting Proposition 8. I do not want my support of Proposition 8 to compromise his professional identity, yet I fear that the sort of harassment I experienced on the internet will do so.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #32 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

Benjamin W. Bull (AZ Bar No. 009940)*
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Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
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Telephone: (916) 932-2850
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated $X,XXX to National Organization for Marriage California - Yes on 8, Sponsored by National Organization for Marriage.

4. I am a REDACTED in the REDACTED Church. As a REDACTED, and in support of Proposition 8, I proactively spoke to my congregation about the sanctity of marriage as a sacramental union between a man and a woman, and the need to safeguard this through a yes vote on Proposition 8. I also stressed the importance of ensuring the mission of the Church not be jeopardized through the passage of laws that would force us to operate against our moral teachings.

5. In support of Proposition 8, I also placed yard signs in my yard on a fairly busy street. Throughout the months of September and October, I had a total of ten signs removed from my property. The signs were removed at night, and were not readily accessible. Whoever removed the signs had to climb up the slope of my property to remove the signs.

6. I purposely secured several of the signs to branches of trees in my yard. Someone also ripped these signs down.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #33 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #34

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, on October 25, 2008, I placed a "Yes on 8" yard sign in our front yard.

4. Sometime between sundown on October 31, 2008 and noon on November 1, 2008, the yard sign was stolen.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #34 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #35

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

** Admitted Pro Hac Vice*
*** Designated Counsel for Service*

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF** REDACTED **IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD Judge Morrison C. England, Jr.

John Doe #35

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of the passage of Proposition 8, I donated $XXX to National Organization for Marriage California – Yes on 8, supported by National Organization for Marriage.

4. In support of the passage of Proposition 8, I also purchased two yard signs.

5. I placed the yard signs on each side of my yard near the street, a busy four lane frontage road beside the freeway.

6. Approximately ten days after I placed the signs in my yard, someone uprooted the signs and threw them down. The signs were slightly dirty and I replaced them in their original location.

7. The next day, the signs were once again removed. However, this time, whoever removed the signs also ripped them. I was able to repair the signs with clear tape and replaced them in their original location.

8. Approximately two days before the election, someone stole the signs during the evening hours.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #35 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made a donation of $XXX to ProtectMarriage.com - Yes on 8, a Project of California Renewal.

4. In support of Proposition 8, I placed a "Yes on 8" sign outside my home, which is located on a busy street and has a streetcar stop in front of it. My "Yes on 8"sign was placed in a brick flower box, between my front steps and garage. This flower box is about 10-12 feet from the sidewalk. I put this sign out at the end of October 2008.

5. After Halloween, and about three or four days after putting out the sign, the sign - but not its metal stand - was taken from the flower box.

6. About a week later, I placed a second "Yes on 8" sign in the flower box. Within a day or two, this sign and its metal stand had also been taken.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #36 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF** REDACTED [redacted] **IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I placed a Yes on 8 sign in my front yard, which is on a back street. I also placed two Yes on 8 signs on my back fence, which faces a main street. My husband warned me about putting up the signs, as he was concerned that people might damage our property because of the signs. However, because I felt so strongly about Proposition 8, he agreed to let me put up these signs supporting Proposition 8.

4. About a month before the November 2008 election, someone tore up the sign in my front yard. I then replaced the sign in my front yard with two more. Someone then stole one of the signs from my front yard, and shredded the Yes on 8 sign that I had stapled onto its metal post.

5. I live in a small group of homes which, until this incident, I thought was very neighborly. This incident shocked me.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #37 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #38

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No. 11912-84)*
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** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #38

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made a donation of $40 to Focus on the Family Action, and a donation of $XX to ProtectMarriage.com - Yes on 8, a Project of California Renewal.

4. In support of Proposition 8, I also emailed state officials, placed a bumper sticker on my car, and had signs supporting Proposition 8 at my place of business.

5. In support of Proposition 8, I also installed 12 "Yes on 8" yard signs along the busy highway in front of my home on the Saturday before the November 2008 election.

6. The next day, between noon and 2:00 p.m., someone removed all 12 "Yes on 8" yard signs. In their place, I found a lone "No on 8" sign.

7. On my daily drives to and from work, I saw evidence of stolen and damaged "Yes on 8" yard signs. I started seeing these stolen and damaged yard signs in October.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #38 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
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Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #39

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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Counsel for All Plaintiffs

** Admitted Pro Hac Vice*
*** Designated Counsel for Service*

United States District Court
Eastern District of California

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, *et al.*,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD Judge Morrison C. England, Jr.

John Doe #39

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. I signed the petition to have Proposition 8 placed on the ballot.

4. In support of the passage of Proposition 8, I donated $XXX to the National Organization for Marriage California – Yes on 8, sponsored by National Organization for Marriage.

5. My two high school aged children also supported Proposition 8 by attending rallies where they held signs in support of the ballot measure.

6. In support of the passage of Proposition 8, I also placed a sign in my yard. I live in a residential neighborhood and my home is on a street that dead ends at a cul-de-sac shortly after my residence.

7. On or about October 24, 2008, the sign was stolen from my yard.

8. I noticed that three other homes on my street also had their signs supporting Proposition 8 removed during this time, as well as many others on adjoining streets.

9. I am ashamed to admit that, although I would have liked to have placed a bumper sticker on my car supporting Proposition 8, I did not do so because of the aggression directed towards family and friends that resulted from their support of Proposition 8.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #39 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
BOPP, COLESON & BOSTROM
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Facsimile: (812) 235-3685
Counsel for All Plaintiffs

Benjamin W. Bull (Ariz. State Bar No. 009940)*
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Telephone: (480) 444-0020
Facsimile: (480) 444-0028
Counsel for All Plaintiffs

Timothy D. Chandler (Cal. State Bar No. 234325)**
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Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF** REDACTED **IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made a donation of $XX to ProtectMarriage.com - Yes on 8, a Project of California Renewal.

4. In support of Proposition 8, I also placed a bumper sticker on my car. One person made an obscene gesture at me because of this bumper sticker.

5. In support of Proposition 8, I also placed a "Yes on 8" yard sign on my front lawn in a gated community. My next door neighbor also placed a "Yes on 8" yard sign in his yard.

6. During October, my next door neighbor and I had our "Yes on 8" yard signs stolen four times. The signs were taken during the night.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #40 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #41

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF** REDACTED **IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #41

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made a donation to ProtectMarriage.com - Yes on 8, a Project of California Renewal.

4. In support of Proposition 8, I walked precincts/neighborhoods campaigning for Proposition 8, made several hundred phone calls weekly before the election, and placed a bumper sticker on my car, among other things.

5. In support of Proposition 8, I also placed two yard signs in my front yard. I live on a street that is not too busy, and I placed the one sign on each side of my driveway. The signs were clearly on my property, and were closer to my home than they were to the street.

6. During the month of October, I had a total of six "Yes on 8" signs stolen from my front lawn during the night. Because of the location of the signs, anyone who stole the signs would have had to trespass on my property.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #41 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #42

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
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Counsel for All Plaintiffs

** Admitted Pro Hac Vice*
*** Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #42

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated $XX through my church, REDACTED.

4. In support of Proposition 8, I participated in a Yes on 8 rally in Euclid, wrote several commentaries for both our local paper and online blogs, attended our church's Yes on 8 presentation, and visited numerous websites that supported Proposition 8.

5. In support of Proposition 8, I also placed yard signs in my hard. On three separate occasions, the signs were stolen or vandalized during the night. I reported these incidents to my local police department, but I received no response from them.

6. On one morning following the disappearance of my signs, I walked up and down my street and saw that all of the Proposition 8 were tagged with the words "hate speech" or "hater." I walked over to my neighbor's house to talk about what had happened, and I noticed that my sign was in his yard, along with several other signs. I knew that this was my sign, because I purchased it from my church and the graphics were different than most of the "Yes on 8" signs.

7. That day, I took photographs of the vandalized signs, sent the photos to the police, and reported the vandalism as hate speech. True and correct copies of the pictures I took are attached as Exhibit A. As set forth above, I never received a response from the police department about this vandalism.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #42 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

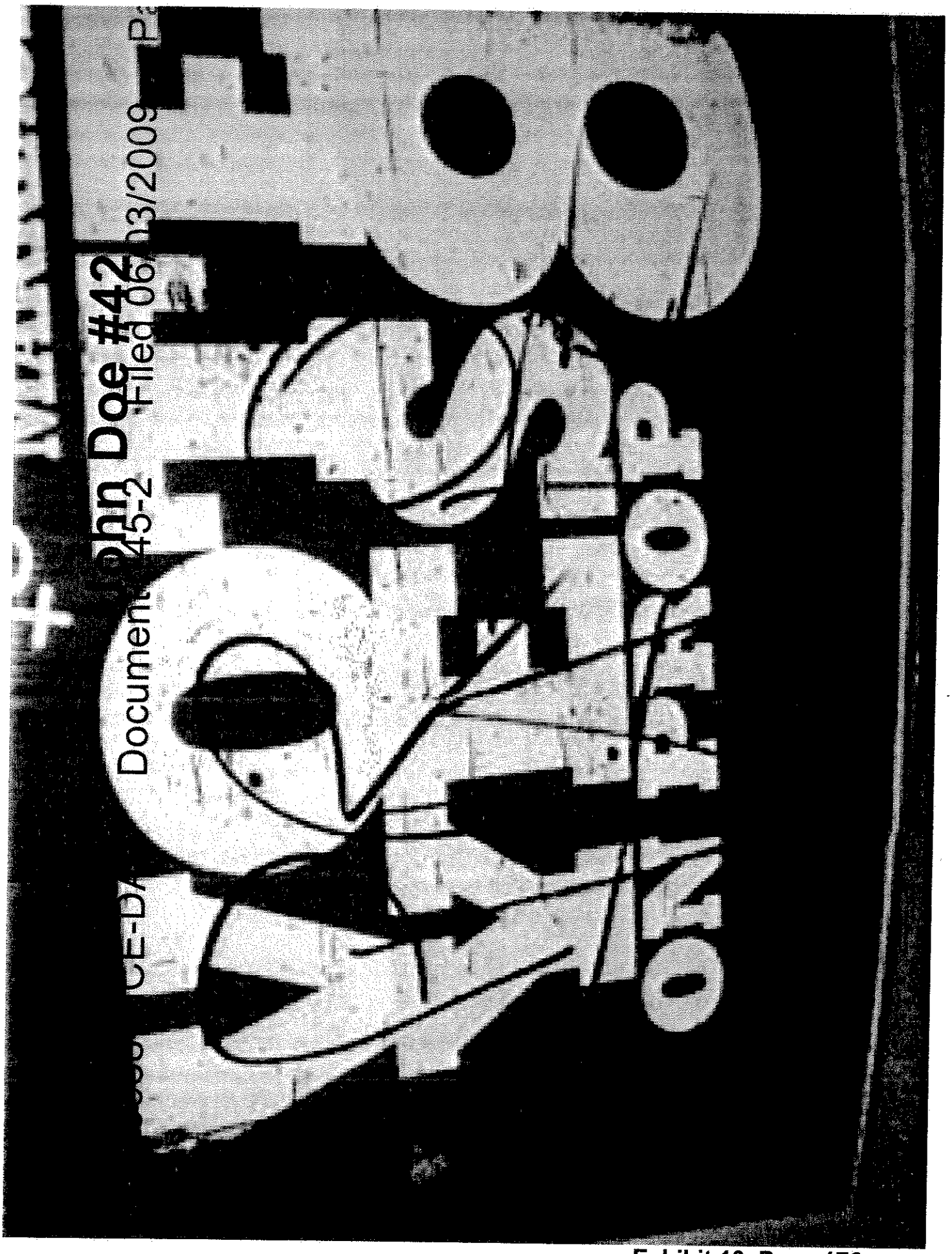
Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

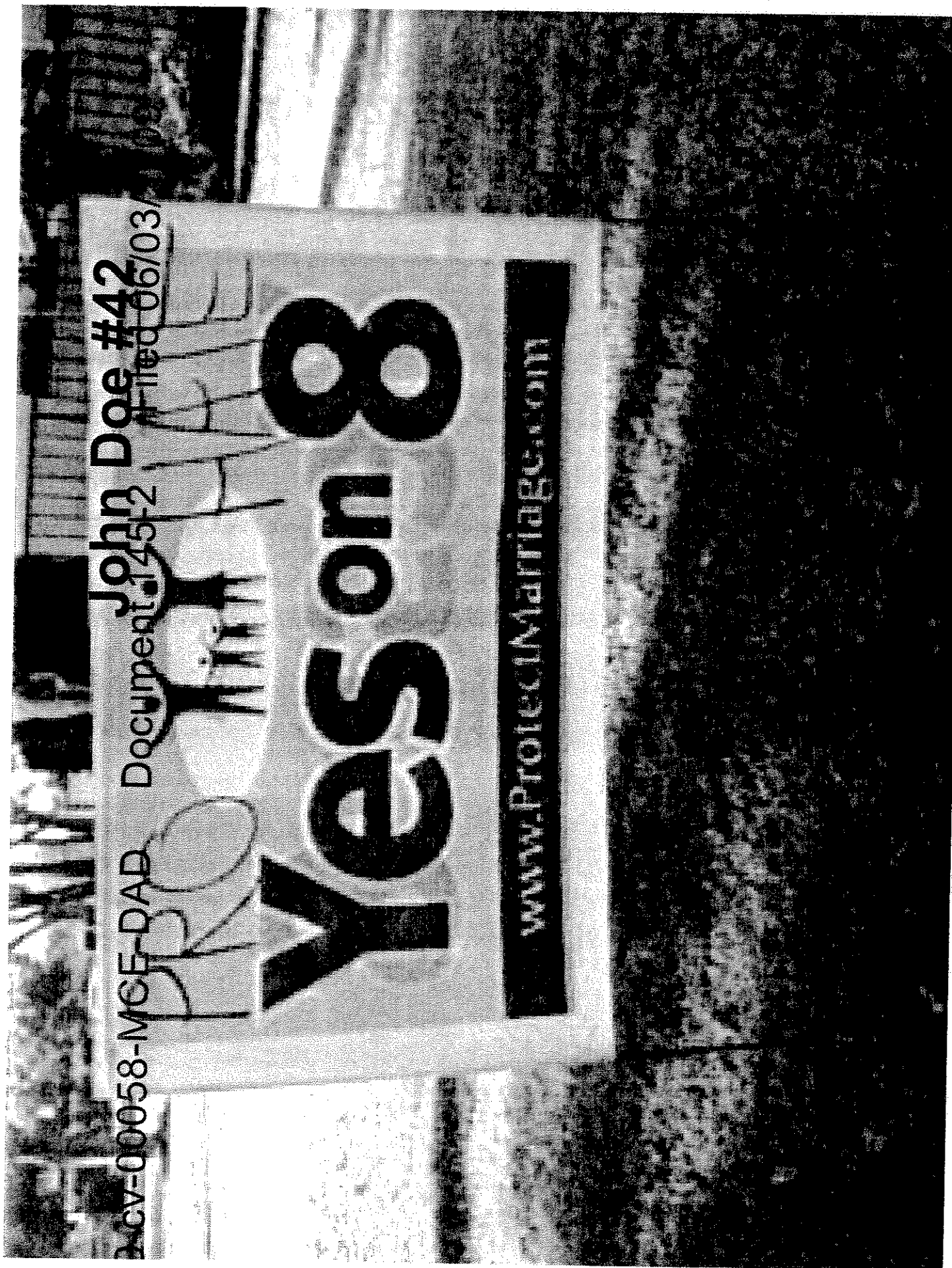
I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

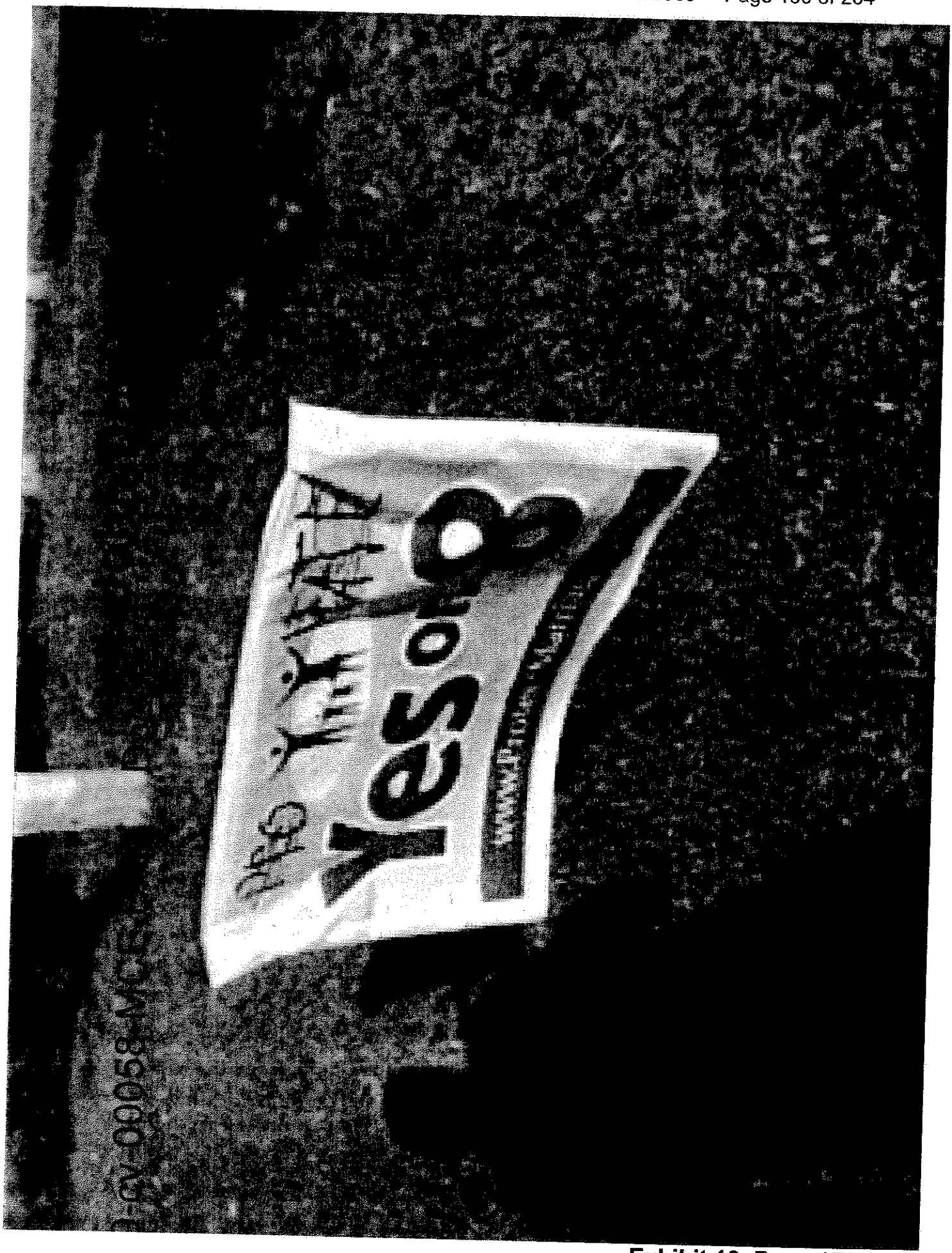
John Doe #42

Exhibit A


John Doe #42
Document 45-2 Filed 06/03/2009 P


John Doe #42
Document 145-2
Filed 06/03/
Yes on 8
www.ProtectMarriage.com

06/03/2009
PRO
Yes on 8


Yes or

Yes on 8
www.ProtectMarriage.com

John Doe #42

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

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Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated $XX through my church, REDACTED.

4. In support of Proposition 8, I participated in a Yes on 8 rally in Euclid, wrote several commentaries for both our local paper and online blogs, attended our church's Yes on 8 presentation, and visited numerous websites that supported Proposition 8.

5. In support of Proposition 8, I also placed yard signs in my hard. On three separate occasions, the signs were stolen or vandalized during the night. I reported these incidents to my local police department, but I received no response from them.

6. On one morning following the disappearance of my signs, I walked up and down my street and saw that all of the Proposition 8 were tagged with the words "hate speech" or "hater." I walked over to my neighbor's house to talk about what had happened, and I noticed that my sign was in his yard, along with several other signs. I knew that this was my sign, because I purchased it from my church and the graphics were different than most of the "Yes on 8" signs.

7. That day, I took photographs of the vandalized signs, sent the photos to the police, and reported the vandalism as hate speech. True and correct copies of the pictures I took are attached as Exhibit A. As set forth above, I never received a response from the police department about this vandalism.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #42 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

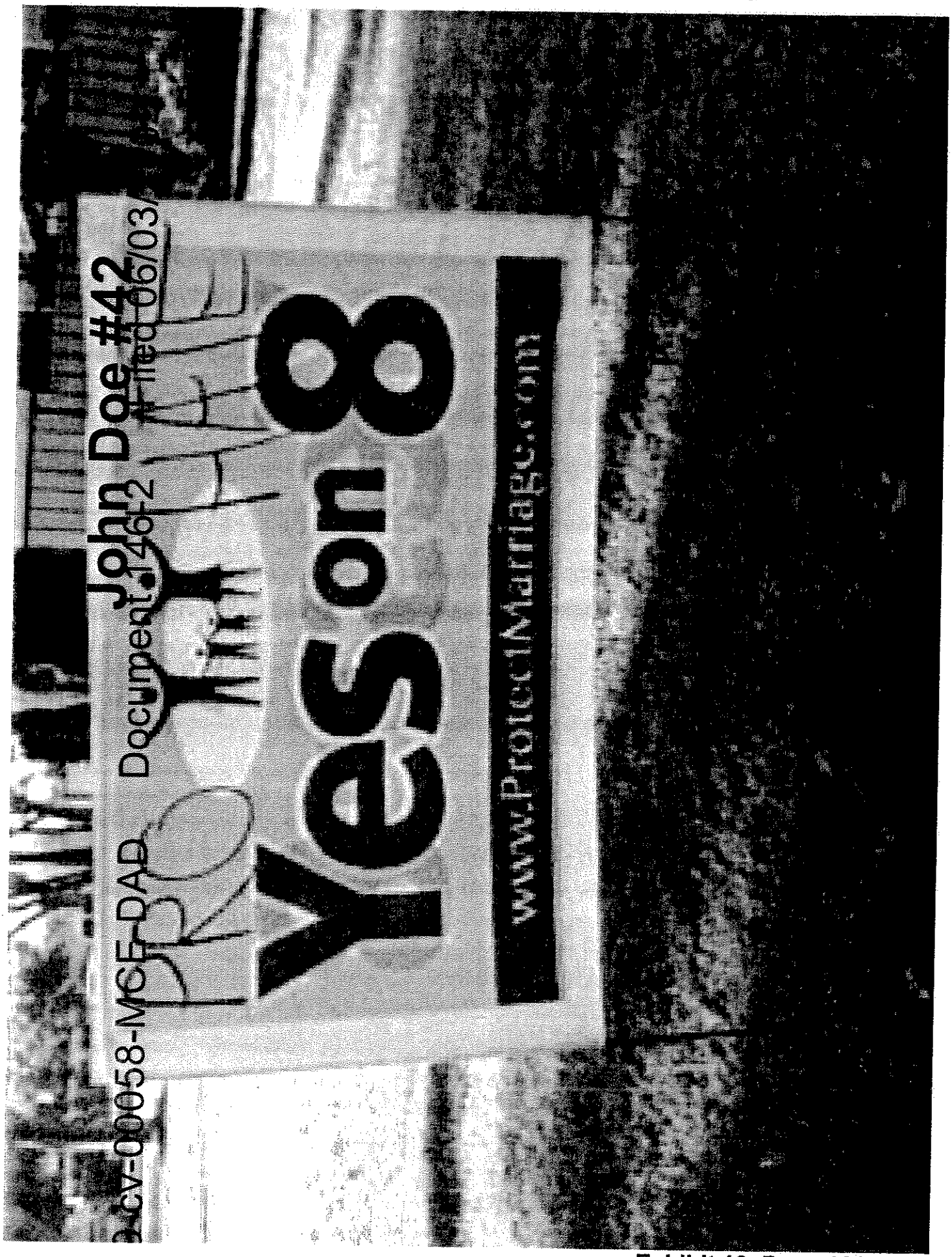
I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #42

Exhibit A

ON PRIOR


John Doe #42
Document 146-2
Yes on 8
www.Protect1Marriage.com

06/03/2009
PRO
Yes on 8

Yes or No

Reason
www.ProtectMarriage.com

John Doe #44

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #44

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. On October 19, 2008, in support of Proposition 8, I placed a "Yes on 8" yard sign on my front lawn.

4. I live in a quiet, residential neighborhood. My sign was placed approximately twenty feet from the street.

5. On the night of October 27, 2008, someone stole the yard sign from my front lawn.

6. Two signs opposing Proposition 8 were visible from my front yard, and they were not removed for the entirety of the campaign.

7. Having the sign removed from my front lawn will negatively affect my support of a cause similar to Proposition 8 in the future. The person who removed my sign knows where I live, knows my political position, and yet felt "empowered" to come onto my property and remove this sign. I believe that the people in my neighborhood are not open to freedom of speech, unless it agrees with their own speech.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #44 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
Scott F. Bieniek (Ill. State Bar No. 6295901)*
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Counsel for All Plaintiffs

Benjamin W. Bull (Ariz. State Bar No. 009940)*
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Counsel for All Plaintiffs

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Telephone: (916) 932-2850
Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I gave approximately $ XXX to National Organization for Marriage California - Yes on 8, sponsored by National Organization for Marriage.

4. In support of Proposition 8, I also put out "Yes on 8" yard signs. Approximately two weeks before the November 2008 election, someone ripped down the "Yes on 8" sign in our front yard on a quiet street. I work the 3:00 p.m. to 11:30 p.m. shift, and I usually get home between midnight and 12:30 a.m. On the evening that this first sign was destroyed, I went into the garage to put my recyclables in the recycle can and heard male voices in my front yard. By the time I went back inside and out my front door, they had already pulled up the sign, and ripped it apart into several pieces. When I stepped outside, I saw two teenaged boys running away, and believe that a third ran the other way.

5. About a week later, the signs I had replaced the original in my yard with were also stolen. Other signs I had placed around the neighborhood were also stolen repeatedly, particularly in the two weeks leading up to the November 2008 election.

6. I was nervous to put out these signs in the first place, because the last thing that I want to do is offend anyone. However, because I want to support what I believe is right, I put out the signs. I thought it was very disrespectful for people to steal and vandalize my property. Although I would hope that I would support a good cause whatever the persecution that might happen to me, I will have to seriously consider my livelihood and the safety of my family in the future when deciding to support a cause similar to Proposition 8.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #45 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

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* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made various donations to groups who supported the passage of Proposition 8, including a donation of $XXX to ProtectMarriage.com - Yes on 8 , a Project of California Renewal, and a donation of $XX to National Organization for Marriage California - Yes on 8, Sponsored by National Organization for Marriage. I also donated to other groups who supported Proposition 8, and I spent at least $XXX purchasing "Yes on 8" signs, as well as approximately $XX copying handouts and a personal letter supporting Proposition 8.

4. In support of Proposition 8, I wrote a personal letter supporting Proposition 8 that I copied and handed out to at least 300 of my neighbors.

5. In support of Proposition 8, I also had five "Yes on 8" signs destroyed or stolen from my yard. I live on a corner in a residential area, but the street beside my house is somewhat busy.

6. One sign that was stolen was a large handmade sign I had placed in the yard after the previous signs I had placed in the yard had been stolen. This sign was stolen even though I had it wired to two trees on my property and had placed a light on it.

7. I live a few blocks from a Catholic church that displayed "Yes on 8" signs on its property. I saw that every sign the church placed along or anywhere near the street during the campaign was stolen or destroyed. Despite the constant theft and destruction, the church would replace the signs. At the end of the campaign, the only signs that remained were a few that had been torn up by vandals, and later repaired.

8. At my own expense, I made a banner supporting Proposition 8, and a friend and I hung this banner on two trees on church property in such a way so that it could not be torn down or destroyed. I also had a large "Yes on 8" sign that I would place on church property during the day, but take down at night so that it would not be stolen or destroyed.

9. I spoke to a police dispatcher about the sign theft. Although she was sympathetic, she could only give me another number to report the sign theft when it happened. I never reported any sign theft, because the theft of signs at this point was constant, and I do not believe reporting sign theft would have prevented any such theft.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #46 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Mollie M. Lee
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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated $XXX to the ProtectMarriage.com - Yes on 8, a project of California Renewal.

4. In support of Proposition 8, I also placed a yard sign in my yard on a very busy main street, put a bumper sticker on my car, and attended meetings about the ballot measure.

5. On October 14 or 15, 2008, someone stole the yard sign supporting Proposition 8 that I had placed in my yard. To replace the stolen sign, I made my own substitute sign. A photograph that I took of this substitute sign is attached as Exhibit A.

6. I obtained two more "Yes on 8" signs on October 19, 2008 - one for myself, and one that I intended to give to someone else. I displayed one of the signs in front of my house that afternoon.

7. Sometime late on October 21, 2008, or early on October 22, 2008, this second sign was stolen. I replaced the stolen sign with the one I had intended to give to someone else. I also made a second, handmade sign protesting the thefts. I displayed this handmade sign together with the replacement sign for several days. A photograph that I took of the signs displayed together is attached as Exhibit B.

8. After the second sign supporting Proposition 8 was stolen, I began bringing in the signs at night, so as to prevent any further theft.

9. Even though after October 22, 2008, I only had the sign supporting Proposition 8 out during the day, on approximately October 25, 2008, a man in his car pulled up near the sign in the early evening, before I had brought the sign in. It is easy to notice when a car stops in front of our house, because we live on a busy street without a parking lane, and people never stop in front of our house unless they have a reason to do so.

10. After pulling up in front of our house, the man started to get out of his car. As he did so, my wife looked at him from inside our front window, and he got back in his car and sped away.

11. I noticed that several people on our street who had Yes on 8 signs in front of their homes had taped strongly worded warnings against stealing to their Yes on 8 signs. If you look at the picture in Exhibit A, you can see a yard sign supporting Proposition 8 in the yard of one of my neighbors. By the time I took the second set of photos, this sign had disappeared, as you can see in one of the pictures in Exhibit B.

12. The stealing of my yard signs made me very upset. While I do not agree with the other side, I would never try to stop them from presenting their views on this issue.

13. I am self-employed, so I am not too worried that my support of Proposition 8 will hurt me financially, although I do have some worries that if my clients hear of my support for Proposition 8 that they will stop sending me work. However, if I was employed by someone else or in a more public position, I would be worried that my support of Proposition 8 or a similar cause could financially harm me.

14. If the reprisals against people who support Proposition 8 rise to the level where people are physically harmed or have their property destroyed, I would be very worried about supporting a cause similar to Proposition 8 in the future.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #47 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

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tcassidy@porterscott.com
Attorney for Defendant Jan Scully

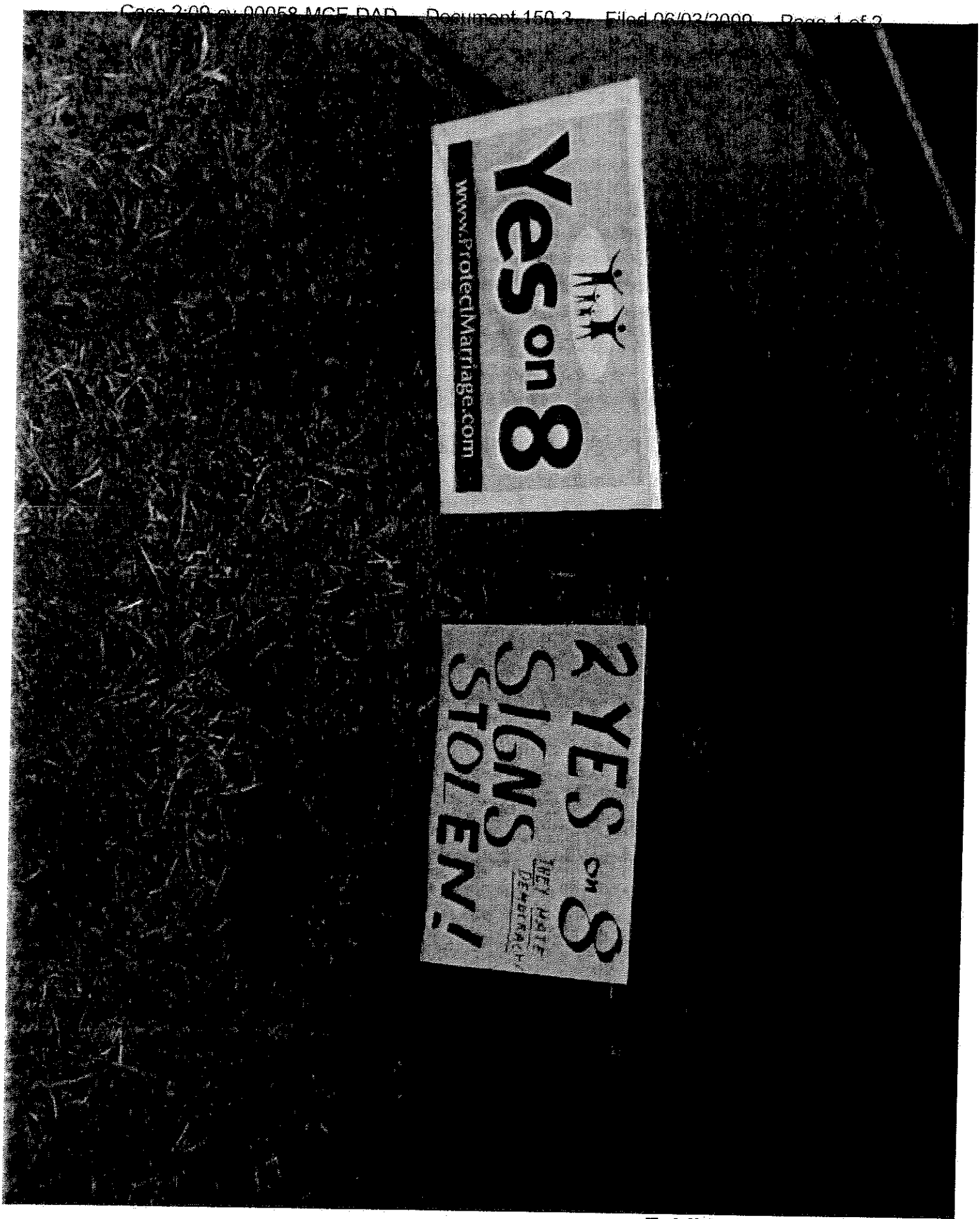
Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

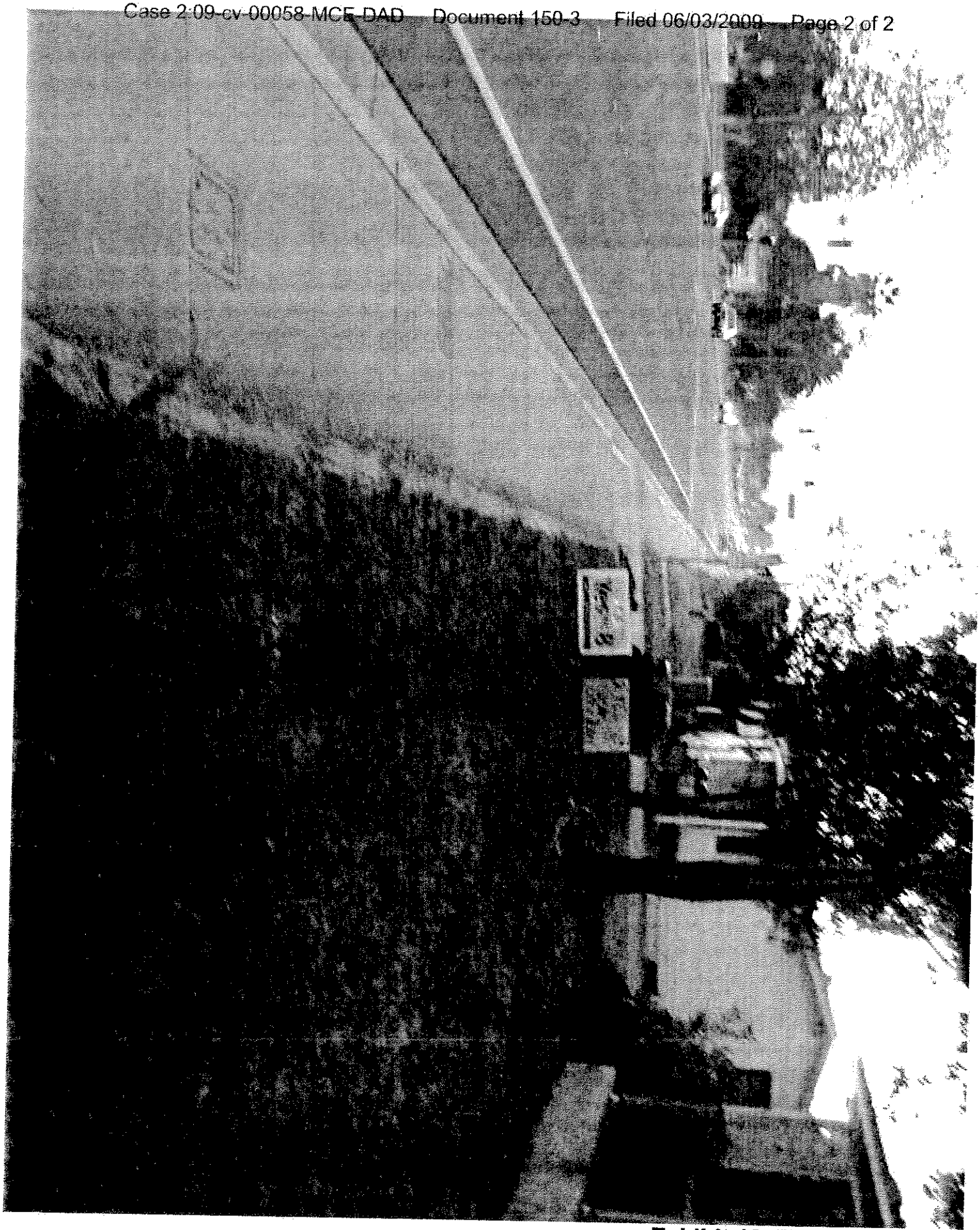
Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

SAVE MARRIAGE
YES ON 8
They Stole My Sign!!!


Yes on 8
www.ProtectMarriage.com
2 YES on 8 SIGNS STOLEN!



John Doe #48

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

John Doe #48

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made a donation of $XXX to the Yes on 8 campaign.

4. In support of Proposition 8, I also participated in five or six phone banks, for two hours each time, and placed a yard sign in my yard on a quiet, residential street..

5. In approximately mid-October, someone took my "Yes on 8" yard sign.

6. The next day, I replaced the "Yes on 8" yard sign. That night, someone took this second "Yes on 8" yard sign.

7. I replaced this sign with a third "Yes on 8" sign. After having my first two signs taken, I brought in the third sign every night.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #48 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
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Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

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Attorney for Defendant Jan Scully

Mollie M. Lee
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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

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Richard E. Coleson (Ind. State Bar No. 11527-70)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I handed out approximately 200 Yes on 8 yard signs. I passed out some of these yard signs at my church.

4. At my church, I urged my pastor to make an announcement regarding Proposition 8, because both the Los Angeles Diocese and the Roman Catholic Church were supporting the ballot measure. Despite the strong statements of many Bishops in support of Proposition 8, my pastor told me privately, and parishioners at Mass, that he was not going to tell them how to vote.

5. Because of my involvement in supporting Proposition 8 and my attempts to promote it at church, my pastor told me that he thought I should find another church.

6. I was shocked that he would say this. I didn't think that he had any right to say this to me.

7. Because of the threats and harassment associated with Proposition 8, I would not place a bumper sticker supporting Proposition 8 on my car.

8. In support of Proposition 8, I placed a Yes on 8 sign in my front yard. The sign was not disturbed for approximately a month and a half. Approximately a week to ten days before the election, someone removed the sign itself. The metal support for the sign was bent out of shape and thrown on the ground.

9. On the day that my Yes on 8 sign was taken, the No on 8 signs at the homes on either side of my home remained intact.

10. I believe my friendship with a long-time friend was risked when she saw my "Yes on 8" sign and said she was hurt by my support of the initiative. She was visibly upset and angry with me, though she has always known that I am on the other side of most of the social issues that she espouses. At the time, I believed that our friendship might have been compromised by my public support for Proposition 8. However, it appears that we have now both moved beyond our differences.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #49 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
tcassidy@porterscott.com
Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #50

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I attended a rally in Fresno, passed out literature and lawn signs, and made presentations at both the English and Spanish language Masses at REDACTED. I also attended some of the meetings with the local committee formed to support Proposition 8.

4. In support of Proposition 8, I also placed a "Yes on 8" sign outside at my business address, on a very busy street. Within 48 hours after I posted the "Yes on 8" sign, someone removed it and threw it somewhere down the street during the night.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #50 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
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Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

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Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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Counsel for All Plaintiffs

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Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** *v.* **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated $X,XXX to the National Organization for Marriage California - Yes on 8, Sponsored by National Organization for Marriage.

4. Because of my support for Proposition 8, I received many emails from people who were angry about my support of Proposition 8. Mostly, the emails referred to me as a "bigot" or a "gay hater," and/or they mocked Christianity. I have since deleted these emails.

5. Because of my support for Proposition 8, many websites began slandering me as a "bigot," "gay hater," or "racist." At some point in December, there were over 30 websites slandering me in this way.

6. Because I do a large amount of public speaking, when people searching for me on the internet search for my name, these websites come up.

7. My son is an actor. Because of the harassment he received for his support of Proposition 8, he has had to change the name under which he acts.

8. If I was asked to support a cause similar to Proposition 8 in the future, these incidents would definitely affect my support. As a father who saw how support of Proposition 8 affected my son, I would hesitate to donate to a similar cause if there was not a way to keep our giving confidential.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #51 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

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Attorney for Defendant Dean C. Logan

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Attorney for Defendant Jan Scully

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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #52

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. Our REDACTED was retained in mid-October 2008 by the REDACTED campaign. I handled the public relations, to assist REDACTED, the Deputy Communications Director for REDACTED, with the overwhelming international news interest in this case.

3. During the campaign leading up to the November 2008 election, my public relations firm received approximately one to three telephone calls per day from angry callers who swore or threatened us because of our representation of the REDACTED campaign.

4. The day after Proposition 8 passed, the amount of telephone calls and emails we received of this nature increased, and became significantly more threatening..

5. Early on November 5, 2008, we received a telephone call from a man who wanted the address of REDACTED, so that he could send her a "gift." I referred the caller to the REDACTED website, but he wanted her home or office address. I refused to give him her address, and he became very angry. He made numerous threats to me personally and my business.

6. He continued calling, and immediately re-calling, my REDACTED firm all day. Three of the many voice mail messages that he left are attached as Exhibits A, B, and C.

7. The man began calling my office so often that we could not use the telephone to conduct business. At this point, we called the sheriff's office to report his behavior. The Sheriff identified the man because he had caller i.d. The sheriff called this man, and said that if he continued this behavior, he would be arrested.

8. I also received a number of emails. True and correct copies of the text of some of these emails are attached as Exhibit D.

9. I regularly handle REDACTED for controversial issues. For example, several years ago, REDACTED County retained me to help handle media pertaining to the Catholic priest molestation issues. The harassment I personally endured as a result of my work on the REDACTED campaign was much worse than during the molestation issues or any other issue I have dealt with.

10. Because of these incidents, I was afraid for my own safety and the safety of my daughters. The internet has a large amount of information about people, and it would be easy for a person to find my business and home addresses.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #52 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
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Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

Exhibit D

From: Jennie LaCovey [mailto:jennie@blocagency.com]
Sent: Friday, November 07, 2008 12:34 PM
To: REDACTED
Subject: prop 8

Hey All –

Some of you are aware that Yes on Prop 8 has unfortunately passed. For those of you not in Cali, this means that Gay marriage is no longer legal! I guess the wedding I was in back in Sept. for my dearest friends Sami and Karen is now void? And that means the wedding in April for by best friend, Shannon, and her fiancé Melissa now means it will only be a commitment ceremony. WTF!

We live in a country where everyone is supposed to be created EQUAL. I guess they are referring to everyone white or black, man or woman, straight… but not gay. I understand that it takes time, but didn't CA just take 2 steps back?! I could meet a man tomorrow and run off to Vegas to get married, but my best friends who are in committed loving relationships for years won't have the same privileges?!!

A week ago I was having a bold moment and stole 2 "Yes on Prop 8" signs off a lawn that was ridiculously covered in them. And I don't feel bad about it. Not one bit. How can discrimination still be tolerated? It's almost 2009 and more than half of the US continues to effect peoples lives by causing them to be second class citizens.

Being homosexual is not a disease… it's not something you can catch. Believe me, if I could have a girlfriend… I WOULD! Homosexuality is not taught in schools FYI. Do you remember learning about marriage in grade school? I sure don't. And even if it was taught, so what! Are we going to continue to spread hate and teach are kids to discriminate?!

Attached is a funny photo someone sent me. If you don't live here, Prop 2 passed which gives chickens animal rights, etc… Funny how we finally have an AA pres and the animal rights prop passed, but no rights for the gays.

Xoxo,

J.

P.S. Please sign the petition below if you live in Cali. J

With our new President elected, we know the seal has been broken in a beautiful show if this nation's growth, love, acceptance and the achievement of the Equality and Freedom we were founded for.

As many of you know, and some may not, proposition 8 on the California ballot passed by a very narrow margin yesterday. Prop 8 would eliminate the right for same sex couples to marry. Let's be clear about this proposition: Homosexual Californians are not looking for a special clause, new treatment, or right. WE HAD IT. Supporters of Prop 8 want to go in and RE-WRITE AN EXCLUSION of same sex couples into the Constitution. There has been a lot of propaganda to

make some folks believe this is about education, Church's tax exempt status, and other nonsense. To get the FACTS, and see who supports this cause, visit www.noonprop8.com.

Regardless of your personal beliefs, it is wrong and unjust to strip one group of people of a fundamental civil right. ALL people deserve the right to marry and have a family with the person they love. We can't let fear and propaganda take away this right from anyone.

Please take a minute to sign this petition to repeal Prop 8 and RESTORE EQUALITY FOR ALL.

http://www.petitiononline.com/seg5130/petition.html

I was at the West Hollywood Protest March last night with our best friends Jenn and Stacey, who were married, legally, in July. Prop 8 wants to tell them their marriage and love are not equal, not legal, and not allowed. Please stand with us and we fight for Equality. Please send this on to everyone you know. Changing just one mind matters

http://www.youtube.com/watch?v=HSAtGmUSLZM

Check out YouTube.com and just enter in "no on prop 8 protest" and see the dozen of news clips and personal footage from all across the state! YES WE CAN!!!

Hi Everyone,
As you know Prop 8 has passed. It has brought great sadness to Karen and I. It hurts to know that discrimination is masked by religion. I am ashamed of all who voted to take my marriage away. I am hurt deeply by anyone who would try to break up loving families, just because they are not like theirs. All the lies that were told about schools and children. Using children!!!! The phone calls telling people that Obama supports "Yes" on 8 - LIES!! I especially cannot believe that those who have felt the horror of discrimination, would then discriminate. This is about EQUAL RIGHTS!! Not religion!!! This is so unconstitutional - the last legal discrimination. I am not a second rate citizen. My love deserves the same legal rights as a straight couple, and the same word - MARRIAGE. I do not want to call it anything else, that would be the same as sitting at the back of the bus. Separate is not equal.

Sami

Jennie LaCovey
Bloc Talent Agency
www.blocagency.com
T: 323 954 7730
F: 323 954 7731

From: Larry Walter [mailto:chumleynv@yahoo.com]
Sent: Friday, November 07, 2008 2:52 PM
To: REDACTED
Subject: Hello REDACTED

Hi REDACTED,

Just wanted you to know we all think you are a bigot and a religious zealot.

Hope your children all turn out to be gay!!

From: Bobby Furler [mailto:blfurler@yahoo.com]
Sent: Friday, November 07, 2008 3:03 PM
To: REDACTED
Subject: prop 8

I would like to take the time to say you and your discrimination cause disgust me. I hope one day you will find peace in what you have done and all of the lives that you have affected. Proposition 8 was nothing but pure discrimination and homophobia under the guises of "marriage protection" and "looking after children". People like you are so filled with hate, please take the time to discuss with your god if hate and fear really is the answer. If you find that it is, I am sorry. I will be praying for you.

Respectfully yours,
Robert Furler
Los Angeles, CA

From: Bryan Miyamoto [mailto:goyuchan@sbcglobal.net]
Sent: Friday, November 07, 2008 4:34 PM
To: REDACTED
Subject: Thank you for all your hate

Dear REDACTED

Thank you very much for putting all your hate out there in the world.
You really made a difference being a REDACTED for yes on prop 8.
Maybe you rather than teaching hate, you should focus your energy for something positive. I just got an e-mail from my friend regarding your hate
towards gay community, and your name is all over the gay community. What
goes around comes around comes around REDACTED.

Bryan Miyamoto

From: Austen Faggen [mailto:austen.faggen@gmail.com]
Sent: Monday, February 09, 2009 5:18 PM
To: REDACTED
Subject: Re: Hey REDACTED!

There is the basic freedom granted to us by the First Amendment allowing everyone the right to express themselves openly. Same-sex marriage is a form of expression just as traditional marriage. It is a statement of love (or at least commitment) before the state that two people plan to function as one family unit.

Marriage is a right. I have heard this argument that it is a privilege before. They say it is like driving, they are both regulated and, therefore, are not rights but privileges. However, voting has always been referred to as a right and it has also always been regulated. You can't vote until age 18, you must be a legal citizen and you can even lose your right to vote. Yet we don't call voting a right. I would argue that marriage is a right and that we are privileged to have that right.

I guarantee you that if you were not allowed to marry your partner because he was black or Jewish or whatever, **you would be livid also**. Put yourselves in our shoes. And tell that gay friend of yours to look deep down and start loving himself more. Any self-respecting gay man or woman should not be for Prop 8.

You should be proud of yourself for standing up for your gay stepson. Go the next step. When this issue rolls around the next time-- and we both know that it will-- help *us*. I know you will be proud to one day say that you were on the side of civil rights.

On Mon, Feb 9, 2009 at 5:00 PM, REDACTED REDACTED > wrote:

Prop 8 maintains the definition of marriage as between a man and a woman—which is what it has always been. By the way, Marriage is not a right—it is a privilege. You and your partner, have the same right to choose to live in a domestic partnership and the same rights to legal protection. But you don't have the right to redefine marriage. Actually, before I decided to work on this campaign, I had a long talk about prop 8 with a very dear gay friend who has been in a long term relationship with his life partner. He agrees 100% with my position.

I don't hate anyone, certainly not you or any other gay person. My stepson is gay, and his father (my ex) wanted to disown him when he and his partner moved in together. We had huge issue over this as I could not fathom how he could turn his back on his son. He eventually reconciled his son before he died, and I thank God he did. If my own children were gay, I would feel the same way about marriage – but I would love them, and support them if they were lucky enough to find a life partner, and if their union produced children either by birth or by adoption. And I would love those grand children just as much as any other grandmother.

However, the hate and vindictiveness leveled at me and others by the gay community has been truly appalling.

I truly wish you well

From: Austen Faggen [mailto:**austen.faggen@gmail.com**]
Sent: Monday, February 09, 2009 4:43 PM
To: REDACTED
Subject: REDACTED!

REDACTED,

I've been with my partner for eight years. In November, I lost my right to marry. Now I understand your position completely! You believe that that right never should have been given to us in the first place. And I understand that belief.

But some Christian and Jewish sects do allow for gay marriage. And separation of church and state should have allowed for those churches to act independently of the government. Mormons, after all, who helped in a large part to finance your involvement, can do tons irrespective of the government and law.

But because you and others felt it was necessary to inflict your specific religious believes onto others, I can no longer call the man I love, my husband. Although I will keep his last name. All definitions are subjective, REDACTED. That's why you'll find different definitions in different dictionaries (the Canadian Oxford Dictionary, for example, defines marriage as "the legal or religious union of two people" and says nothing of a man or a woman).

I am sure we both believe in the American government. That's why we both live here. I believe in the right of a majority to dictate laws, which is what happened in November, just like you do. So even though it hurts me, I understand that the majority of people in California decided gay marriages should not be performed by all churches and synagogues regardless of their independent doctrines.

But what you forget is that the Constitution was created to protect minority groups from the will of the majority. That's why in the sixties, blacks were able to win rights in the courts even without wide popular support for their causes. Sure you personally don't believe that gays should have the rights to marry. But that is just your own religious and/or moral view. Many people once thought blacks shouldn't have the right to marry whites. You shouldn't have acted so strongly to help the Yes on 8 campaign. You inflicted your personal views on others. Your words were hurtful and often inaccurate.

And even though my marriage had no effect on yours, your words and support helped hatred and bigotry win out. I know that in twenty years, your grandchildren will google your name and ask you with amazement why you stood against gay marriage. Just like my friend looks down on his grandfather for his bigoted support of the KKK, your descendants will look down on you. You might not have understood this at the time, but what you did was a form of disguised hatred. Remember, KKK members never saw their disapproval of interracial marriages as hatred. They also thought they had a moral obligation to protect society from the evils of whatever bullshit they believed would bring down society at the time.

I am ashamed of you, REDACTED. I hope that you will reconsider your support of such hatful legislation in the future.

"Do to others whatever you would like to do to you. This is the essence of all that is taught in the law and the prophets." Matthew 7:12

Please reconsider your public statements.

Best,

Austen

John Doe #53

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs*, *v.* **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [REDACTED] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, on approximately four occasions, I donated to the campaign in support of Proposition 8. Because of the timing of these donations, my personal information was not released to the public until February 2009.

4. In support of Proposition 8, I also walked door-to-door, and made phone calls. I also put our "Yes on 8" signs.

5. Once my personal information was released to the public in February, I began to receive harassing phone calls at work.

6. One man who called me at work told me that my company would be boycotted because of my support of Proposition 8.

7. After speaking to this man, I wished him a good day. In reply, he told me in a very disturbing voice to "Have a good life!"

8. My co-workers have also received similar phone calls at work about my support of Proposition 8.

9. Although I would support a cause similar to Proposition 8 in the future, the experience I have had supporting Proposition 8 will make me think about how I donate to any similar campaign in the future. I will look for alternative ways to contribute my money without putting my family or profession in jeopardy. These alternative methods might involve figuring out a way to donate anonymously, or through an organization that will allow me to keep my personal information and support from becoming public.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #53 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
Attorney for Defendant Dean C. Logan

Terence J. Cassidy
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Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #54

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF** REDACTED [redacted] **IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I am a professor at the law school of the University of REDACTED. I have been a member of the law school faculty since REDACTED, with tenure since REDACTED. Prior to becoming an academic I served as a staff attorney at REDACTED REDACTED; REDACTED under then REDACTED; and the REDACTED of the Fair Political Practices Commission REDACTED. As an academic I have specialized in Election Law. I have also taught courses in Constitutional Law, Legislation, American Political Thought, and Law and Literature. I have been an active participant in various organizations, including service on the governing boards of Common Cause, Americans for Nonsmokers Rights, and the Interact Theatre Company of North Hollywood.

3. I am not a member of any church, synagogue, or other organized religion. Throughout my adult lifetime I have been opposed to laws criminalizing sodomy between consenting adults. Since first thinking about the subject I have supported the legal recognition of civil unions for gay couples. I have enjoyed warm relationships with colleagues and other friends and relations who are gay. I believe that marriage, by human nature, is a union between one man and one woman. Marriage, in my belief, is grounded in the biology of human beings as it relates to the creation and nurturing of children.

4. For that reason I supported Proposition 8 in the 2008 General Election. I contributed money to the campaign in favor of Proposition 8, including $XXX in the period reportable in the post-election campaign statement.

5. On February 2, 2009, I received an e-mail entitled "To Prof. REDACTED" from the e-mail address "julia.wells2007@gmail.com". A true and correct copy of the text of that e-mail, together with the response that I sent the same day, is attached hereto as Exhibit A and

incorporated herein by reference. Later that day I sent a copy of this correspondence to Brian Brown of National Organization for Marriage. The following day he asked me if I would consent to the correspondence being introduced in the present litigation, with a declaration from me. I agreed.

6. On February 7, 2008, I received a handwritten letter at my home address. In its entirety, the letter reads: "STUPID MOTHER FUCKER. MAKE A DONATION Like that AND YOU ARE LISTED." My wife opened the letter, and was concerned; she asked me if we are likely to be the targets of violence.

7. At the age of 65 I am a veteran of many political and other controversies and have been subject to considerable personal criticism, some of it quite uncivil in nature. I regard myself as pretty thick-skinned against all forms of political attack. I have contributed money to many candidates' campaigns and to many campaigns supporting or opposing ballot propositions. Until this incident I had never been personally criticized simply because I voted in a particular way or contributed money to a particular candidate or for or against a particular proposition. The e-mail from Ms. Wells gave me a feeling of sadness and distress that lasted for a few hours, but that did not debilitate me from engaging in other activities.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #54 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
zackery.morazzini@doj.ca.gov
Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.

Judy W. Whitehurst
jwhitehurst@counsel.lacounty.gov
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mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

Exhibit A

From: J W [mailto:**julia.wells2007@gmail.com**]
Sent: Mon 2/2/2009 2:43 PM
To: REDACTED
Subject: To REDACTED

The judge released the names today of the donors who supported Prop 8, and your name is on the list as having donated $XXX to keep same-sex couples from marrying.

Someday you will have to account for the fact that you refused to love thy neighbor, but in the meantime I hope your hateful little life is full of oppression and injustice as this is the kind of life you wish for others.

You're a queer-hating douchebag. Fuck you.

Best,
Julia

From: REDACTED
Sent: Mon 2/2/2009 4:08 PM
To: J W
Subject: RE: To REDACTED

Perhaps with the passage of time I shall learn to love my neighbor in the spirit manifested in your e-mail message. In the meantime, I'll do it the old-fashioned way and wish you well.

Best,

REDACTED
REDACTED
REDACTED
REDACTED
REDACTED

John Doe #55

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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United States District Court
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ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF** REDACTED **IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, in mid-October, I placed a "Yes on 8" yard sign in front of our house.

4. Within hours of placing the "Yes on 8" sign in front of our house, someone removed it. I replaced it with a homemade sign that I thought would be less likely to be removed, because it was less obvious that it was a "Yes on 8" sign. This second sign was not removed.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #55 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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zackery.morazzini@doj.ca.gov
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Judy W. Whitehurst
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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #56

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Timothy D. Chandler (Cal. State Bar No. 234325)**
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Facsimile: (916) 932-2851
Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF** REDACTED **IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I made a donation of $X,XXX to ProtectMarriage.com - Yes on 8, a Project of California Renewal in the name of my business.

4. After this donation, a man called my office and left me a voice mail message in which he called me a "bigot" and told me I should be "ashamed." After listening to this message, I had the impression that the man who called me had a list of people he was calling and saying similar things to.

5. In support of Proposition 8, I also participated in "wave parties" where I stood on a sidewalk and waved to passing motorists. While waving, people would regularly make obscene gestures to and yell at those of us waving.

6. In support of Proposition 8, I also placed a sign supporting Proposition 8 in my yard. Someone took down this sign and ripped it down the middle during the day.

7. In support of Proposition 8, I also had a bumper sticker taped to the front window of my car, canvassed my neighborhood to find supporters of Proposition 8, worked the telephones on election day, worked with ProtectMarriage.com and spoke at churches to encourage the support of Proposition 8, and produced a video to support Proposition 8.

8. After these incidents, I took the address of my business - which is also my home address - off of my business's website, leaving only my name and telephone number on the website as my contact information.

9. Although these incidents would not prevent me from supporting a cause similar to Proposition 8 in the future, I find these incidents very upsetting.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #56 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #57

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF REDACTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated several hundred dollars to several groups who supported Proposition 8, including National Organization for Marriage California - Yes on 8, Sponsored by National Organization for Marriage, Focus on the Family, Alliance Defense Fund, and several other less familiar organizations.

4. In support of Proposition 8, I placed bumper stickers on my cars and sent emails supporting Proposition 8.

5. In support of Proposition 8, I also placed yard signs in my front yard, which is on a residential street. I usually had two or three signs in the yard at a time.

6. In the days leading up to the election, these signs were removed or destroyed three or four times. Sometimes, the signs were taken or destroyed during the day; other times, the signs were taken or destroyed at night.

7. On one occasion when my signs were taken, my neighbor (an off-duty police officer) got in his car and began to follow the car that had taken the signs. While following the car, he called 911 and alerted the local police department about the situation. When he caught up with them, the mother and teenagers who were in the car had dozens of "Yes on 8" signs in the car.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #57 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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zackery.morazzini@doj.ca.gov
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Judy W. Whitehurst
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Terence J. Cassidy
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Attorney for Defendant Jan Scully

Mollie M. Lee
mollie.lee@sfgov.org
Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

JOHN DOE #58

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

** Admitted Pro Hac Vice*
*** Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, ***Plaintiffs,*** ***v.*** **Debra Bowen, et al.,** ***Defendants.***	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF** REDACTED [redacted] **IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, I donated approximately $XX to ProtectMarriage.com - Yes on 8, a Project of California Renewal.

4. In support of Proposition 8, I spent approximately 12-14 hours knocking on doors and making phone calls to help gain support for Proposition 8.

5. In support of Proposition 8, I also placed a "Yes on 8" yard sign in my front yard.

6. Approximately two weeks before the November 2008 election, someone stole my "Yes on 8" yard sign in the late afternoon, while it was still light out.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED REDACTED REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 3, 2009, I electronically filed the foregoing document described as Declaration of John Doe #58 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Zackery P. Morazzini
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Terence J. Cassidy
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Attorney for Defendant Jan Scully

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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
lwoodlock@fppc.ca.gov
Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 3rd day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #43

James Bopp, Jr. (Ind. State Bar No. 2838-84)*
Richard E. Coleson (Ind. State Bar No. 11527-70)*
Barry A. Bostrom (Ind. State Bar No.11912-84)*
Sarah E. Troupis (Wis. State Bar No. 1061515)*
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Counsel for All Plaintiffs

* *Admitted Pro Hac Vice*
** *Designated Counsel for Service*

United States District Court
Eastern District of California
Sacramento Division

ProtectMarriage.com, *et al.*, *Plaintiffs,* v. **Debra Bowen, et al.,** *Defendants.*	**Case No. 2:09-CV-00058-MCE-DAD** **DECLARATION OF [redacted] IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** Date: TBD Time: TBD. Judge England

I, REDACTED, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a resident of the state of California over 18 years of age, and my statements herein are based on personal knowledge.

2. I supported the passage of Proposition 8.

3. In support of Proposition 8, my family donated a total of approximately $X,XXX to groups supporting Proposition 8.

4. My wife and I were very involved in supporting Proposition 8. We called people on the phone to discuss the vote for Proposition 8, we passed out voting reminders shortly before the election, we went door-to-door talking to people about the vote and passing out literature, we joined online groups, discussed Proposition 8 with people on Facebook, blogs, and chat rooms, my wife started a blog (which she still maintains), we called people on the day of the election to remind them to vote, and I went to a local precinct to see which people who had earlier indicated that they were going to vote had already voted.

5. In support of Proposition 8, we also placed a large, 4 x 8 hand-painted sign on our fence. On Halloween night, someone vandalized the sign. A true and correct copy of a picture I took of the vandalized sign is attached as Exhibit A. I filed a police report with the local police after this incident.

6. Prior to the vandalism of the large sign, we had smaller "Yes on 8" signs stolen and defaced. One of these yard signs was stolen from our front yard, and another was ripped in half with some anti-Proposition 8 literature placed beside it. I also filed police reports after these incidents.

7. In the future, if I was asked to support a cause similar to Proposition 8, I would be more careful about any donation made by my family, so that we would not be identified.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: REDACTED

REDACTED

REDACTED

CERTIFICATE OF SERVICE

I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 4, 2009, I electronically filed the foregoing document described as Declaration of John Doe #43 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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Attorney for Defendants Dennis J. Herrera and Department of Elections - City and Count of San Francisco

Lawrence T. Woodlock
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Attorney for Defendant Members of the Fair Political Practices Commission

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 4th day of June, 2009.

/s/ Scott F. Bieniek
Scott F. Bieniek (Ill. State Bar No. 6295901)
Counsel for All Plaintiffs

John Doe #43

Exhibit A

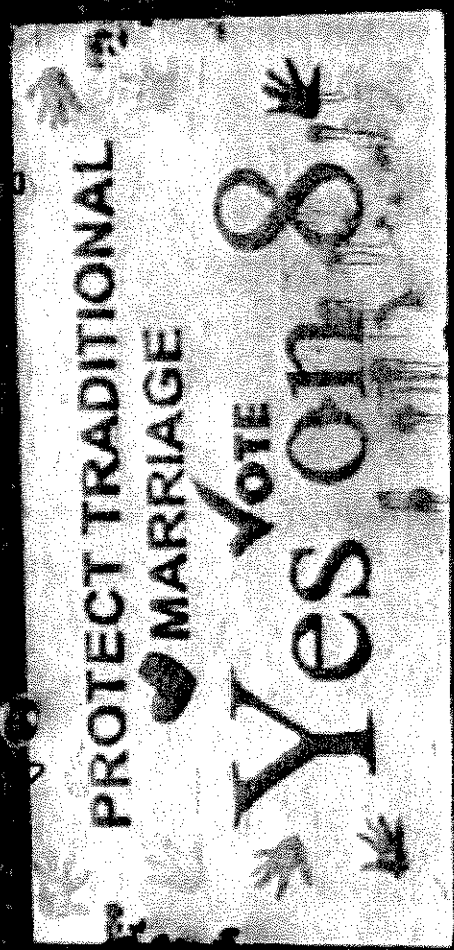
PROTECT TRADITIONAL
MARRIAGE
VOTE
Yes on 8

Exhibit 14

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Enter a search term:

e.g. networksolutions.com

Search by:

- Domain Name
- IP Address

Search

NOTICE: Access to .ORG WHOIS information is provided to assist persons in determining the contents of a domain name registration record in the Public Interest Registry
registry database. The data in this record is provided by Public Interest Registry for informational purposes only, and Public Interest Registry does not guarantee its accuracy. This service is intended only for query-based access. You agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to: (a) allow, enable, or otherwise support the transmission by e-mail, telephone, or facsimile of mass unsolicited, commercial advertising or solicitations to entities other than the data recipient's own existing customers; or (b) enable high volume, automated, electronic processes that send queries or data to the systems of Registry Operator or any ICANN-Accredited Registrar, except as reasonably necessary to register domain names or modify existing registrations. All rights reserved. Public Interest Registry reserves the right to modify these terms at any time. By submitting this query, you agree to abide by this policy.

Domain ID:D114069463-LROR
Domain Name:WHOSIGNED.ORG
Created On:31-Jan-2006 17:09:42 UTC
Last Updated On:31-Jan-2008 11:52:53 UTC
Expiration Date:31-Jan-2010 17:09:42 UTC
Sponsoring Registrar:GoDaddy.com, Inc. (R91-LROR)
Status:CLIENT DELETE PROHIBITED
Status:CLIENT RENEW PROHIBITED
Status:CLIENT TRANSFER PROHIBITED
Status:CLIENT UPDATE PROHIBITED
Registrant ID:GODA-017127470
Registrant Name:Registration Private
Registrant Organization:Domains by Proxy, Inc.
Registrant Street1:DomainsByProxy.com
Registrant Street2:15111 N. Hayden Rd., Ste 160, PMB 353
Registrant Street3:
Registrant City:Scottsdale
Registrant State/Province:Arizona
Registrant Postal Code:85260
Registrant Country:US
Registrant Phone:+1.4806242599
Registrant Phone Ext.:
Registrant FAX:
Registrant FAX Ext.:
Registrant Email:WHOSIGNED.ORG@domainsbyproxy.com
Admin ID:GODA-217127470
Admin Name:Registration Private
Admin Organization:Domains by Proxy, Inc.
Admin Street1:DomainsByProxy.com
Admin Street2:15111 N. Hayden Rd., Ste 160, PMB 353
Admin Street3:
Admin City:Scottsdale
Admin State/Province:Arizona
Admin Postal Code:85260
Admin Country:US
Admin Phone:+1.4806242599
Admin Phone Ext.:
Admin FAX:
Admin FAX Ext.:
Admin Email:WHOSIGNED.ORG@domainsbyproxy.com
Tech ID:GODA-117127470
Tech Name:Registration Private
Tech Organization:Domains by Proxy, Inc.
Tech Street1:DomainsByProxy.com
Tech Street2:15111 N. Hayden Rd., Ste 160, PMB 353
Tech Street3:
Tech City:Scottsdale
Tech State/Province:Arizona
Tech Postal Code:85260
Tech Country:US
Tech Phone:+1.4806242599
Tech Phone Ext.:
Tech FAX:
Tech FAX Ext.:
Tech Email:WHOSIGNED.ORG@domainsbyproxy.com
Name Server:NS19.DOMAINCONTROL.COM
Name Server:NS20.DOMAINCONTROL.COM
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

Show underlying registry data for this record

IP Address: 97.74.144.11 (ARIN & RIPE IP search)
IP Location: -(-)
Record Type: Domain Name

Server Type: Indeterminate
DMOZ no listings
Y! Directory: see listings
Secure: No
E-commerce: No
Traffic Ranking: Not available
Data as of: 22-Apr-2008

When you register a domain name, current policies require that the contact information for your domain name registration be included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information visit www.internetprivacyadvocate.org.

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CORPORATE INFORMATION
PROMOTIONS & OFFERS
RESOURCES
CUSTOMER SUPPORT

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Exhibit 15

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434

Independent Newspapers, Inc. v. Zebulon J. Brodie, No. 63, September Term 2008.

FIRST AMENDMENT/DISCOVERY – INTERNET USERNAME

This case of first impression involves the process by which a claimant can discover identifying information about Internet forum participants from the website-host in a defamation action. Zebulon Brodie, appellee, filed a two-count complaint in the Circuit Court for Queen Anne's County, alleging defamation and conspiracy to defame against Independent Newspapers, Inc., and three John Doe defendants known only by their usernames. When Brodie attempted to discover identifying information regarding certain forum participants, Independent Newspapers filed a motion to quash/motion for a protective order, asserting that identifying information regarding those participants was protected by the First Amendment. The trial judge denied Independent Newspapers' motion and ordered release of the identifying information, and Independent Newspapers appealed.

The Court of Appeals granted certiorari on its own initiative. The Court reviewed the record and determined that Brodie had not identified the appropriate forum participants in his complaint. Because Brodie failed to assert his defamation action against the correct individuals, the Court reversed the trial judge's order compelling the discovery of the forum participants' identities.

For guidance of the trial courts when future cases arise, the Court suggested a process to balance First Amendment rights with the right to seek protection for defamation, citing with approval the test from *Dendrite Int'l, Inc. v. John Doe No. 3*, 775 A.2d 756 (N.J. Super. Ct. App. Div. 2001). Thus, when a trial court is confronted with a defamation action in which anonymous speakers or pseudonyms are involved, it should, (1) require the plaintiff

to undertake efforts to notify the anonymous posters that they are the subject of a subpoena or application for an order of disclosure, including posting a message of notification of the identity discovery request on the message board; (2) withhold action to afford the anonymous posters a reasonable opportunity to file and serve opposition to the application; (3) require the plaintiff to identify and set forth the exact statements purportedly made by each anonymous poster, alleged to constitute actionable speech; (4) determine whether the complaint has set forth a prima facie defamation per se or per quod action against the anonymous posters; and (5), if all else is satisfied, balance the anonymous poster's First Amendment right of free speech against the *strength* of the *prima facie* case of defamation presented by the plaintiff and the necessity for disclosure of the anonymous defendant's identity, prior to ordering disclosure.

IN THE COURT OF APPEALS OF MARYLAND

No. 63

September Term, 2008

INDEPENDENT NEWSPAPERS, INC.

v.

ZEBULON J. BRODIE

Bell, C.J.
Harrell
Battaglia
Greene
Murphy
Adkins
Barbera,

JJ.

Opinion by Battaglia, J.
Murphy, Adkins and Barbera, JJ., Concur.

Filed: February 27, 2009

In this case, we are called upon to decide whether a circuit court judge, in a

defamation action, appropriately denied a motion to quash/motion for protective order regarding a subpoena requiring, Independent Newspapers, Inc., a company that commissioned an Internet forum (for which it required participants to register), to identify five Internet forum participants known only by their pseudonyms or usernames. Independent Newspapers appealed the denial of the motion, and we granted certiorari, *Independent Newspapers v. Brodie*, 405 Md. 505, 954 A.2d 467 (2008), prior to any proceedings in the Court of Special Appeals to address the following questions:

> 1. May a court breach the constitutional right to speak anonymously and order the identification of Internet speakers who are alleged to have violated the plaintiff's rights without a factual and legal showing that the plaintiff has a supportable claim on the merits?
>
> 2. Did plaintiff Brodie make the required showing in this case?

We shall conclude that the circuit court judge abused his discretion when ordering the identification of the five anonymous Internet forum participants, because the three participants sued, concededly, did not make the alleged defamatory statements, while the other two anonymous participants, who allegedly made the actionable remarks, were not sued by Brodie. For guidance to the trial courts, we, nevertheless, will discuss the standard that should be applied to balance the First Amendment right to anonymous speech on the Internet with the opportunity on the part of the object of that speech to seek judicial redress for alleged defamation.

I.

In one of our first opportunities to consider legal issues arising from an Internet

communications context, *Beyond Systems, Inc. v. Realtime Gaming Holding Company, LLC*, 388 Md. 1, 20-21, 878 A.2d 567, 579 (2005), we quoted *Reno v. American Civil Liberties Union*, 521 U.S. 844, 849-50, 117 S.Ct. 2329, 2334, 138 L.Ed. 874, 884 (1997), in which the Supreme Court defined the Internet as:

> [A]n international network of interconnected computers. It is the outgrowth of what began in 1969 as a military program called "ARPANET," [an acronym for the network developed by the Advanced Research Project Agency] which was designed to enable computers operated by the military, defense contractors, and universities conducting defense-related research to communicate with one another by redundant channels even if some portions of the network were damaged in a war.
>
> While the ARPANET no longer exists, it provided an example for the development of a number of civilian networks that, eventually linking with each other, now enable tens of millions of people to communicate with one another and to access vast amounts of information from around the world.

In *Beyond Systems*, we also discussed the logistics of the transmission of e-mails on the Internet and the role of an Internet Service Provider (ISP) when transmitting e-mail messages:

> Because the Internet is a global network of computers, "each computer connected to the Internet must have a unique address," known as an Internet Protocol Address, which "can be used to identify the source of the connection" to the Internet.
>
> When connected to the Internet, computers communicate with each other through the use of a "protocol stack," which is usually the "TCP/IP protocol stack." For example, when someone is sending an e-mail, the e-mail message enters through the Application Protocols Layer, which corresponds to specific programs such as browsers for using the World Wide Web and e-mail. The message then enters the Transmission Control

> Protocol ("TCP"), which directs certain information to a specific application or program on a computer using a port. From the TCP layer of the protocol stack, the message then moves into the Internet Protocol Layer, which directs the message to a specific computer using an IP address. The final step in the process prior to entering the Internet is for the Hardware Layer to convert the message from binary data to network signals.
>
> The message is then transmitted via an Internet Service Provider ("ISP") which examines the IP address of the message and routes the information to the computer with the proper IP address. When the message reaches its intended recipient, the receiving computer reverses the TCP/IP protocol stack and the message is decoded.

Id. at 21-22, 878 A.2d 579-80 (citations and footnotes omitted).

Consistent with the development of communication opportunities on the Internet, we now are presented with a confrontation between defamation law and the use of the World Wide Web,[1] regarding statements made in an e-mail or an instant message, as well as on an

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[1] In *Reno v. ACLU*, 521 U.S. 844, 852-53, 117 S.Ct. 2329, 2335, 138 L.Ed. 874, 885-86 (1997), the Supreme Court described the World Wide Web:

> The best known category of communication over the Internet is the World Wide Web, which allows users to search for and retrieve information stored in remote computers, as well as, in some cases, to communicate back to designated sites. In concrete terms, the Web consists of a vast number of documents stored in different computers all over the world. Some of these documents are simply files containing information. However, more elaborate documents, commonly known as Web "pages," are also prevalent. Each has its own address –"rather like a telephone number." Web pages frequently contain information and sometimes allow the viewer to communicate with the page's (or "site's") author. They generally also contain "links" to other documents created by that site's author or to other (generally)

(continued...)

online "blog," "chatroom" or "discussion forum," using a username or pseudonym to retain anonymity. A username or a screen name is "[t]he name you use to identify yourself when logging into a computer system or online service. Both a username (user ID) and a password are required. In an Internet e-mail address, the username is the left part before the @ sign." PC Magazine Online Encyclopedia, PCMag.com, "username," http://www.pcmag.com/encyclopedia/ (last visited Feb. 19, 2009).[2]

E-mails and instant messaging form a first category of such communications, where users generally know with whom they are communicating. The word *e-mail* stands for

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[1](...continued)

> related sites. Typically, the links are either blue or underlined text –sometimes images.
>
> Navigating the Web is relatively straightforward. A user may either type the address of a known page or enter one or more keywords into a commercial "search engine" in an effort to locate sites on a subject of interest. A particular Web page may contain the information sought by the "surfer," or, through its links, it may be an avenue to other documents located anywhere on the Internet. Users generally explore a given Web page, or move to another, by clicking a computer "mouse" on one of the page's icons or links. Access to most Web pages is freely available, but some allow access only to those who have purchased the right from a commercial provider. The Web is thus comparable, from the readers' viewpoint, to both a vast library including millions of readily available and indexed publications and a sprawling mall offering goods and services.

(Footnote omitted).

[2] PC Magazine's Online Encyclopedia of Internet Technology terms will be cited, hereinafter, as PCMag.com, with the term being defined in quotation marks. *E.g.* PCMag.com, "username."

electronic mail and is the "transmission of text messages and optional file attachments over a network." *Id.*, "e-mail." There are two primary ways in which users obtain e-mail service: through an e-mail client and over the World-Wide-Web:

> **The E-Mail Client**
> The use of a mail program (also known as a "mail client" or "e-mail client") such as Outlook, Eudora or Thunderbird is the traditional approach. The advantage of such programs is that they are rich in features compared with Web-based mail and are preferred by many users. Their disadvantage is that e-mail access is tied to the machine the software is installed in. To retrieve e-mail from another computer, one has to install the mail client in that computer and set up the program all over again with user data and the address of the ISP's mail server.
>
> **Web-based E-Mail**
> Web-based e-mail has two major advantages. First, messages can be read and sent from any Web browser in the world by accessing the e-mail site and logging in with username and password. Even if a client e-mail program is the preferred retrieval method, Web-based e-mail provides a convenient alternate when traveling without the computer.
>
> Secondly, a person can keep their Web-based e-mail address no matter how many times they switch ISPs for Internet access. If users do not have Web-based e-mail, they typically use their ISP's mail server. If they switch to a different ISP, they must notify everyone that me@oldISP.com has been changed to me@newISP.com, because most ISPs do not forward mail.

Id., "Internet e-mail service." "Instant Messaging" (IM) is similar to e-mails, in that it is used for the exchange of text or attachments with a specific individual or individuals, but unlike e-mails, IM offers real-time communication –where the message appears to the other user immediately after the first user presses *send*:

> [Instant messaging is] [e]xchanging text messages in real time

> between two or more people logged into a particular instant messaging (IM) service. Instant messaging is more interactive than e-mail because messages are sent immediately, whereas e-mail messages can be queued up in a mail server for seconds or minutes. However, there are no elaborate page layout options in instant messaging as there are with e-mail. The IM text box is short, and pressing the enter key often sends the text. IM is designed for fast text interaction.
>
> Instant messaging services may also provide videophoning, file sharing, PC-to-PC voice calling and PC-to-regular-phone calling. Instant messaging has promoted IP telephony because the IM software makes it easy to switch from "text chat" to "voice chat," providing the user has a headset or microphone and speakers.

Id., "Instant Messaging."

Blogs, chatrooms and discussion forums constitute a different category of Internet communications, in which users often post statements to the world at large without specification. The word *blog*, used as a noun, is a contraction of the words *Web* and *Log* and generally describes a site that "contains dated text entries in reverse chronological order (most recent first) about a particular topic." *Id.*, "blog." A blog can serve as an online newsletter or as a personal journal –where an individual can post concerns, ideas, opinions, etc. –and it can contain links to web sites or can use images or video.[3] *Id.* More recently,

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[3] Social networking sites and blogs are sophisticated tools of communication where the user voluntarily provides information that the user wants to share with others. Web sites such as Facebook and Myspace, allow the user to tightly control the dissemination of that information. The user can choose what information to provide or can choose not to provide information. The act of posting information on a social networking site, without the poster limiting access to that information, makes whatever is posted available to the world at large.

the noun *blog* has been used as a verb, *to blog*, which means to publish an entry on a website that uses the reverse chronological "blog" format. *Id.*

A chatroom is another form of real-time communication over the Internet and constitutes a website that is set up to handle a group discussion.[4] Usually, chatroom participants know the other members only by their online username; after participants type, then press send, the statements are posted immediately and can viewed by other chatroom participants. The statements appear in reverse chronological order or "blog" format, and the string of statements forming the chatroom conversation is referred to as a discussion thread.[5]

An Internet forum is similar to a chatroom, in that many people participate in the same discussion, but the statements are posted to a website that is viewable from the World Wide

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[4] PC Magazine's Online Encyclopedia defines *chatroom* accordingly:

> An interactive, online discussion (by keyboard) about a specific topic that is hosted on the Internet or on a BBS. On the Internet, chat rooms are available from major services such as AOL, individual Web sites and the Internet Relay Chat (IRC) system, the Net's traditional computer conferencing.
>
> Chat rooms are set up to handle group discussions, and everyone sees what everyone else types in, although two people can decide to break off and have their own keyboard chat. "Instant messaging," a similar concept, works in an opposite manner. With instant messaging, two people normally interact back and forth and must specifically invite others to join in.

Id., "chatroom."

[5] A discussion thread or threaded discussion is "a running commentary of messages between two or more people in a discussion group." *Id.*, "threaded discussion."

Web, and responses are made over time rather than immediately in real-time. A common example of an Internet forum can be found on newspaper websites, where readers are invited to respond by "blogging" their responses to an article. Here, the article serves as the conversation topic that begins the discussion thread, and the discussion thread flows therefrom. An Internet forum is the context of the present case.

Anonymity on the Internet

Since the early 1990's, when Internet communications became available to the American public, anonymity or pseudonymity has been a part of the Internet culture. Generally, first exposure to communications on the Internet was through the use of a dial-up online access providers,[6] such as America Online ("AOL") or Prodigy. These online access providers permitted subscribers to choose "screen names" to represent their online identities. When users logged-on using their screen names, they reached a home page presenting them with a host of communications services –from e-mail to chatrooms to instant messaging to forums –all of which were provided by the online access provider and all of which were accessed by using the online access provider's screen name. Thus, for example, under the AOL regime, an account held by John Smith might have had the screen name/log-in of "Jsmith1417," the e-mail address of "Jsmith1417@aol.com," and any statement posted in a

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[6] An Internet Service Provider is "[a]n organization that provides access to the Internet. Connection to the user is provided via dial-up, ISDN, cable, DSL and T1/T3 lines. Customers are generally billed a fixed rate per month, but other charges may apply." *Id.*, "Internet Service Provider." In early days of the Internet, "ISPs, such as AOL (America Online) . . . provide[d] proprietary databases, forums and services in addition to the on-ramp to the Internet." *Id.*

chatroom, during an instant message exchange or in a forum, would be posted under the screen name "Jsmith1417." Under this configuration, subscribers enjoyed a degree of anonymity, because they were permitted to use a screen name wholly distinct from their real name, but their screen names also were easily traceable, because they were linked to an Internet access account.

Full-service online access providers, like AOL or Prodigy, presently no longer dominate the Internet communications market, and at-home access to the Internet is often achieved through broadband services,[7] provided by local cable or phone companies. These broadband companies, unlike former online access providers, usually do not require the registration of a screen name and generally provide Internet access without any other services.[8] Most communications services, moreover, such as those that provide e-mail,

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[7] Broadband has been defined as:

> (1) High-speed transmission. The term commonly refers to Internet access via cable and DSL, which is as much as 400 times faster than analog dial-up. The term has always referred to a higher-speed connection, but the speed threshold varies with the times. Widely employed in companies, the 1.5 Mbps T1 line was often considered the starting point for broadband speeds, while the FCC defines broadband as a minimum upload speed of 200 Kbps.

Id. "broadband."

[8] Broadband Internet access is growing rapidly in the United States. In 2007 47% of adult Americans paid extra each month to receive broadband access to the Internet, and in 2008, this number grew to 55%. John B. Horrigan, *Home Broadband Adoption 2008*, Pew Internet and American Life Project, at 1 (July 2008), *available at*

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instant messaging, chatrooms or forums, are accomplished through a website hosted by a third-party on the World Wide Web. Thus, today, the hypothetical Internet user John Smith might gain access to the Internet through his local cable company, might obtain the e-mail address JSmith1747 over the World Wide Web through Google's "gmail," or a like service, and might participate in an Internet forum regarding a topic of interest under the registered username "crazyCOAcommentator." When registering for this forum, John Smith might even obfuscate his true identity, making it even more difficult to trace his statements to him. In short, unlike former days when a user's posts were easily traceable through the online access provider's billing records, today, the World Wide Web host of an e-mail, instant messaging, forum or chatroom service obtains only as much information about an individual as it requires for registration, and even then, there are few checks to ensure the validity and accuracy of that information.

First Amendment Protection of Anonymous Internet Speech

"The command of the first amendment, that '[c]ongress shall make no law . . . abridging the freedom of speech,' is directed with equal force, by way of the fourteenth

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[8](...continued)
http://www.pewinternet.org/pdfs/PIP_Broadband_2008.pdf (last visited Feb. 19, 2009). Only 10% of Americans now use dial-up to access the Internet. *Id.*

The diversity of activities for which Americans use Internet services is also growing. According to the Pew Report, in 2008, 49% of Internet users used an online search engine in a typical day, 13% used the Internet to send instant messages, 11% accessed the Internet to read an online blog and 5% accessed the Internet to create their own online blog. *Id.* at 19.

amendment, to state and local governments."[9] *Eanes v. State*, 318 Md. 436, 445, 569 A.2d 604, 608 (1990), citing *Gitlow v. New York*, 268 U.S. 652, 45 S. Ct. 625, 69 L. Ed. 1138 (1925). This "'constitutional right of free expression' puts 'the decision as to what views shall be voiced largely into the hands of each of us, in the hope that use of such freedom will ultimately produce a more capable citizenry and more perfect polity and in the belief that no other approach would comport with the premise of individual dignity and choice upon which our political system rests.'" *Id.* at 445, 569 A.2d at 608, quoting *Cohen v. California*, 403 U.S. 15, 24, 91 S. Ct. 1780, 1787-1788, 29 L. Ed. 2d 284, 293 (1971). The "'freedom to think as you will and to speak as you think' is a 'means indispensable to the discovery and spread of political truth' and is essential both to 'stable government' and to 'political change.'" *Id.* at 445-46, 596 A.2d at 608, quoting *Whitney v. California*, 274 U.S. 357, 375-377, 47 S. Ct. 641, 648-649, 71 L. Ed. 1095, 1105-1106 (1927) (Brandeis & Holmes, JJ., concurring), overruled by *Brandenburg v. Ohio*, 395 U.S. 444, 89 S. Ct. 1827, 23 L. Ed.

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[9] Article 2 of the Maryland Declaration of Rights, furthermore, states:

> The Constitution of the United States, and the Laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and shall be the Supreme Law of the State; and the Judges of this State, and all the People of this State, are, and shall be bound thereby; anything in the Constitution or Law of this State to the contrary notwithstanding.

Article 40 of the Maryland Declaration of Rights also provides, "[t]hat the liberty of the press ought to be inviolably preserved; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that privilege."

2d 430 (1969). It has been described as "'the Constitution's most majestic guarantee . . . .'" *Eanes*, 318 Md. at 446, 596 A.2d at 608, quoting Laurence H. Tribe, American Constitutional Law § 12-1, at 785 (2d ed. 1988).

Included within the panoply of protections that the First Amendment provides is the right of an individual to speak anonymously. *See Watchtower Bible & Tract Soc. of N.Y., Inc. v. Vill. of Stratton*, 536 U.S. 150, 166, 122 S. Ct. 2080, 2089, 153 L. Ed. 2d 205, 219 (2002); *Buckley v. Am. Constitutional Law Found., Inc.*, 525 U.S. 182, 199-200, 119 S. Ct. 636, 646, 142 L. Ed. 2d 599, 614 (1999); *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 341-42, 115 S. Ct. 1511, 1516, 131 L. Ed. 2d 426, 436 (1995); *Talley v. California*, 362 U.S. 60, 64, 80 S. Ct. 536, 538, 4 L. Ed. 2d 559, 563 (1960). In *McIntyre*, 514 U.S. at 341-42, 115 S. Ct. at 1516, 131 L. Ed. 2d at 436, Justice John Paul Stevens, speaking on behalf of the United States Supreme Court, remarked on the importance of protecting anonymous or pseudonymous speech:

> Anonymous pamphlets, leaflets, brochures and even books have played an important role in the progress of mankind. Great works of literature have frequently been produced by authors writing under assumed names. Despite readers' curiosity and the public's interest in identifying the creator of a work of art, an author generally is free to decide whether or not to disclose his or her true identity. The decision in favor of anonymity may be motivated by fear of economic or official retaliation, by concern about social ostracism, or merely by a desire to preserve as much of one's privacy as possible. Whatever the motivation may be, at least in the field of literary endeavor, the interest in having anonymous works enter the marketplace of ideas unquestionably outweighs any public interest in requiring disclosure as a condition of entry. Accordingly, an author's decision to remain anonymous, like other decisions concerning omissions or

> additions to the content of a publication, is an aspect of the freedom of speech protected by the First Amendment.

(Citations and footnotes omitted). We also have acknowledged the magnitude of the protection of anonymous speech under the First Amendment. In *Lubin v. Agora, Inc.*, 389 Md. 1, 22, 882 A.2d 833, 846 (2005), for example, we denied the enforcement of subpoenas that would have compelled a publisher to disclose the identities of subscribers to their materials, holding, in part, that the subscriber's anonymity was protected under the First Amendment:[10]

> To the extent that the Commissioner's subpoenas require Agora, a publisher, to disclose the identities of those who subscribe to or purchase its materials, the subpoenas seek information within the protective umbrella of the First Amendment. Enforcement of the subpoenas would intrude upon the First Amendment rights of Agora's subscribers and customers because disclosure of their subscriber status and purchase of the Report would destroy the anonymity that the Supreme Court has recognized as important to the unfettered exercise of First Amendment freedoms. If the names of Agora's readers were disclosed to the government, they might be subjected to questioning from investigators about their reading habits. Agora's subscribers may be discouraged from reading its materials if they are interviewed by government personnel investigating potential securities violations, even if the readers are told that, individually, they are not under investigation.

(Footnote omitted).

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[10] Because the speech was deemed protected, we required the commissioner to "establish a substantial relation between the information sought and an overriding and compelling State interest," in compelling the production of the subscriber's identities. *Lubin v. Agora, Inc.*, 389 Md. 1, 23, 882 A.2d 833, 846-47 (2005). We found that no such nexus existed and denied the order compelling disclosure. *Id.*

The anonymity of speech, however, is not absolute and may be limited by defamation considerations. *Beauharnais v. Illinois*, 343 U.S. 250, 266, 72 S. Ct. 725, 735, 96 L. Ed. 919, 932 (1952) ("Libelous utterances [are] not . . . within the area of constitutionally protected speech . . . ."). *See Chaplinsky v. New Hampshire*, 315 U.S. 568, 572, 62 S. Ct. 766, 769, 86 L. Ed. 1031, 1035 (1942) (recognizing that defamatory and libelous speech "are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality").

With respect to the Internet, the Supreme Court has noted that there is, "no basis for qualifying the level of First Amendment scrutiny that should be applied to this medium." *Reno v. ACLU*, 521 U.S. at 870, 117 S. Ct. at 2344, 138 L. Ed. 2d at 897. Courts and commentators alike have emphasized the importance of extending free speech protections to the Internet, recognizing the Internet as capable of "democratizing" the very "nature of public discourse," *Doe v. Cahill*, 884 A.2d 451, 455 (Del. 2005), by permitting anyone with a computer to "become a town crier with a voice that resonates farther than it could from any soapbox." *Reno v. ACLU*, 521 U.S. at 870, 117 S. Ct. at 2344, 138 L. Ed. 2d at 897. *See also* Lyrissa Barnett Lidsky, *Silencing John Doe: Defamation & Disclosure in Cyberspace*, 49 Duke L.J. 855, 894-95 (2000) ("One of the most significant ways in which the Internet promises to change the nature of public discourse is by allowing more participants to engage in public discussion and debate. The Internet gives citizens inexpensive access to a medium of mass communication and therefore transforms every citizen into a potential "publisher"

of information for First Amendment purposes." (Footnotes omitted)). Predictably, then, protections under the First Amendment have been extended to the Internet by various federal courts and courts in our sister states. *See, e.g.*, *Sony Music Entm't Inc. v. Does 1-40*, 326 F. Supp. 2d 556, 562 (S.D.N.Y. 2004); *Doe v. 2TheMart.com, Inc.*, 140 F. Supp. 2d 1088, 1092 (W.D. Wash 2001); *Cahill*, 884 A.2d at 456; *Dendrite Int'l, Inc. v. John Doe No. 3*, 775 A.2d 756, 760-61 (N.J. Super. Ct. App. Div. 2001).

II. Facts and Procedural History

On May 26, 2006, Zebulon J. Brodie, appellee, filed a two-count complaint in the Circuit Court for Queen Anne's County, alleging defamation and conspiracy to defame against Independent Newspapers, Inc., and three John Doe defendants known only by their usernames "CorsicaRiver," "Born & Raised Here" and "chatdusoleil." The specific allegations of Count I, defamation, were:[11]

> 8. In March, 2006, the Defendants' Doe transmitted text to the Publication, directed to those in the Queen Anne's County area, with the intent that it be published over the Internet. The text accused the Plaintiff, among other things, of maintaining "dirty and unsanitary-looking food-service places" and allowing trash from those establishments to "waft" into the nearby waterway.
> 9. Independent, via the Publication, in fact did publish the aforementioned text to the general public.
> 10. In March, 2006, the Defendants' Doe transmitted text to the Publication, directed to those in Queen Anne's County area,

[11] Paragraphs 1-7 primarily discussed facts relevant to jurisdiction, linked Independent Newspapers to the web-based forum Newszap.com and stated that Independent Newspapers maintained identifying information about its registered users.

with the intent that it be published over the Internet. The text specifically accused the Plaintiff, with regard to an historical home known as the "Charles Cahall Farm," of getting "away with torching it," and having no "sense of decency." Further, the registered members stated:

> . . . there must be a special circle in Hell reserved for a selfish developer who deliberately burns down a beautiful Civil War house, after cutting down all the 100-year-old trees around it. A really hot circle of Hell, where they do nasty things to you with nail guns and hot asphalt.

11. Independent, via the Publication, in fact did publish the aforementioned text to the general public.
12. These aforementioned statements are defamatory *per se* in that they tend to, and in fact did, injure the Plaintiff in his profession and employment.
13. The Defendants knowingly made and published the aforementioned defamatory statements.
14. Alternatively, the Defendants negligently made and published the aforementioned defamatory statements.
15. The Defendants published the aforementioned false and defamatory statements to the Queen Anne's County area, the residents of which understood the publications to be false and defamatory.
16. The Defendants acted with knowledge of the falsity of the statements and with the intent to harm Plaintiff's profession and employment.
17. As a result of the publication of the aforementioned defamatory statements, the professional character and reputation of the Plaintiff in the community of Queen Anne's County were impaired, and he suffered mental anguish and personal humiliation.
18. As a direct and proximate result of the aforementioned false and defamatory publications, the Plaintiff suffered a loss of prospective income.

Brodie also included a count of civil conspiracy to defame, alleging the following:

> 19. The Defendants, and each of them, entered into an agreement with each other, whereby the Defendants would produce the aforementioned defamatory statements about the

> Plaintiff and publish those statements to the general public in Queen Anne's County, Maryland.
> 20. The aforementioned statements were in fact published to the general public in Queen Anne's County, Maryland.
> 21. As a direct and proximate result of the Defendants' conspiracy to defame the Plaintiff, the Plaintiff has suffered damages to his personal reputation and standing in the community, as well as certain mental anguish and humiliation, all of which affect his profession and employment in Queen Anne's County, Maryland.

Independent Newspapers filed a motion to dismiss or in the alternative for summary judgment, arguing that it was immune from suit under the federal Communications and Decency Act, 47 U.S.C. § 230 (2000), that the comments regarding the burning of the house were not of and concerning Brodie, because they implicated the developer to whom Brodie sold his home, and that "the challenged statements [were] non-actionable opinion." Independent Newspapers also asserted that the claim for civil conspiracy had to be dismissed, again, asserting immunity, and also arguing that there was no underlying tort of defamation nor any evidence of an agreement to defame.

In support, Independent Newspapers submitted a copy of the Tuesday March 14, 2006, "Centreville Eyesores" discussion thread,[12] in which the burning of Brodie's former home was discussed:

> **CorsicaRiver:** I think there must be a special circle in Hell reserved for a greedy selfish developer who deliberately burns down a beautiful pre-Civil War house, after cutting down all the 100-year-old cypress trees around it. A really hot circle of Hell,

[12] The "Centreville Eyesores" discussion thread was the name of the Internet forum discussion hosted by Independent Newspapers on its website Newszap.com.

> where they do nasty things to you with nail guns and hot asphalt.
>
> What I'm referring to is not in Centreville, but nearby in Church Hill . . . . The white Greek Revival house facing 213 that Zeb Brodie sold 3 months ago for $1.85 mil to developers, who deliberately torched it this past weekend. As of this morning, they were bulldozing the charred remnants. There goes another one of our County's historic landmarks, a sight that used to lift my spirits every time I past it on 213.
>
> Shame on you Mr. Brodie!
>
> **Born & Raised Here:** Oh my God, they burned the place down? I can't believe it!!!!!! I heard Bill Sharp bought it from Brodie, don't know if that's true or not. Has anyone else heard the same thing?
>
> **CorsicaRiver:** Yes, they burned it down . . . and shame on Bill Sharp as well as Mr. Brodie!
>
> I just found out some more information about the house. It was known as the Charles Cahall Farm and apparently dated back to the 1850s. In his 1980 historical sites survey, Orlando Ridout of the Maryland Historic Trust called it "one of the most carefully, preserved farmhouses in the country," "remarkable," and "virtually untouched." There were also a well-preserved meat house, windmill, and granary.
>
> * * *
>
> **SecretAgentMan**: Bastards!
>
> * * *
>
> **chatdusoleil:** Has there been a news story on the fire this weekend? Or an investigation?

(Ellipses in original). Independent Newspapers also submitted the affidavit of Tammy Brittingham, President of Independent Newspapers, who defined the operation of Independent Newspapers' Internet discussion forum via its website "Newszap.com," and

submitted a copy of the "Policies and Disclaimers" for using its website.[13]

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[13] The "Policies and Disclaimers" state, in pertinent part:

> MEMBERSHIP AND REGISTRATION AGREEMENT: By registering as a user of newszap.com, you agree that the information you provide to us, including the personally identifying information, is true and accurate. You accept responsibility for all activities that occur under your account or password, and agree not to sell, transfer or assign your user rights. We reserve the right to terminate your use at any time for any reasons. . . .
> POSTED CONTENT: All postings posted on or linked from the site, including uploaded files, PDFs and other documents and materials, are the sole responsibility of the person or entity from whom the content originated. We do not vouch for or warrant the accuracy, completeness or usefulness of any message, posting, linked material, photo or any content placed here by users of this site.
> By registering with this site, you agree: that you are solely responsible for the content of your postings, uploads and/or links; and that you indemnify and hold harmless these forums and all their agents and employees with respect to any claim based upon the appearance and/or transmission of your postings, uploads and/or links or any other material you cause to appear on this site.
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> * * *
>
> PRIVATE POLICY: While we preserve one's right to anonymity on the forum pages, we do require each individual to register a user name, email address and password. This protects newszap.com AND the individual from false representations. Individuals posting libelous or defamatory comments are not welcome at this site and are granted no right to anonymity should a court of law seek a poster's identity.
> When you visit **newszap.com** to read or download information, our web servers collect and store only such data as your domain name, the date and time you access this site, and the Internet address of the web site from which you linked to this site. . . .

(continued...)

Independent Newspapers also filed, on August 31, 2006, a motion for a protective order, and memorandum in support thereof, to "shield[] it" from being compelled to identify "CorsicaRiver," "Born & Raised Here" and "chatdusoleil," arguing, both as a discovery matter,[14] and as a matter involving the First Amendment, that Brodie should be required to make a legal and evidentiary showing that he had a valid cause of action before being permitted to discover identifying information regarding the forum participants.

In an order dated November 21, 2006, the circuit court judge dismissed Independent Newspapers from the case, ruling that because Independent Newspapers was an "interactive computer service" and the Doe defendants were "information content provider[s],"[15] the

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[13](...continued)

(Emboldening and underlining in original).

[14] In both its Motion to Dismiss or, in the Alternative, for Summary Judgment, and in its Reply to Plaintiff's Response to Motion for Protective Order, Independent Newspapers asserted:

> Plaintiff has had numerous opportunities to state his defamation claim properly and with sufficient particularity. Nevertheless, plaintiff <u>still</u> has not provided the complete allegedly defamatory statements in context or linked the statements to particular speakers, and the statements –insofar as Independent Newspapers can evaluate them given plaintiff's insufficient pleadings –are not "of and concerning" plaintiff, and are, at best, non-actionable opinion.

(emphasis in original)

[15] The federal Communications and Decency Act defines "interactive computer service" and "information content provider" accordingly:

(continued...)

newspaper could not be sued as the publisher of the statements under the federal Communications and Decency Act, 47 U.S.C. § 230(c)(1) (2000) ("No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider").[16] The judge, nevertheless, in the same order, compelled Independent Newspapers to comply with the Brodie subpoena and reveal identifying information regarding "CorsicaRiver," "Born & Raised Here" and "chatdusoleil" from its records. Independent Newspapers immediately moved for reconsideration of the order enforcing the subpoena, arguing that the circuit court judge implicitly assumed that the statements posted by "CorsicaRiver," "Born & Raised

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[15](...continued)

> **(2) Interactive computer service**
> The term "interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.
> **(3) Information content provider**
> The term "information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.

47 U.S.C. § 230, (f)(2)-(f)(3) (2000).

[16] In reaching this conclusion, the judge reviewed the three elements necessary for the act to apply, as set forth in *DiMeo v. Max*, 433 F. Supp. 2d 523, 529 (E.D. Pa. 2006): (1) that they qualify as a "provider or user of an 'interactive computer service'"; (2) that the asserted claims treat them "as a publisher or speaker of information"; and (3) that the challenged communication was "information provided by another information content provider."

Here" and "chatdusoleil" were actionable, without requiring any showing that Brodie had a valid cause of action.

In an order and opinion dated March 12, 2007, the judge granted Independent Newspapers' motion for reconsideration in part and denied it in part; he "agree[d] with [Independent Newspapers] that, no matter what standard [he] utilize[d] in deciding whether or not to grant their motion for a protecti[ve] order, the piety of the First Amendment requires ensuring that Plaintiff has stated a valid claim of defamation," and therefore, dismissed the cause of action premised on the statements regarding the burning of Brodie's former home, because the statements referred to the developer to whom Brodie sold the home, not to Brodie. With respect to the March 17 to 21, 2006, statements related to Brodie's food establishments, however, the judge ordered Independent Newspapers to comply with the Brodie subpoena:

> ORDERED, that the Motion for Reconsideration is GRANTED in part; and it is
>
> ORDERED, that the requested protective order is denied as to statements regarding Plaintiff's businesses to the extent providing available discovery regarding the identity of those individuals who made statements that the Plaintiff's food service business was maintained in a "dirty and unsanitary-looking" manner, and was permitting trash from the business to pollute the nearby waterway.
>
> ORDERED that the protective order is granted as to all other related discovery. . . .

Subsequent to the judge's order, Independent Newspapers requested the specific allegations of defamation related to the food-service establishment, and Brodie's counsel

responded with a letter, reflecting that the "posters" responsible for the statements about the food establishment were actually "RockyRacoonMD" and "Suze": "It seems, from my reading of the enclosure, that the identifiable 'posters' are ***RockyRacoonMD*** and ***Suze***." (Emboldening and italics in original). With the letter, he also enclosed a copy of the discussion thread, parts of which allegedly were relevant to the food establishment claim:

> **KidWellToo**: Posted: Tue Mar 21st, 2006 06:23 am
>
> > **RockyRaccoonMD wrote**: I wouldn't go to that Dunkin' Donuts . . . anyway . . . have you taken a close look at it lately? One . . . most dirty and unsanitary-looking food-service places I . . . seen.
>
> Just an FYI, you can complete a customer satisfaction report on the Dunkin' Donuts website. . . . make a difference, but it's a start. Perhaps the corporate folks will insist on a clean-up effort . . . we can all go back some day.
>
> **Suze**: Posted: Mon Mar 20th, 2006 05:13pm
> Corsica – I haven't seen the inside of a DD in a while, but have you seen the outside? I drove th . . . through not long ago and was completely and utterly SHOCKED at the amount of trash that is . . . and sides of that building. It's apparent no one is cleaning the outside oft he building and the . . . wafting into the river that runs right alongside. ☺
> If they don't keep the outside clean then.... hmm... makes you wonder.....
>
> **CorsicaRiver**: Posted: Mon Mar 20th, 2006 04:52 pm
> **RockyRaccoonMD wrote**:
>
> > Remember Mr. Brodie owns Dunkin' Donuts in town. He . . . the corner of the shop every morning. I think I will mak . . . trip there this week and let him know what I think and . . . foot into that business, or any others that he owns (whi . . . includes Subway), ever again. I'm sure it will not m . . . much of a difference but...

I wouldn't go to that Dunkin' Donuts of Brodie's anyway . . . taken a close look at it lately? One of the most dirty and . . . looking food-service places I have seen...I bought coffee . . . couple of times but quickly lost my appetite....

* * *

Born & Raised Here: Posted: Sat Mar 18th, 2006 06:16am

chatdusoleil wrote:

RockyRaccoonMD wrote:

Remember Mr. Brodie owns Dunkin' Donuts in town. He . . . the corner of the shop every morning. I think I will mak . . . trip there this week and let him know what I think and . . . foot into that business, or any others that he owns (whi . . . includes Subway), ever again. I'm sure it will not m . . . much of a difference but...

☹

Hmmm, interesting. Thanks for posting this, C

* * *

chatdusoleil: Posted: Fri Mar 17th, 2006 07:34 pm

RockyRaccoonMD wrote:

Remember Mr. Brodie owns Dunkin' Donuts in town. He . . . the corner of the shop every morning. I think I will mak . . . trip there this week and let him know what I think and . . . foot into that business, or any others that he owns (whi . . . includes Subway), ever again. I'm sure it will not m . . . much of a difference but...

☹

[End of Record[17]]

Thereafter, Brodie served Independent Newspapers with another subpoena, ordering discovery of "any and all documents and tangible things identifying and/or relating to . . . "CorsicaRiver," "Born & Raised Here," "chatdusoleil," "RockyRaccoonMD" and

[17] Ellipses were added when words were cut off at the right hand side of the page; ellipses without spaces appeared, as such, in original.

"Suze." Independent Newspapers responded by filing a motion to quash and/or for a protective order, and memorandum in support thereof, arguing primarily that anonymity should be maintained, because Brodie failed to assert an actionable claim for defamation. In an order dated February 19, 2008, the judge denied Independent Newspapers' motion and ordered it to comply with the subpoena within 30 days. Independent Newspapers filed a Notice of Appeal, and this Court granted certiorari prior to any proceedings in the Court of Special Appeals.

III. Discussion

We are presented with whether the judge properly denied Independent Newspapers' motion for a protective order/motion to quash, regarding the subpoena compelling Independent Newspapers to identify "CorsicaRiver," "Born & Raised Here," "chatdusoleil," "RockyRaccoonMD" and "Suze." Independent Newspapers argues that Brodie should have been required to make at least some showing of a viable defamation cause of action before the judge ordered the identification of the anonymous posters. Brodie contends that the judge was correct in ordering the identification of the five posters.

We shall hold that the circuit court judge abused his discretion when he denied Independent Newspapers' motion for a protective order, because when he compelled the identification of the five Does, Brodie had not pleaded a valid defamation claim against any of them. Because we did not take this issue just to sort out the record but to give guidance to trial courts addressing similar matters, we shall then discuss what standard to employ,

when balancing an individual's First Amendment right to speak anonymously on the Internet against a plaintiff's right to seek judicial redress for defamation.

A.

We review a discovery order under "the abuse of discretion standard and will only conclude that the trial court abused its discretion where no reasonable person would take the view adopted by the [trial] court [] . . . or when the court acts without reference to any guiding principles, and the ruling under consideration is clearly against the logic and effect of facts and inferences before the court[] . . . or when the ruling is violative of fact and logic." *Beyond Systems*, 388 Md. at 28, 878 A.2d at 583-84 (internal quotations omitted) (alterations in original).

A "defamatory statement," is one " which tends to expose a person to public scorn, hatred, contempt or ridicule, thereby discouraging others in the community from having a good opinion of, or associating with, that person." *Offen v. Brenner*, 402 Md. 191, 198-99, 935 A.2d 719, 724 (2007) (internal citations omitted). The statute of limitations in a defamation action is one year. Maryland Code (1974, 2002 Repl. Vol.), Section 5-105 of the Courts and Judicial Proceedings Article.[18]

We have retained the common law distinction between defamation per se and defamation per quod, which was described by Judge Marvin H. Smith, writing for a

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[18] Section 5-105 of the Courts and Judicial Proceedings Article, Maryland Code (1974, 2002 Repl. Vol.), entitled, "Assault, libel or slander," states, "[a]n action for assault, libel, or slander shall be filed within one year from the date it accrues."

unanimous Court, in *Metromedia, Inc. v. Hillman*, 285 Md. 161, 172-73, 400 A.2d 1117, 1123 (1979), as:

> [T]he only distinction remaining in Maryland between a libel per se and a libel per quod is that to recover the plaintiff must first show that the publication is defamatory. Where the words themselves impute the defamatory character [per se], no innuendo –no allegation or proof of extrinsic facts –is necessary; but otherwise, it is [per quod]. This is both a pleading rule and an evidentiary requirement. Where extrinsic facts must be shown in order to establish the defamatory character of the words sued upon, the omission to plead them makes the complaint demurrable for failure to state a cause of action. Failure to prove them would justify a directed verdict.

To establish a prima facie case of defamation, then, the plaintiff must show: "(1) that the defendant made a defamatory statement to a third person, (2) that the statement was false, (3) that the defendant was legally at fault in making the statement, and (4) that the plaintiff thereby suffered harm." *Offen v. Brenner*, 402 Md. at 198, 935 A.2d 719 at 723-24. In the case of defamation per quod, extrinsic facts must be alleged in the complaint to establish the defamatory character of the words or conduct. *See M & S Furniture Sales Co., Inc. v. Edward J. De Bartolo Corp.*, 249 Md. 540, 544, 241 A.2d 126, 128 (1968) (stating that the "injurious effect [of the words or conduct] must be established by allegations and proof of special damage and in such cases it is not only necessary to plead and show that the words or actions were defamatory, but it must also appear that such words or conduct caused actual damage").

Here, we are presented with a discovery order, compelling the identification of five anonymous defendants, "CorsicaRiver," "Born & Raised Here," "chatdusoleil,"

"RockyRaccoonMD" and "Suze," based on a complaint alleging defamation. The complaint identified "CorsicaRiver," "Born & Raised Here," and "chatdusoleil" as defendants and alleged two instances of defamation, the first involving comments made on March 14, 2006, regarding the burning of Brodie's former home by the buyer, and the second involving allegations that Brodie maintained "dirty and unsanitary-looking food-service places" and that he "allow[ed] trash from those establishments to 'waft' into the nearby waterway" –statements that were made on Independent Newspapers' website between March 17 and 21, 2006. "RockyRaccoonMD" and "Suze" were not named as defendants.

In his final order, the judge dismissed Brodie's cause of action regarding the burned house, because the alleged defamation did not involve Brodie; hence, the cause of action against "CorsicaRiver," "Born & Raised Here" and "chatdusoleil" no longer existed, and their identity could not be compelled. Brodie also had alleged a defamation cause of action with regard to statements involving his "mainten[ance of] 'dirty and unsanitary-looking food-service places" and that he "allow[ed] trash from those establishments to 'waft' into the nearby waterway," but conceded in correspondence in the trial court proceedings, and later in oral argument before this Court, that the identifiable posters of these statements were "RockyRaccoonMD" and "Suze." Enclosed with the written correspondence in the trial court, which identified "RockyRaccoonMD" and "Suze" as the posters of these statements, was the forum discussion thread from the Newszap.com website. *See supra*, at 23-25.

Brodie, however, did not sue "RockyRaccoonMD" or "Suze" in his complaint, nor did he timely amend it to add the two posters. The cause of action against

"RockyRacoonMD" and "Suze" was barred by the statute of limitations at the time the trial court ordered disclosure of their identities; thus, their identities could not be compelled. *See Crowe v. Houseworth*, 272 Md. 481, 486, 325 A.2d 592, 595 (1974) ("[R]elation back will not be permitted when a new defendant is added . . . ."). When the judge compelled discovery of the identities of "CorsicaRiver," "Born & Raised Here," "chatdusoleil," "RockyRaccoonMD" and "Suze," Brodie did not have a valid cause of action for defamation, so that Independent Newspapers' motion to quash/motion for a protective order should have been granted.

B.

We granted certiorari in this case not merely to sort out the record, but to provide guidance to the trial courts in defamation actions, when the disclosure of the identity of an anonymous Internet communicant is sought. In so doing, we recognize the complexity of the decision to order disclosure regarding pseudonyms or usernames in the context of the First Amendment and a defamation allegation. On the one hand, posters have a First Amendment right to retain their anonymity and not to be subject to frivolous suits for defamation brought solely to unmask their identity. *See Cahill*, 884 A.2d at 457 (The "'sue first, ask questions later' approach, coupled with a standard only minimally protective of the anonymity of defendants, will discourage debate on important issues of public concern as more and more anonymous posters censor their online statements in response to the likelihood of being unmasked."); Lidsky, *supra*, 49 Duke L.J. at 855 ("[t]hese suits threaten to suppress legitimate criticism . . . ."). On the other, viable causes of actions for defamation should not

be barred in the Internet context.

The only other state supreme court to address, in a civil law context, disclosure of usernames in an Internet forum is Delaware, in *Doe v. Cahill*, 884 A.2d 451 (Del. 2005). Cahill was an elected town council member who, with his wife, sued pseudonym/username "Proud Citizen" for defamation and invasion of privacy regarding allegedly defamatory posts made on an Internet blog, the "Smyrna/Clayton Issues Blog," hosted by the Delaware State News. The Cahills subpoenaed Comcast Corporation to discover the identity of "Proud Citizen," because Comcast, as the Internet Service Provider, allegedly had knowledge of identifying information. Comcast, in compliance with federal statute,[19] notified "Proud Citizen" of the subpoena, and "Proud Citizen" filed an Emergency Motion for Protective Order. The trial judge determined that a "good faith" standard provided the appropriate threshold and required the Cahills to establish, "(1) that they had a legitimate, good faith basis upon which to bring the underlying claim; (2) that the identifying information sought was directly and materially related to their claim; and (3) that the information could not be obtained from any other source." *Id.* at 455. Finding that the Cahills had met these factors, the judge denied the protective order.

"Proud Citizen" appealed the denial of the protective order, arguing a mere "good faith" assertion of a claim of defamation inadequately protected the First Amendment right

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[19] 47 U.S.C. § 551 (c)(2) (2000) states that a cable operator may disclose personally identifiable information if "made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed."

to speak anonymously on the Internet. The Delaware Supreme Court agreed, ruling that the appropriate standard was to evaluate the defamation allegations under a summary judgment standard:[20]

> We conclude that the summary judgment standard is the appropriate test by which to strike the balance between a defamation plaintiff's right to protect his reputation and a defendant's right to exercise free speech anonymously. We accordingly hold that before a defamation plaintiff can obtain the identity of an anonymous defendant through the compulsory discovery process he must support his defamation claim with facts sufficient to defeat a summary judgment motion.

Id. at 460. The court also stated that before the plaintiff could obtain identifiable information about the anonymous poster, the plaintiff must notify the poster in a way that provides the poster with a reasonable opportunity to oppose the discovery request.

We retain the notification provision in the *Dendrite* test.[21] Thus,

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[20] Rule 56 (c) of the Rules of Civil Procedure for the Superior Court of the State of Delaware governs summary judgments and states, in pertinent part:

> (c) *Motion and Proceedings Thereon.* The motion shall be served at least 10 days before the time fixed for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

[21] *Dendrite* refers to the New Jersey intermediate appellate court case *Dendrite*

(continued...)

> to the extent reasonably practicable under the circumstances, the plaintiff must undertake efforts to notify the anonymous poster that he is the subject of a subpoena or application for order of disclosure. The plaintiff must also withhold action to afford the anonymous defendant a reasonable opportunity to file and serve opposition to the discovery request. Moreover, when a case arises in the internet context, the plaintiff must post a message notifying the anonymous defendant of the plaintiff's discovery request on the same message board where the allegedly defamatory statement was originally posted.

Id. at 460-61 (footnote added). The requirement of notification to the poster, coupled with opportunity to defend, appears to be generally accepted in First Amendment cases; although, the issue of the standard to be utilized to assess the viability of the allegations of defamation differentiate the Delaware decision from many of the other courts that have considered the issue.

One federal district court ordered disclosure when the claimant could survive a motion to dismiss, having alleged sufficient facts to support a cause of action. In *Columbia Insurance Company v. Seescandy.com*, 185 F.R.D. 573 (N.D. Cal. 1999), Columbia Insurance Company, who, as the assignee of various trademarks related to the operation of See's Candy Shops, sought a restraining order and injunctive relief to inhibit the use of the domain name of "Seescandy.com," arguing that the website infringed upon a registered trademark, although Columbia had not discovered the identity of the registrar of the domain name with third-party Network Solutions, Inc. The court, in an attempt to balance First

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[21](...continued)
Int'l v. Doe, 775 A.2d 756 (N.J. Super. Ct. App. Div. 2001), which shall be discussed *infra*.

Amendment anonymity against the infringement claim, developed a four-part test:

> First, the plaintiff should identify the missing party with sufficient specificity such that the Court can determine that defendant is a real person or entity who could be sued in federal court. This requirement is necessary to ensure that federal requirements of jurisdiction and justiciability can be satisfied.
>
> * * *
>
> Second, the party should identify all previous steps taken to locate the elusive defendant. This element is aimed at ensuring that plaintiffs make a good faith effort to comply with the requirements of service of process and specifically identifying defendants.
>
> * * *
>
> Third, plaintiff should establish to the Court's satisfaction that plaintiff's suit against defendant could withstand a motion to dismiss. A conclusory pleading will never be sufficient to satisfy this element. Pre-service discovery is akin to the process used during criminal investigations to obtain warrants. The requirement that the government show probable cause is, in part, a protection against the misuse of *ex parte* procedures to invade the privacy of one who has done no wrong. A similar requirement is necessary here to prevent abuse of this extraordinary application of the discovery process and to ensure that plaintiff has standing to pursue an action against defendant.
>
> * * *
>
> Lastly, the plaintiff should file a request for discovery with the Court, along with a statement of reasons justifying the specific discovery requested as well as identification of a limited number of persons or entities on whom discovery process might be served and for which there is a reasonable likelihood that the discovery process will lead to identifying information about defendant that would make service of process possible.

Id. at 578-580 (citations omitted).

Another standard, perhaps the weakest, requires only that a plaintiff have a "good

faith basis" for asserting a cause of action before permitting discovery of identifying information and has been implemented by a judge of the Circuit Court of Virginia in *In re Subpoena Duces Tecum to American Online, Inc.*, 52 Va. Cir. 26, 37 (2006) (hereinafter "*AOL*"), *rev'd on other grounds sub nom, America Online, Inc. v. Anonymous Publicly Traded Co.*, 542 S.E.2d 377 (Va. 2001). In this case an anonymous entity sued John Doe in Indiana, alleging the publication of defamatory and confidential material in an AOL chatrooom. Because AOL's principal office was located in Virginia, discovery was moved to a Virginia state court. AOL, in support of its motion to quash discovery and/or for a protective order, argued that it should not have to reveal the names of the Doe defendants without sufficient proof of a prima facie case. After the court ordered the plaintiff to provide the specific comments made in the chatroom, the judge ultimately denied AOL's motion for protective order, favoring a "good faith basis" test over a prima facie one:

> Although this Court agrees with AOL that APTC must establish that there is a legitimate basis to believe that it may have *bona fide* claims against the John Does before compliance with the subpoena duces tecum is ordered, it agrees with APTC that AOL's proposed test is unduly cumbersome. What is sufficient to plead a prima facie case varies from state to state and, sometimes, from court to court. This Court is unwilling to establish any precedent that would support an argument that judges of one state could be required to determine the sufficiency of pleadings from another state when ruling on matters such as the instant motion.
>
> * * *
>
> Therefore, in lieu of the test proposed by AOL, this Court holds that, when a subpoena is challenged under a rule akin to Virginia Supreme Court Rule 4:9(c), a court should only order a non-party, Internet service provider to provide information

> concerning the identity of a subscriber (1) when the court is satisfied by the pleadings or evidence supplied to that court (2) that the party requesting the subpoena has a legitimate, good faith basis to contend that it may be the victim of conduct actionable in the jurisdiction where suit was filed and (3) the subpoenaed identity information is centrally needed to advance that claim. A review of the Indiana pleadings and the subject Internet postings satisfies this Court that all three prongs of the above-stated test have been satisfied as to the identities of the subscribers utilizing the four e-mail addresses in question.

AOL, 52 Va. Cir. at 36-37 (citations omitted). *See also Doe v. 2TheMart.com*, 140 F. Supp. 2d 1088, 1095 (W.D. Wash. 2001) (granting plaintiff's motion to quash 2TheMart.com's subpoena, seeking to identify 23 anonymous Internet speakers, after considering whether "(1) the subpoena seeking the information was issued in good faith and not for any improper purpose, (2) the information sought relates to a core claim or defense, (3) the identifying information is directly and materially relevant to that claim or defense, and (4) information sufficient to establish or to disprove that claim or defense is unavailable from any other source").

Finally, in *Dendrite International, Inc. v. Doe*, 775 A.2d 756 (N.J. Super. Ct. App. Div. 2001), a three judge panel of the Superior Court of New Jersey, Appellate Division, opined that a plaintiff who seeks the identification of anonymous posters in a defamation action must establish facts sufficient to maintain a prima facie case, because "the discovery of [the speaker's] identity largely turns on whether his statements were defamatory or not," and "[a]ssuming [that the] statements are lawful, they would be afforded Constitutional protection." *Id.* at 760, 766. In *Dendrite*, Dendrite International, Inc., sued four Doe

defendants for defamation, based, in part, on the posting of statements on a web site forum hosted by Yahoo!, regarding Dendrite's "revenue recognition policy," which was said to have inflated their earnings reports, and the "shopping" of the company. *Id.* at 763. The judge, after issuing an order to the Doe defendants to show cause why their identities should not be revealed and after conducting a hearing on the matter, granted Dendrite's motion to conduct limited discovery to ascertain the identities of Doe defendants one and two, but denied the motion with respect to defendants three and four. In so doing, the judge balanced individuals' right "'to anonymously voice their opinions against a plaintiff's right to confront his accusers,'" and concluded, at least as to Doe three, that "'Dendrite ha[d] not made a prima facie case of defamation against John Doe No. 3, as Dendrite ha[d] failed to demonstrate that it was harmed by any of the posted messages.'" *Id.* at 764. Dendrite immediately appealed the order denying discovery of Doe No. 3's identity.

In affirming, the New Jersey intermediate appellate court recognized that the prima facie standard was more onerous than the motion to dismiss standard, but noted:

> Here, although Dendrite's defamation claims would survive a traditional motion to dismiss for failure to state a cause of action, we conclude the motion judge appropriately reviewed Dendrite's claim with a level of scrutiny consistent with the procedures and standards we adopt here today and, therefore, the judge properly found Dendrite should not be permitted to conduct limited discovery aimed at disclosing John Doe No. 3's identity.

Id. at 771. The more rigorous standard was regarded as more appropriate in applying a balancing test between the First Amendment right to anonymity and actions for defamation:

> We offer the following guidelines to trial courts when faced with an application by a plaintiff for expedited discovery seeking an order compelling an [Internet Service Provider] to honor a subpoena and disclose the identity of anonymous Internet posters who are sued for allegedly violating the rights of individuals, corporations or businesses. The trial court must consider and decide those applications by striking a balance between the well-established First Amendment right to speak anonymously, and the right of the plaintiff to protect its proprietary interests and reputation through the assertion of recognizable claims based on the actionable conduct of the anonymous, fictitiously-named defendants.

Id. at 760. The three judge panel also, as have other courts, recognized that a claimant must provide notice to posters and provide them a reasonable opportunity to be heard, and must identify and set forth the exact statements purportedly made by each anonymous poster that constitutes actionable speech:

> We hold that when such an application is made, the trial court should first require the plaintiff to undertake efforts to notify the anonymous posters that they are the subject of a subpoena or application for an order of disclosure, and withhold action to afford the fictitiously-named defendants a reasonable opportunity to file and serve opposition to the application. These notification efforts should include posting a message of notification of the identity discovery request to the anonymous user on the ISP's pertinent message board.
>
> The court shall also require the plaintiff to identify and set forth the exact statements purportedly made by each anonymous poster that plaintiff alleges constitutes actionable speech.
>
> The complaint and all information provided to the court should be carefully reviewed to determine whether plaintiff has set forth a prima facie cause of action against the fictitiously-named anonymous defendants. In addition to establishing that its action can withstand a motion to dismiss for failure to state a claim upon which relief can be granted pursuant to *R.* 4:6-2(f), the

> plaintiff must produce sufficient evidence supporting each element of its cause of action, on a prima facie basis, prior to a court ordering the disclosure of the identity of the unnamed defendant.

Id. Once notice and an opportunity to be heard have been given, and a prima facie case has been shown, the trial judge must engage in a balancing test before granting a discovery order:

> [T]he court must balance the defendant's First Amendment right of anonymous free speech against the strength of the prima facie case presented and the necessity for the disclosure of the anonymous defendant's identity to allow the plaintiff to properly proceed.
>
> The application of these procedures and standards must be undertaken and analyzed on a case-by-case basis. The guiding principle is a result based on a meaningful analysis and a proper balancing of the equities and rights at issue.

Id. at 760-61.

The application of *Dendrite* has varied. In *Highfields Capital Management L.P. v. Doe*, 385 F. Supp. 2d 969 (N.D. Cal. 2005), a hedge fund management firm alleged defamation by a Doe defendant, based upon statements posted on a Yahoo! message board devoted to discussion of Silicon Graphics, Inc. (SGI), a company in which Highfields was the largest shareholder. In ruling that the magistrate judge had properly required the plaintiff to show a "real evidentiary basis" for believing that the defendant had engaged in "wrongful conduct that has caused real harm," the district court judge approved of the magistrate judge's two-part test based on *Dendrite*:

> [1] [T]he plaintiff must adduce *competent evidence* –and the evidence plaintiff adduces must address *all* of the inferences of fact that plaintiff would need to prove in order to prevail under

> at least one of the causes of action plaintiff asserts. In other words, the evidence that plaintiff adduces must, if unrebutted, tend to support a finding of *each* fact that is essential to a given cause of action. The court may not enforce the subpoena if, under plaintiff's showing, any *essential* fact or finding lacks the requisite evidentiary support.
>
> * * *
>
> [2] If reached, the second component of the test requires the court to assess and compare the magnitude of the harms that would be caused to the competing interests by a ruling in favor of plaintiff and by a ruling in favor of defendant. If, after such an assessment, the court concludes that enforcing the subpoena would cause relatively little harm to the defendant's First Amendment and privacy rights and that its issuance is necessary to enable plaintiff to protect against or remedy serious wrongs, the court would deny the motion to quash.

Id. at 975-76 (emphasis in original).

In *Moblisa, Inc. v. Doe*, 170 P.3d 712 (Ariz. Ct. App. 2007), a three judge panel of the Arizona intermediate appellate court implemented a hybrid of the *Cahill* and *Dendrite* standards. The dispute in *Moblisa* arose when an anonymous e-mail address, literally named "theanonymousemail.com," (the "emailer") intercepted an intimate e-mail sent from the CEO of Moblisa, Nelson Ludlow, to Shara Smith, a woman with whom Ludlow was involved in a personal relationship. *Id.* at 715. Moblisa sued the emailer under two federal laws relating to electronic communications, 18 U.S.C. §§ 1030 & 2701 (2000), and common law trespass to chattel, and sought to discover the true identity of the emailer from "The Suggestion Box, Inc.," (TSB) an Arizona e-mail service provider. The lower court, using the *Cahill* test, granted Moblisa leave to discover the anonymous emailer's identity from TSB, and TSB

appealed. A three judge panel of the Arizona Court of Appeals, after discussing both *Dendrite* and *Cahill*, adopted a hybrid of the two, requiring, that the plaintiff give adequate notice to the anonymous speaker and reasonable opportunity to respond to the discovery request; that the plaintiff provide sufficient facts to surpass the summary judgment threshold; and finally, that the trial judge balance "the strength of the requesting party's case against the need for disclosure of the anonymous poster's identity." *Id.* at 719-20.

In *Sony Music Entm't, Inc. v. Does 1-40*, 326 F. Supp. 2d 556 (S.D.N.Y. 2004), a United States District Court Judge for the Southern District of New York synthesized elements from *Seescandy* and *Dendrite*. There, Sony brought a copyright infringement action against forty Doe defendants who, without Sony's permission, "used 'Fast Track,' an online media distribution system –or 'peer to peer' ('P2P') file copying network –to download, distribute to the public, or make available for distribution 'hundreds or thousands' of copyrighted sound recordings." *Id.* at 558. Sony had subpoenaed Cablevision, the Internet Service Provider of the 40 Does, for identifying information. After Cablevision notified the Does that it would comply with the subpoena unless they acted, the Does moved to quash.

The federal district court judge, after ruling that the Does' conduct was "speech" on the Internet, applied the following synthesis:

> Cases evaluating subpoenas seeking identifying information from ISPs regarding subscribers who are parties to litigation have considered a variety of factors to weigh the need for disclosure against First Amendment interests. These factors include: (1) a concrete showing of a prima facie claim of

> actionable harm, *see Seescandy.Com*, 185 F.R.D. at 577, 579-81 (permitting plaintiff to request discovery, based on particular factors, to determine identities of defendants known only by Internet pseudonyms and domain name registration identities); *America Online*, 2000 WL 1210372, at *8, *rev'd on other grounds*, *America Online, Inc. v. Anonymous Publicly Traded Co.*, 261 Va. 350, 542 S.E.2d 377 (2001); *Dendrite*, 775 A.2d at 760; (2) specificity of the discovery request, *Seescandy.Com*, 185 F.R.D. at 578, 580; *Dendrite*, 775 A.2d at 760; (3) the absence of alternative means to obtain the subpoenaed information, *see Seescandy.Com*, 185 F.R.D. at 579; (4) a central need for the subpoenaed information to advance the claim, *America Online*, 2000 WL 1210372, at *8; *Dendrite*, 775 A.2d at 760-61; and (5) the party's expectation of privacy, *Verizon*, 257 F. Supp. 2d at 260-61, 267-68, rev'd on other grounds, *Recording Indus. Ass'n of America, Inc. v. Verizon Internet Servs., Inc.*, 351 F.3d 1229 (D.C.Cir.2003). As set forth below, each of these factors supports disclosure of defendants' identities.

Id. at 564-65. In determining that Sony had made a prima facie claim for copyright infringement, the court, applying the elements of that tort, noted that Sony had provided with their complaint: (1) "a partial list of the sound recordings the rights to which defendants ha[d] allegedly infringed"; (2) "a valid Certificate of Copyright Registration" for each of the recordings; (3) allegations that Sony was granted the "exclusive rights to reproduce and distribute to the public [each of] the copyrighted recordings." *Id.* at 465.

After reviewing the standards employed by many of our sister courts, we believe that a test requiring notice and opportunity to be heard, coupled with a showing of a prima facie case and the application of a balancing test –such as the standard set forth in *Dendrite*, 775 A.2d at 760-61 –most appropriately balances a speaker's constitutional right to anonymous Internet speech with a plaintiff's right to seek judicial redress from defamatory remarks. In

determining that a prima facie showing of defamation is the appropriate threshold, we are cognizant that setting too low a threshold would limit free speech on the Internet, while setting too high a threshold could unjustifiably inhibit a plaintiff with a meritorious defamation claim from pursuit of that cause of action. The lower "good faith basis" or "motion to dismiss" thresholds, articulated by our sister courts in *AOL*, 52 Va. Cir. at 37, and *Seescandy.com*, 185 F.R.D. at 579, would inhibit the use of the Internet as a marketplace of ideas, where boundaries for participation in public discourse melt away,[22] and anyone with access to a computer can speak to an audience "larger and more diverse than any [of] the Framers could have imagined." *ACLU v. Reno*, 31 F. Supp. 2d 473, 476 (E.D. Pa. 1999). With the Internet, users can bypass commercial publishers and editors "to speak to one another across the boundaries of divergent cultures," Robert C. Post, *The Constitutional Concept of Public Discourse: Outrageous Opinion, Democratic Deliberation, and* Hustler Magazine v. Falwell, 103 Harv. L. Rev. 601, 634 (1990), and thereby "forge consensus on issues of public concern." *Lidsky*, *supra*, at 894-95. These concepts, not theoretical but practical, promote public discourse and must be guaranteed the protection of the First Amendment.

Setting the bar too high, on the other hand, to require plaintiffs to meet a summary

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[22] Commentators have noted that traditional communication media often require, as a prerequisite to participation, specialized access or financial resources that are not always available to those seeking to reach a larger audience. *See* Lyrissa Barnett Lidsky, *Silencing John Doe: Defamation & Disclosure in Cyberspace*, 49 Duke L.J. 855, 893-95 & n.204 (2000).

judgment standard, "that there is no genuine dispute of material fact and that the party is entitled to judgment as a matter of law,[23] would undermine personal accountability and the search for truth, by requiring claimants to essentially prove their case before even knowing who the commentator was.

Thus, when a trial court is confronted with a defamation action in which anonymous speakers or pseudonyms are involved, it should, (1) require the plaintiff to undertake efforts

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[23] Rules governing a motion for summary judgment and entry of a summary judgment are set forth in Maryland Rule 2-501:

> **(a) Motion.** Any party may make a motion for summary judgment on all or part of an action on the ground that there is no genuine dispute as to any material fact and that the party is entitled to judgment as a matter of law. The motion shall be supported by affidavit if it is (1) filed before the day on which the adverse party's initial pleading or motion is filed or (2) based on facts not contained in the record.
>
> * * *
>
> **(f) Entry of judgment.** The court shall enter judgment in favor of or against the moving party if the motion and response show that there is no genuine dispute as to any material fact and that the party in whose favor judgment is entered is entitled to judgment as a matter of law. By order pursuant to Rule 2-602 (b), the court may direct entry of judgment (1) for or against one or more but less than all of the parties to the action, (2) upon one or more but less than all of the claims presented by a party to the action, or (3) for some but less than all of the amount requested when the claim for relief is for money only and the court reserves disposition of the balance of the amount requested. If the judgment is entered against a party in default for failure to appear in the action, the clerk promptly shall send a copy of the judgment to that party at the party's last known address appearing in the court file.

to notify the anonymous posters that they are the subject of a subpoena or application for an order of disclosure, including posting a message of notification of the identity discovery request on the message board; (2) withhold action to afford the anonymous posters a reasonable opportunity to file and serve opposition to the application; (3) require the plaintiff to identify and set forth the exact statements purportedly made by each anonymous poster, alleged to constitute actionable speech; (4) determine whether the complaint has set forth a prima facie defamation per se or per quod action against the anonymous posters; and (5), if all else is satisfied, balance the anonymous poster's First Amendment right of free speech against the *strength* of the *prima facie* case of defamation presented by the plaintiff and the necessity for disclosure of the anonymous defendant's identity, prior to ordering disclosure. *Dendrite*, 775 A.2d at 760-61.

JUDGMENT OF THE CIRCUIT COURT FOR QUEEN ANNE'S COUNTY REVERSED. CASE REMANDED TO THAT COURT WITH INSTRUCTIONS TO GRANT THE PROTECTIVE ORDER/MOTION TO QUASH. COSTS IN THIS COURT TO BE PAID BY APPELLEE.

Circuit Court for Queen Anne's County
Case Number: 17-C-06-01165OC

IN THE COURT OF APPEALS OF MARYLAND

No. 63

September Term, 2008

INDEPENDENT NEWSPAPERS, INC.

v.

ZEBULON J. BRODIE

Bell, C.J.
Harrell
Battaglia
Greene
Murphy
Adkins
Barbera,

JJ.

Concurring Opinion by Adkins, J.,
which Murphy and Barbera, JJ., join.

Filed: February 27, 2009

Adkins, J. Concurring

I join in the result, and the well-penned opinion of the majority, except as set forth below. I agree with the first three elements of the majority's standard, which, in short, requires (1) reasonable efforts to notify, (2) withholding action to allow reasonable opportunity to oppose subpoena, and (3) that the plaintiff identify the alleged defamatory speech.

Further, I agree with the majority's fourth element, although I would offer slightly more explanation of what is sufficient to "set forth a prima facie defamation" action in the context of filing a complaint. Specifically, the majority is not clear whether or not a plaintiff must make this *prima facie* showing by an affidavit, deposition, or other statement under oath,[1] or whether mere allegations of fact are sufficient. While either of these procedures may prove workable, the Bar and the Bench would be better served if the majority would clarify this point.

I respectfully disagree, however, with the majority's inclusion of the fifth element, the balancing test. In reaching my decision, I am mindful of the features of Internet dialogue that increase the potential for damage to persons who are the subject of these communications:

> [T]he relative anonymity afforded by the Internet forum promotes a looser, more relaxed communication style. Users are able to engage freely in informal debate and criticism, leading many to substitute gossip for accurate reporting and often to adopt a provocative, even combative tone. As one

[1]If a statement under oath is required, it should be limited to facts that are accessible to the plaintiff.

> commentator has observed, online discussions may look more like a vehicle for emotional catharsis than a forum for the rapid exchange of information and ideas:
>
> > Hyperbole and exaggeration are common, and 'venting' is at least as common as careful and considered argumentation. The fact that many Internet speakers employ online pseudonyms tends to heighten this sense that 'anything goes,' and some commentators have likened cyberspace to a frontier society free from the conventions and constraints that limit discourse in the real world.

Krinsky v. Doe 6, 72 Cal. Rptr. 3d 231, 237-38 (Cal. Ct. App. 2008)(quoting Lyrissa B. Lidsky, *Silencing John Doe: Defamation and Discourse in Cyberspace*, 49 Duke L.J. 855, 863 (2000)). This "anything goes" mind set, coupled with the virtually unlimited circulation available to bloggers at minimal cost, heightens the danger of injury to the subject of the communication from false or exaggerated statements. I would venture to guess that on the Internet, defamation occurs more frequently and is broadcast to more people than via any other medium, past or present. With this in mind, I am reluctant to set additional barriers to a person seeking to assert a legitimate cause of action to remedy the damage inflicted by a defamatory Internet communication.

In my view, the balancing test is unnecessary and needlessly complicated. *See Doe v. Cahill*, 884 A.2d 451, 461 (Del. 2005)("The summary judgment test is itself the balance. The [balancing test] adds no protection above and beyond that of the summary judgment test and needlessly complicates the analysis.") Although the Delaware court spoke in terms of the summary judgment test, the point is also applicable in a motion to dismiss context.

A quick review of the substantive law of defamation bears out this thesis. The common law has a well-developed law of both absolute and qualified privilege and legislative enactments have provided additional categories of privileged communications. The absolute privilege protects certain defendants absolutely from liability for communications made in certain contexts, such as those made in the course of a judicial proceeding, *Reichardt v. Flynn*, 374 Md. 361, 367, 823 A.2d 566, 569 (2003), or communications made by high executive officers that are reasonably related to the officer's duties, *Walker v. D'Alesandro*, 212 Md. 163, 170, 129 A.2d 148, 151-52 (1957).

There are qualified privileges covering a much broader scope of communications. These include, *inter alia*, communications made (1) to law enforcement officers regarding alleged criminal activity, *Caldor, Inc. v. Bowden*, 330 Md. 632, 653-54, 625 A.2d 959, 969 (1993); (2) to protect one's reputation against defamation, *McDermott v. Hughley*, 317 Md. 12, 29, 561 A.2d 1038, 1047 (1989); (3) by or to a credit reporting service, 15 U.S.C. § 1681h(e) (2006); (4) by an employer in the investigation of suspicious or criminal employee conduct, *McDermott*, 317 Md. at 28-29, 561 A.2d at 1046-47; (5) by an employer or prior employer to a prospective employer concerning an employee's job performance, Maryland Code (1974, 2006 Repl. Vol., 2008 Supp.), § 5-423 of the Courts and Judicial Proceedings Article ("CJP"); (6) to someone who shares a common interest, *Gohari v. Darvish*, 363 Md. 42, 57-58, 767 A.2d 321, 329 (2001); and (7) in the context of professional peer review in the health care field, CJP §§ 5-637 and 5-638.

Qualified privileges protect the speaker from liability for defamation, but generally

are lost when the speaker acts with malice or intent to harm. *See, e.g., Di Blasio v. Kolodner*, 233 Md. 512, 522, 197 A.2d 245, 250 (1964)("An absolute privilege is distinguished from a qualified privilege in that the former provides immunity regardless of the purpose or motive of the defendant, or the reasonableness of his conduct, while the latter is conditioned upon the absence of malice and is forfeited if it is abused.").

Another important doctrine of defamation law rests on the First Amendment, and requires that any public official who sues for defamation must surmount the more difficult burden of establishing that the defendant acted with what is known as "'Constitutional malice[.]'" *See, e.g., Smith v. Danielczyk*, 400 Md. 98, 114-15, 928 A.2d. 795, 805 (2007)(stating that public officials must prove by clear and convincing evidence that the defendant "either knew their statements were false or acted with reckless disregard of whether they were true or false").

These and other doctrines are all substantive rules of defamation that were developed as part of the common law, including application of the First Amendment principles, and legislative enactment. Each of these embraced a judicial balancing of the interests of the defendant and society in free and unfettered communication against the interests of the plaintiff in a good reputation.

The balancing test adopted by the majority accords to a trial court the authority to decide that a plaintiff's cause of action for defamation shall not go forward, even though it meets, on a *prima facie* basis, all of the common law requirements, because the court has decided that the defendant's interests are greater, on balance, than the plaintiff's. But the

majority grants judges that discretion, without specifying how the interests that trial courts are to balance differ from the interests that are already balanced in developing the substantive law of defamation. I fear that the majority decision invites the lower courts to apply, on an *ad hoc* basis, a "superlaw" of Internet defamation that can trump the well-established defamation law. This newly granted balancing authority, ironically, may defeat the balance developed through the judicially developed defamation law when judges refuse to require disclosure of the identity of putative defendants. In doing so, it may become an obstacle to pursuit of legitimate causes of action.

Judges Murphy and Barbera authorize me to state that they join this concurring opinion.

Exhibit 16

BOPP, COLESON & BOSTROM
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Terre Haute, Indiana 47807-3510
(812) 232-2434

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BLUEFIELD DIVISION

CENTER FOR INDIVIDUAL FREEDOM, INC.,

Plaintiff,

v. CIVIL ACTION NO. 1:08-cv-00190

BETTY IRELAND and
TIMOTHY D. BOGGESS,

Defendants,

v.

WEST VIRGINIA EDUCATION
ASSOCIATION, et al.,

Intervenor Defendants.

WEST VIRGINIANS FOR LIFE, INC.
and ZANE LAWHORN,

Plaintiffs,

v. CIVIL ACTION NO. 1:08-cv-01133

BETTY IRELAND and
TIMOTHY D. BOGGESS,

Defendants.

MEMORANDUM OPINION

Pending before the Court are Plaintiff West Virginians for Life's (WVFL) Motion for Preliminary Injunction[1] [Docket 112], Plaintiff Center for Individual Freedom, Inc.'s (CFIF) Emergency Second Motion for Preliminary Injunction [Docket 90], Intervenor Defendant Margaret L. Workman's Motion to Dismiss [Docket 99], Defendant Betty Ireland's Motion to Dismiss [Docket 103] and Motion to Strike [Docket 105], and WVFL's Motion for Reconsideration [Docket 106]. The Court will address each motion in turn.

I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

This action is the consolidation of two similar actions, Center for Individual Freedom, Inc. v. Ireland, Case No. 1:08-cv-00190, and West Virginians for Life, Inc. v. Ireland, Case No. 1:08-cv-01133. CFIF is a non-partisan, non-profit organization organized under § 501(c)(4) of the Internal Revenue Code. (Docket 1 ¶¶ 3, 3(b) in Case No. 1:08-cv-00190.)[2] CFIF's stated mission "is to protect and defend individual freedoms and individual rights guaranteed by the U.S. Constitution." (Id. ¶ 3.) It plans to "speak to the public in the Southern District of West Virginia on matters of litigation reform and related justice issues, including criminal law enforcement and sentencing, legal

[1] Also pending before the Court are WVFL's Motion for Leave to File a Verified Complaint [Docket110] and Motion to Exceed Page Limit for Preliminary Injunction Brief [Docket 111]. Pursuant to L.R. Civ. P. 11.1 and 9.4(b), respectively, and for good cause shown, those motions are **GRANTED**. Likewise, Defendant Timothy D. Boggess' Motion to Adopt Defendant Betty Ireland's Response [Docket 104] is **GRANTED**.

[2] CFIF's complaint was subsequently verified by its president, Jeffrey Mazzella, in an affidavit filed on March 24, 2008, as an attachment to CFIF's motion for a preliminary injunction. (Docket 4-2.) Due to the consolidation of these cases, the respective complaints are both labeled as Docket 1. Accordingly, the Court will distinguish the complaints by stating the appropriate case number or by identifying the corresponding party.

reform, and judicial decision-making [using] various media, including broadcast, print, and telephone banks." (Id. ¶ 17.) That speech "will refer to West Virginia candidates to illustrate its points and ask members of the public to contact the candidates and petition them to take or maintain certain positions." (Id.) For fear of prosecution and litigation, CFIF suspended its plans pending judicial intervention, allegedly resulting in an unconstitutional chill on its speech. (Id. ¶ 23.)

CFIF filed its initial action on March 21, 2008, seeking to invalidate a number of provisions of West Virginia's campaign finance laws as unconstitutionally vague and/or overbroad.[3] Specifically, CFIF challenged West Virginia's prohibition on corporate spending, W. Va. Code §§ 3-8-8(a), 3-8-8(b)(2)(H), 3-9-14,[4] and W. Va. Code R. § 146-1-3, and reporting and disclosure requirements for expenses incurred for "advocating or opposing the nomination, election or defeat of any candidate," W. Va. Code § 3-8-5, for independent expenditures "in support of or opposition to the nomination or election" of a candidate, §§ 3-8-1a(14), 3-8-2(b), and for "electioneering communications," §§ 3-8-1a(11), 3-8-2b.

In anticipation of the May 13, 2008 primary election, CFIF filed a motion for a preliminary injunction holding those laws unconstitutional facially and as applied to a number of communications CFIF intended to publish in the days leading up to the primary. By order, the West Virginia Association for Justice (WVAJ), West Virginia American Federation of Labor and Congress of Industrial Organizations (WV AFL-CIO), West Virginia Council of Churches

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[3] The case was originally assigned to the Honorable David A. Faber, United States District Judge for the Southern District of West Virginia, Bluefield Division.

[4] A number of the sections referenced herein were amended effective June 7, 2007, and again effective September 26, 2008. In this part of the opinion, the provisions are referred to as they existed on the date they were challenged. Thereafter, the Court will refer to the current version unless otherwise noted.

(WVCOC), West Virginia Education Association (WVEA), West Virginia Citizens Action Group (WVCAG), Ohio Valley Environmental Coalition (OVEC), (Docket 13), West Virginia Employment Lawyers Association (WVELA) and West Virginia State Democratic Executive Committee (WVSDEC), (Docket 45), were permitted to participate as amici curiae. Also by order, Robert M. Bastress, Jr., Margaret L. Workman, Menis E. Ketchum,[5] WVEA and WV AFL-CIO (Labor Intervenors) were permitted to intervene as defendants. (Docket 25.)

Judge Faber heard argument on the motion for a preliminary injunction on April 9, 2008. On April 22, 2008, Judge Faber entered an order granting in part and denying in part CFIF's motion. More specifically, Judge Faber enjoined defendants Betty Ireland and Timothy D. Boggess[6] "from applying West Virginia Code §§ 3-8-1a(14), 3-8-2(b), 3-8-5(a), 3-8-8(a), 3-8-8(b)(2)(H), and 3-9-14, and West Virginia Code of State Rules § 146-1-3, to anything other than communications that expressly advocate the election or defeat of a clearly identified candidate." (Docket 38 at 1–2.) In that ruling, Judge Faber adopted "the bright-line definition" of express advocacy set forth in Buckley v. Valeo, 424 U.S. 1, 44 n.52 (1976) (per curiam). Judge Faber also restricted the definition of "electioneering communications" to certain forms of broadcast media and enjoined Defendants "from applying [West Virginia's] reporting and disclosure requirements to the following forms of political advocacy: mailings, faxes, emails, phone banks, leaflets, pamphlets, and other printed or

---

[5] Bastress, Workman, and Ketchum were all seeking nomination for election to a seat on the West Virginia Supreme Court of Appeals, and were allegedly targets of CFIF's communications.

[6] Timothy D. Boggess is the prosecuting attorney of Mercer County and represents the prosecuting attorneys in the State of West Virginia. Together with Secretary of State Betty Ireland, Boggess and his fellow prosecutors are responsible for investigating and enforcing the criminal provisions of West Virginia's campaign finance laws, W. Va. Code §§ 3-1A-1, 3-1A-6, 3-8-7(a), 3-8-7(b), 3-8-8(e).

published materials." (Docket 38 at 2.) Based on that ruling, CFIF ran a series of ads, including ads about current West Virginia Attorney General Darrell V. McGraw. (Docket 72-2 ¶ 2.)

On June 28, 2008, in a second extraordinary session, the West Virginia Legislature passed H.B. No. 219, amending W. Va. Code §§ 3-8-1, 3-8-1a, 3-8-4, 3-8-5, and 3-9-14.[7] Thereafter, several Defendants moved to dissolve the preliminary injunction on the basis that the amendments rendered the injunction moot. CFIF opposed the dissolution of the injunction, stating that the amendments did not remedy the constitutional infirmities. Shortly before the amended sections took effect on October 1, 2008, Judge Faber granted Defendants' motions and dissolved the injunction by Order entered on September 29, 2008 and directed CFIF that it would need to move for a new injunction based on the language in the amendments. CFIF appealed that order to the United States Court of Appeals for the Fourth Circuit, which issued an Order on October 8, 2008, agreeing with Judge Faber and dismissing the appeal.

WVFL, like CFIF, is a non-partisan, non-profit organization organized under § 501(c)(4) of the Internal Revenue Code. (Docket 2 ¶ 9 in Case No. 1:08-cv-01133.) Zane Lawhorn, who is also a named Plaintiff in this case, is a resident of Princeton, West Virginia, and wishes to receive WVFL's communications. (Id. ¶¶ 12-13.) WVFL's stated purpose "is to present information upon which individuals and the general public may make informed decisions about such topics as fetal development, abortion and its alternatives, and euthanasia." (Id. ¶ 25.) In connection with that stated purpose, WVFL seeks to conduct a petition drive, run a radio ad, and distribute a mass mailing regarding Margaret L. Workman, who is currently a candidate for an open seat on the

[7] The West Virginia Legislature does not provide any type of formal legislative history; however, these amendments were presumably made in response to Judge Faber's injunction.

Supreme Court of Appeals of West Virginia in the upcoming November 4, 2008 election. (Id. ¶¶ 32-36.) Although WVFL has not run the radio ad or begun the mass mailing, it briefly circulated the petition on its website. However, it ceased immediately upon learning of the law. (Id. ¶¶ 42-43.) WVFL alleges that its speech has been chilled by the recent amendments to West Virginia's campaign finance laws because it reasonably fears prosecution by Defendants if it proceeds with the communications and for its brief circulation of the petition. (Id. ¶ 44.)

On September 30, 2008, WVFL filed a verified complaint and motion for preliminary injunction seeking relief from several of the amended provisions, such as West Virginia's ban on corporate express advocacy, W. Va. Code §§ 3-8-1a(13), 3-8-8, W. Va. Code R. § 146-1-3, reporting requirements for express advocacy, W. Va. Code §§ 3-8-2b, 3-8-5a, 3-8-5b, definition of political committee, political action committee (PAC), and unaffiliated PAC, §§ 3-8-1a(21), (22), (29), definition of electioneering communication, §§ 3-8-1a(12), (26), and reporting requirements for electioneering communications, §§ 3-8-1a(20), 3-8-2(a), 3-8-2(d), 3-8-2b(a)-(g), 3-8-5, 3-8-5b. Specifically, WVFL alleges that those provisions are vague and overbroad and accordingly unconstitutional both facially and as applied.

Shortly after WVFL filed its complaint, CFIF filed an emergency motion for a preliminary injunction on October 6, 2008, challenging some of those same provisions, namely the ban on corporate express advocacy and the definition of electioneering communications, §§ 3-8-1a(13), (12), (26), 3-8-8, and the reporting requirements pertaining thereto. In support of its emergency motion, CFIF states that Attorney General McGraw has engaged in a series of threats and retaliatory acts in response to CFIF's earlier ads. (Docket 90-2 ¶ 2.) CFIF further states that it wishes to respond to McGraw's alleged threats and retaliatory acts, however, it fears that such a response

would be deemed express advocacy or electioneering communications under the recent amendments. (Id. ¶ 6.) Accordingly, CFIF seeks injunctive relief holding that the amended sections are unconstitutional both facially and as applied.

On October 7, 2008, CFIF v. Ireland, No. 1:08-cv-00190, was reassigned to the undersigned District Judge and consolidated with WVFL v. Ireland, No. 1:08-cv-01133.

The Court has jurisdiction in this matter pursuant to 28 U.S.C. § 1331 because the case arises under the First and Fourteenth Amendments to the United States Constitution. The Court held a hearing on both preliminary injunction motions on October 14, 2008, in which it heard argument from counsel for Plaintiffs, Defendants, and Intervenors. The issues have been fully briefed and argued, and the matter is now ripe for the Court's consideration.

II. PRELIMINARY INJUNCTION STANDARD

The issuance of a preliminary injunction is entrusted to the district court's discretion. See In re Microsoft Corp. Antitrust Litig., 333 F.3d 517, 524-25 (4th Cir. 2003). The Fourth Circuit follows the "hardship-balancing test" first articulated in Blackwelder Furniture Co. v. Seilig Mfg. Co., 550 F.2d 189 (4th Cir. 1977). The test involves four factors which the Court must examine when considering a motion for a preliminary injunction:

> (1) the likelihood of irreparable harm to the plaintiff if the preliminary injunction is denied;
>
> (2) the likelihood of harm to the defendant if the requested relief is granted;
>
> (3) the likelihood that the plaintiff will succeed on the merits; and
>
> (4) the public interest.

Direx Israel, Ltd. v. Breakthrough Medical Corp., 952 F.2d 802, 812 (4th Cir. 1991) (citation omitted).

Under the Blackwelder test, the balancing of the likelihood of harm to the plaintiff and the defendant are the two most important factors. Id. The Court must first consider the likelihood of irreparable harm to the plaintiff. Id. If the plaintiff makes a "clear showing" of "immediate and irreparable harm," the Court must "balance the 'likelihood' of irreparable harm to the plaintiff [without an injunction] against the 'likelihood' of harm to the defendant [if an injunction is granted.]" Id. (citing Blackwelder, 550 F.2d at 195). "If, after balancing those two factors, the balance 'tips decidedly' in favor of the plaintiff, a preliminary injunction will be granted if 'the plaintiff has raised questions going to the merits so serious, substantial, difficult and doubtful, as to make them fair ground for litigation and thus for more deliberate investigation." Id. at 813 (citing Rum Creek Coal Sales, Inc. v. Caperton, 926 F.2d 353, 359 (4th Cir. 1991)). The more the balance tips in favor of defendants, the greater the showing of success on the merits is required. Id. Finally, the Court should consider the public interest. Blackwelder, 550 F.2d at 196.

The burden of establishing that the factors weigh in favor of injunctive relief normally rests on the plaintiff. Id. (citations omitted). When a challenged law implicates First Amendment concerns, however, it is subject to strict scrutiny. FEC v. Wis. Right to Life, Inc. (WRTL II), 127 S. Ct. 2652, 2664 (2007). In an as-applied challenge, "[u]nder strict scrutiny, the Government must prove that applying [the challenged law] furthers a compelling interest and is narrowly tailored to achieve that interest." Id. (emphasis in original). Accordingly, "[a]s the Government bears the burden of proof on the ultimate question of . . . constitutionality, [a party seeking a preliminary injunction] must be deemed likely to prevail unless the Government has shown that [the law survives the strict scrutiny analysis]." Ashcroft v. ACLU, 542 U.S. 656, 666 (2004). Conversely, when a plaintiff mounts a facial challenge, the plaintiff faces a "heavy burden," FEC v. McConnell, 540

U.S. 93, 207 (2003), because facial invalidation is "strong medicine to be applied sparingly and only as a last resort." United Seniors Ass'n v. Social Sec. Admin., 423 F.3d 397, 406 (4th Cir. 2005) (internal quotation marks omitted).

III. BLACKWELDER ANALYSIS

"The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." Elrod v. Burns, 427 U.S. 347, 373 (1976). Thus, where Plaintiffs' alleged harm "is inseparably linked to [a] claim of a violation of [their] First Amendment rights," the Court must first turn to Plaintiffs' likelihood of success on the merits. Newsom ex rel. Newsom v. Albermarle County Sch. Bd., 354 F.3d 249, 254-55 (4th Cir. 2003); see also Giovani Carandola, Ltd. v. Bason, 303 F.3d 507, 511 (4th Cir. 2002) ("Determination of irreparable harm thus requires analysis of [the plaintiff's] likelihood of success on the merits, and we turn to this question first.") Accordingly, the Court will first address Plaintiffs' likelihood of success on the merits.

A. Likelihood of Success on the Merits

WVFL raises four claims: 1) that it is an MCFL corporation and accordingly exempted from West Virginia's ban on corporate express advocacy, W. Va. Code § 3-8-8(a); 2) that West Virginia's definition of express advocacy, § 3-8-1a(13) is vague and overbroad both facially and as applied to WVFL; 3) that West Virginia's definition of political committee, political action committee (PAC), and unaffiliated PAC, § 3-8-1a(21), (22), (29), are vague and overbroad both facially and as applied to WVFL; and 4) that West Virginia's definition of electioneering communication, § 3-8-1a(12), is vague and overbroad both facially and as applied to WVFL. CFIF joins in claims 2) and 4). The Court will address each claim and Plaintiffs' likelihood of success on the merits on each claim in turn.

The First Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, states that "Congress shall make no law . . . abridging the freedom of speech . . . ." U.S. Const. Amend. I. The seminal case addressing the interplay between campaign finance regulation and the First Amendment is Buckley v. Valeo, 424 U.S. 1 (1976). According to Buckley,

> Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution. The First Amendment affords the broadest protection to such political expression in order "to assure (the) unfettered interchange of ideas for the bringing about of political and social changes desired by the people."

424 U.S. at 14, (citing Roth v. United States, 354 U.S. 476, 484 (1957)). "[T]he use of funds to support a political candidate is 'speech . . . .'" Austin v. Mich. Chamber of Commerce, 494 U.S. 652, 657 (1990). "[R]estrictions [on campaign speech], while neutral as to the ideas expressed, limit political expression 'at the core of our electoral process and of the First Amendment freedoms.'" Buckley, 424 U.S. at 39 (citing Williams v. Rhodes, 393 U.S. 23, 32 (1968)).

The power of legislatures to regulate elections is well established. Id. at 13. That power is rooted in the Constitution and justified by the need to "limit the actuality and appearance of corruption" in elections. Id. at 26. When a legislature steps beyond that justification, however, its regulatory power is circumscribed. Thus, in demarcating which speech is regulable, the Supreme Court held that legislatures may regulate only speech that is "unambiguously related to the campaign of a particular . . . candidate." Id. at 80.

(1) MCFL Corporation

WVFL asserts that it qualifies as an MCFL corporation. In FEC v. Mass. Citizens for Life, Inc. (MCFL), 479 U.S. 238, 263 (1986), the Supreme Court identified a class of corporations which

"should not have to bear burdens on independent spending solely because of their incorporated status." Courts have since referred to such corporations as "MCFL corporations." See, e.g., McConnell, 540 U.S. at 339 (Kennedy, J., concurring in part and dissenting in part).

If it is an MCFL corporation, then WVFL posits that West Virginia's ban on corporate express advocacy, W. Va. Code § 3-8-8(a), is unconstitutional as applied to it. WVFL asserts that, if it is found to be an MCFL corporation and § 3-8-8(a) is unconstitutional as applied to it, it "has a First Amendment right to do the [communications] notwithstanding West Virginia's definition of express advocacy and ban on corporate express advocacy," and that it would then be "unnecessary to consider . . . whether West Virginia's express-advocacy definition is vague and therefore overbroad." (Docket 113 at 23, n.30.)

The Labor Intervenors contest WVFL's allegation that it is an MCFL corporation. Specifically, the Labor Intervenors assert that determining whether WVFL's "major purpose [is] political campaign activity . . . requires factual determinations [and cannot be] established on WVFL's assertions alone." (Docket 102 n.1.) Further, they claim that the statutes at issue here "need not explicitly exempt 'MCFL organizations' in order to be understood to do so." (Id.) Finally, the Labor Intervenors posit that MCFL corporations are nevertheless "properly subject to the same reporting and disclosure requirements as any other organization making independent campaign expenditures." (Id.)

a. Applicable Law

W. Va. Code § 3-8-8(a) provides:

> Notwithstanding any provision of section two-b of this article, no officer, agent or person acting on behalf of any corporation, whether incorporated under the laws of this or any other state or of a foreign country, may pay, give, lend or authorize to be paid, given or lent any money or other thing of value belonging to the corporation

> for the purpose of expressly advocating the election or defeat of a clearly identified candidate for state, district, county or municipal office, to any candidate, financial agent, political committee or other person. No person may solicit or receive any payment, contribution or other thing from any corporation or from any officer, agent or other person acting on behalf of the corporation.

By the plain language of this statute, a ban on express advocacy by all corporations using corporate funds is contemplated.

In MCFL, the Supreme Court examined an as-applied challenge to a provision of the Federal Election Campaign Act (FECA) prohibiting corporations from engaging in express advocacy using corporate funds. 479 U.S. at 241. Thus, MCFL was "subject to more extensive requirements and more stringent restrictions than it would be if it were not incorporated [and which] may create a disincentive for such organizations to engage in political speech." Id. at 254. Although Congress's justification for the ban was to remedy "the prospect that resources amassed in the economic marketplace may be used to provide an unfair advantage in the political marketplace," id. at 257, the Court found such a justification to be inapplicable to a corporation whose "available [resources] are not a function of its success in the economic marketplace, but its popularity in the political marketplace." Id. at 259. Accordingly, applying strict scrutiny, the Court held that any remaining legitimate legislative interest in assuring that contributions to MCFL corporations are used as the contributor intends may be served by a "more narrowly tailored and less burdensome" restriction. Id. at 261.

In finding that corporations with "features more akin to voluntary political associations than business firms . . . should not have to bear burdens on independent spending solely because of their incorporated status," id. at 263, the Supreme Court identified three characteristics of MCFL that gave rise to its holding:

> First, it was formed for the express purpose of promoting political ideas, and cannot engage in business activities. If political fundraising events are expressly denominated as requests for contributions that will be used for political purposes, including direct expenditures, these events cannot be considered business activities. This ensures that political resources reflect political support. Second, it has no shareholders or other persons affiliated so as to have a claim on its assets or earnings. This ensures that persons connected with the organization will have no economic disincentive for disassociating with it if they disagree with its political activity. Third, MCFL was not established by a business corporation or a labor union, and it is its policy not to accept contributions from such entities. This prevents such corporations from serving as conduits for the type of direct spending that creates a threat to the political marketplace.

Id. at 264. These factors, however, do not "impose a code of compliance that other nonprofit corporations must follow to the letter." FEC v. Survival Educ. Fund, Inc., 65 F.3d 285, 292 (2d Cir. 1995). It is permissible, for example, for a corporation to accept a "modest percentage of revenue" from for-profit corporations, N.C. Right to Life, Inc. v. Bartlett (NCRL I), 168 F.3d 705, 714 (4th Cir. 1999) (so finding in the case of a corporation that accepted contributions from for-profit entities up to eight percent of its overall revenue), and to "engage[] in minor business activities," Minn. Citizens Concerned for Life v. FEC (MCCL), 113 F.3d 129, 130 (8th Cir. 1997), without forfeiting their MCFL status.

Finally, the failure of a statute to expressly exempt MCFL corporations is not fatal. In McConnell, the Supreme Court addressed this precise issue when it evaluated a federal prohibition on corporate express advocacy. 540 U.S. at 209-11. Specifically, the Court held:

> That [a statute] does not, on its face, exempt MCFL organizations from its prohibition is not a sufficient reason to invalidate the entire section. If a reasonable limiting construction "has been or could be placed on the challenged statute" to avoid constitutional concerns, we should embrace it. Because our decision in the MCFL case was on the books for many years before BCRA was enacted, we presume that the legislators who drafted § 316(c)(6) were fully aware that the provision could not validly apply to MCFL-type entities. . . . As so construed, the provision is plainly valid.

Id. at 211 (citations omitted). Accordingly, there is an implied exemption for MCFL corporations where a legislature had the benefit of the Supreme Court's decision in MCFL at the time it enacted the statute.

b. Analysis

Based on the record as it currently exists at this preliminary stage, it appears that WVFL has alleged in its verified complaint sufficient facts to show that it is likely to succeed in proving that it is an MCFL corporation. In its Verified Complaint [Docket 2 in Case No. 1:08-cv-1133], WVFL alleges that it was "formed to promote political ideas and engages in only the minor business activities of bake sales and selling ads for its convention booklets." (Id. ¶ 51.) It further alleges that it "has no shareholders or other people who have a claim on [its] assets or earnings," (id.), and that it "was not established by a business corporation or union and accepts only minor contributions from for-profit corporations." (Id.) These allegations in WVFL's verified complaint are sufficient to establish the three factors set out in MCFL. Moreover, WVFL's practices of accepting only up to 4.4 percent of its revenue from businesses and engaging in minor business activities do not disqualify it in light of the loosened nature of the requirements identified in Survival Educ. Fund, 65 F.3d at 292; see also NCRL I, 168 F.3d at 714 ("We do not think this modest percentage of revenue [(zero to eight percent)] disqualifies NCRL for the nonprofit exemption to North Carolina's ban on corporate expenditures."); MCCL, 113 F.3d at 130 ("MCCL may not be denied the MCFL exemption merely because it engages in minor business activities or accepts insignificant contributions from business corporations.") No party has offered evidence genuinely disputing the factual basis for finding that WVFL is an MCFL corporation.

Even if WVFL eventually prevails on its claim that it is an MCFL corporation, however, it is not likely to succeed in showing that W. Va. Code § 3-8-8(a) is unconstitutional. This case presents a situation nearly identical to the one addressed by the Supreme Court in McConnell. Just as Congress had the benefit of MCFL when it enacted BCRA, the West Virginia Legislature had the benefit of MCFL when it amended § 3-8-8(a). Thus, because § 3-8-8(a) is similarly subject to a proper limiting construction, the Court concludes that it is likely to be construed as not applying to MCFL corporations and is accordingly valid.

Finally, the Court turns to WVFL's contention that a finding that it is an MCFL corporation precludes any further constitutional inquiry. When it decided MCFL, the Supreme Court based its decision on a policy that corporations that resembled voluntary political associations should be treated as such, and should not be punished based solely on their corporate form by being banned from engaging in express advocacy. 479 U.S. at 259-60. That policy is informed by the inapplicability to MCFL corporations of the legitimate governmental interest of preventing the translation of corporate economic success into political influence. Id. at 258. Although such an interest may legitimize a complete ban on express advocacy by for-profit corporations, the Supreme Court in Buckley identified a separate and distinct interest to legitimize reporting and disclosure requirements for all other persons and entities engaged in express advocacy: the prevention of actual corruption or the appearance of corruption.[8] 424 U.S. at 78-79. Thus, all entities, including MCFL corporations, may be subject to reporting and disclosure requirements when they engage in express advocacy. See also MCFL, 479 U.S. at 262-63. Accordingly, even assuming that WVFL is an MCFL corporation, the Court must still proceed to the next step of the inquiry.

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[8] Buckley will be discussed in greater detail below. See infra Part III.A.(2).

(2) Express Advocacy

Plaintiffs challenge West Virginia's definition of express advocacy, W. Va. Code § 3-8-1a(13). That section, which was added by the legislature in June 2008, states:

"Expressly advocating" means any communication that:

> (A) Uses phrases such as "vote for the Governor," "re-elect your Senator," "support the Democratic nominee for Supreme Court," "cast your ballot for the Republican challenger for House of Delegates," "Smith for House," "Bob Smith in '04," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Hickory," "defeat" accompanied by a picture of one or more candidates, "reject the incumbent," or communications of campaign slogans or individual words, that in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, such as posters, bumper stickers, advertisements, etc. which say "Smith's the One," "Jones '06," "Baker"; or
>
> (B) When considered in its entirety, the communication can only be interpreted by a reasonable person as advocating the election or defeat of one or more clearly identified candidates because:
>
> > (i) The electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and
> >
> > (ii) Reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidates.

Id.

Specifically, Plaintiffs allege that subsection (B)[9] is overbroad and vague, both facially and as applied. They take issue with the terms "reasonable person," "electoral portion," and "[r]easonable minds," arguing that these words are vague, imprecise, and leave open the possibility

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[9] The Court is somewhat concerned that the words "in context," contained in subsection (A), run afoul of Chief Justice Roberts' admonitions against contextual considerations in WRTL II. See 127 S. Ct. at 2669. However, because Plaintiffs do not challenge subsection (A), the Court will not address it.

of inappropriately including protected speech. Accordingly, Plaintiffs allege that the reporting requirements that attend to such express advocacy, §§ 3-8-2 and 3-8-5, chill their speech and are thus unconstitutional by extension. Defendants, on the other hand, contend that the recent amendments cured any constitutional infirmities.

a. Applicable Law

Any discussion regarding the proper definition of express advocacy and associated reporting requirements must necessarily begin with Buckley. At the time Buckley was decided, it was well-established that "compelled disclosure, in itself, can seriously infringe on privacy of association and belief guaranteed by the First Amendment." 424 U.S. at 64. Applying strict scrutiny, the Supreme Court examined Congress's purpose for enacting reporting and disclosure requirements in FECA—"promot[ing] full disclosure of campaign-oriented spending to insure both the reality and the appearance of the purity and openness of the federal election process," id. at 78-79—and determined that the purpose was insufficient to restrict the speech of persons and groups engaging only in issue advocacy. Id. ("To fulfill the purposes of the Act [the requirements] need only encompass organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate.") Accordingly, the Court limited the definition of "expenditure" to "reach only funds used for communications that expressly advocate the election or defeat of a clearly identified candidate [and that are] directed precisely to that spending that is unambiguously related to the campaign of a particular federal candidate." Id. at 80 (footnote omitted). The Court then articulated a list of what have become known as "magic words" which are indicative of such express advocacy. Id. at 44 n.52 and 80 n.108.

Buckley's bright line "magic words" test stood as the law on this issue for over twenty-five years, until Congress passed the Bipartisan Campaign Reform Act of 2002 (BCRA), also referred to as "McCain-Feingold," and the Supreme Court revisited the issue in McConnell, 540 U.S. 93. In McConnell, the Court rejected the idea that "the First Amendment erects a rigid barrier between express advocacy and so-called issue advocacy" and determined that the "magic words" test was "functionally meaningless" because persons and organizations could avoid reporting simply by not using those words. Id. at 192. Then, finding that the governmental interests articulated in Buckley applied in full to the new provisions of BCRA requiring reporting and disclosure of expenditures for ads that "are intended to influence voters' decisions and have that effect," the Court expanded the legitimate sweep of such requirements to reach the "functional equivalent of express advocacy." Id. at 206.

A more recent discussion by the Supreme Court of the "functional equivalent of express advocacy" has resulted in a more refined demarcation of its limits. Addressing an as-applied challenge to the same provision that was held to be facially valid in McConnell, Chief Justice Roberts[10] recognized in WRTL II that McConnell "did not explain that it was adopting a particular test for determining what constituted the 'functional equivalent' of express advocacy." 127 S. Ct.

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[10] Chief Justice Roberts was joined only by Justice Alito in Parts III and IV of the opinion. Justice Scalia filed a separate opinion, joined by Justices Kennedy and Thomas, concurring in part and concurring in the judgment. Specifically, although Chief Justice Roberts and Justice Alito saw "no occasion to revisit" McConnell, WRTL II, 127 S. Ct. at 2674, Justices Scalia, Kennedy and Thomas nevertheless expressed a desire to overrule its "functional equivalent" holding. Id. at 2687. Accordingly, Parts III and IV constitute binding portions of the opinion. Marks v. United States, 430 U.S. 188, 193 (1977) ("When a fragmented Court decides a case and no single rationale explaining the result enjoys the assent of five Justices, 'the holding of the Court may be viewed as that position taken by those Members who concurred in the judgments on the narrowest grounds . . . .'") (citing Gregg v. Georgia, 428 U.S. 153, 169 n. 15 (1976)).

at 2665. Accordingly, Chief Justice Roberts held that "a court should find that an ad is the functional equivalent of express advocacy only if the ad is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate." WRTL II, 127 S. Ct. at 2667 (emphasis added). In declining to adopt a subjective, intent-based test because such a test "would chill core political speech by opening the door to a trial on every ad," id. at 2666, Chief Justice Roberts emphasized that "the proper standard for an as-applied challenge . . . must be objective, focusing on the substance of the communication rather than the amorphous considerations of intent and effect," id., and that "contextual factors . . . should seldom play a significant role in the inquiry." Id. at 2669.

Since WRTL II was decided, the Fourth Circuit has had occasion to apply the Supreme Court's holding to a case strikingly similar to the one at bar. In N.C. Right to Life v. Leake (NCRL III), 525 F.3d 274 (4th Cir. 2008), a non-profit corporation challenged, among other things, North Carolina's two-pronged test to determine whether "an individual acted 'to support or oppose the nomination or election of one or more clearly identified candidates." Id. (quoting N.C. Gen. Stat. § 163-278.14A(a)). The Fourth Circuit held that

> to be considered the "functional equivalent of express advocacy," a communication must meet two separate requirements[:] the communication must qualify as an "electioneering communication," [as] defined by [BCRA], [and then] only if [it] is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.

NCRL III, 525 F.3d at 281-82 (emphasis added). Applying that test and recognizing that WRTL II "was entertaining an 'as-applied challenge'" to a statute held facially valid in McConnell, the Fourth Circuit struck down North Carolina's regulation as facially vague and overbroad. NCRL III, 525 F.3d at 285. The Court based its holding on the "multiple First Amendment deficiencies that North

Carolina's definition displays," including "determin[ing] whether speech is regulable based on how a 'reasonable person' interprets the speech's 'essential nature' in light of four 'contextual factors.'" Id. at 285-86. With this precedent in mind, the Court turns to West Virginia's definition of express advocacy.

b. Analysis

Much like the statute that was invalidated by the Fourth Circuit in *NCRL III*, West Virginia's definition of express advocacy fails to comport with the boundaries set by Buckley, McConnell, and WRTL III. This failure is manifested in two ways.

First, the definition contained in W. Va. Code § 3-8-1a(13) in no way incorporates the definition of "electioneering communication" as adopted in BCRA.[11] Indeed, subsections (12) and (13) of § 3-8-1a, which define "expressly advocating" and "electioneering communications," respectively, appear to be entirely separate, both in meaning and application to the operative provisions of the statutes to which they provide definitions. For example, § 3-8-2b sets forth requirements for the disclosure of "electioneering communications," while § 3-8-5a sets forth the information required in a financial statement "other than [for] a disclosure of electioneering communications." On the other hand, § 3-8-5 sets forth requirements for the disclosure of independent expenditures "expressly advocating the election or defeat of a clearly identified candidate," and §§ 3-8-8(a) and 3-9-14 provide for a ban on corporate express advocacy and resulting penalties. Nowhere in these sections are the phrases "expressly advocating" and "electioneering communication" mentioned together. Thus, not only is the BCRA definition of

[11] The separate issues raised by Plaintiffs regarding the definition of "electioneering communications" set forth in W. Va. Code § 3-8-1a(12) are addressed in Part III.A.(4), infra.

electioneering communications not incorporated in the West Virginia definition of express advocacy, it further appears that the two definitions serve separate functions in West Virginia law.

Second, the language contained in W. Va. Code § 3-8-1a(13)(B) does not comply with Chief Justice Roberts' formulation of the functional equivalent of express advocacy as that which "is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate." 127 S. Ct. at 2667. Subsection (B) includes within express advocacy communications that "can only be interpreted by a reasonable person" as advocating the election or defeat of a candidate because "the electoral portion" is clear and "[r]easonable minds could not differ" as to whether the message encourages electoral action. Like the statute in NCRL III, this statute "runs directly counter to the teaching of WRTL when it determines whether speech is regulable based on how a 'reasonable person' interprets a communication in light of . . . contextual factors." NCRL III, 525 F.3d at 283.

Although there are no contextual factors spelled out in the West Virginia statute, there is likewise no guidance given with regard to how a "reasonable person" might approach a particular communication. Who is the reasonable person? What are the reasonable person's experience, intelligence, and sophistication in political matters? What does the reasonable person know about the various contextual factors condemned in NCRL III ? See id. at 283-86. "[A] test based on the actual effect speech will have on an election or a particular segment of the target audience . . . unquestionably chill[s] a substantial amount of political speech." WTRL II, 127 S. Ct. at 2666; NCRL III, 525 F.3d at 284-85. The West Virginia statute's complete lack of guidance on the perspective of the reasonable person may well lead to the "open-ended rough-and-tumble of factors which invite burdensome discovery and lengthy litigation." NCRL III, 525 F.3d at 282 (internal

quotation marks omitted). Further, "this sort of ad hoc, totality of the circumstances-based approach provides neither fair warning to speakers that their speech will be regulated nor sufficient direction to regulators as to what constitutes political speech." Id. at 283. The analysis for the term "reasonable minds" is the same as the Court can find no difference between that term and "reasonable person[s]."

Finally, the term "electoral portion" of a communication appears to be new to the vocabulary of campaign finance. It is not defined in the West Virginia statutes. The Court has not been directed to any precedent for its meaning or interpretation. Does it imply that there are electoral and non-electoral portions of certain communications? How does one distinguish the two? Does this concept suggest that a portion of an ad could be express advocacy and another portion issue advocacy (to put it in what now must be considered the mercifully clear terminology of Buckley)? The Court must conclude that this term, along with its companions, "reasonable person" and "reasonable minds", is unconstitutionally vague.

Counsel for Defendant Ireland suggested during oral argument that Chief Justice Roberts' "reasonable interpretation" formulation is what is meant by the language contained in § 3-8-1a(13)(B). That may very well be.[12] However, if the West Virginia Legislature indeed intended that meaning, why did it not use those words? It certainly could have. It had the benefit of having all of the relevant precedents to this Court's decision available at the time subsection (13)(B) was enacted. Instead, it chose a formulation that has ventured too far from the substance of the

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[12] The Court does not doubt that the most recent revisions to the statutes including the definition of "expressly advocating," W. Va. Code § 3-8-1a(13)(B), constitute a good faith effort on the part of the West Virginia Legislature to comply with the less than abundantly clear precedents on this subject. Unfortunately, that does not change the constitutional analysis.

communication itself and toward the impermissible factors and context-based standards condemned by the Supreme Court and Fourth Circuit.

Therefore, the West Virginia statute fails both prongs of the applicable two-part test for defining express advocacy because it fails to limit its scope to electioneering communications, as defined by BCRA, that are susceptible of no other reasonable interpretation than as an appeal to vote for or against a specific candidate. Accordingly, the Court **FINDS** that, pursuant to the tests set forth in WRTL II, 127 S. Ct. 2652, and NCRL III, 525 F.3d 274, Plaintiffs are likely to prevail on their claim that W. Va. Code § 3-8-1a(13)(B) is unconstitutionally vague on its face.

(3) Political Committee

WVFL challenges several subsections of W. Va. Code § 3-8-1a, which provides the definitions for terms relating to political organizations, such as a political action committee (PAC). More specifically, "WVFL seeks a declaratory judgment that the political-committee, PAC, and unaffiliated-PAC definitions are unconstitutional."[13] (Docket 2 ¶ 161 in Case No. 1:08-cv-1133.) WVFL does not challenge the substance of the definitions. Rather, it is challenges their scope. WVFL claims that the definitions of political committee, PAC, and unaffiliated PAC are facially vague and overbroad and that WVFL does not know if its planned advertising and advocacy efforts will convert it into a political committee as that term is defined by W. Va. Code § 3-8-1a(22). As a consequence of this uncertainty, WVFL states that it will continue to refrain from communicating its message for fear that it will run afoul of West Virginia law. In WVFL's words, it seeks to

[13] CFIF does not challenge these statutory provisions. Consequently, this issue was not addressed in Judge Faber's order of April 22, 2008, granting in part and denying in part CFIF's motion for preliminary injunction.

conduct its operations "without fear of becoming a political committee."[14] (Docket 2 ¶ 163 in Case No. 1:08-cv-1133.)

WVFL's broader argument is that the phrase "the purpose of supporting or opposing" in the PAC definition is unconstitutional as applied to WVFL and facially vague and overbroad. However, WVFL dissects this phrase into "the purpose of" and "supporting or opposing" and maintains that each constituent part is constitutionally infirm for separate reasons.

WVFL points to its planned communications concerning West Virginia Supreme Court of Appeals candidate Margaret Workman. In 1993, then-Chief Justice Workman penned the Supreme Court of Appeals' decision in Women's Health Ctr. of W. Va. v. Panepinto, 446 S.E.2d 658 (W. Va. 1993), a prominent abortion-rights case. WVFL plans to conduct a mass mailing, radio advertising campaign, and petition drive to highlight Workman's opinion in Panepinto. (Docket 2-2 at 42-45 in Case No. 1:08-cv-1133.) WVFL fears that these communications may be construed as "opposing" Workman's candidacy, thereby converting WVFL into a PAC and subjecting it to West Virginia's campaign laws.

a. Applicable Law

In their current forms, the challenged definitions are as follows:

> (21) "Political action committee" means a committee organized by one or more persons for the purpose of supporting or opposing the nomination or election of one or more candidates. The following are types of political action committees:

[14] WVFL objects to being classified as a political committee because many of the provisions of W. Va. Code ch. 3, art. 8 are triggered if the actor is a political committee. For instance, PACs and political committees must file a written statement of organization with the Secretary of State, W. Va. Code § 3-8-4; maintain and report detailed records of all financial transactions, including the identity of contributors, id. §§ 3-8-5, -5a, -5b; refuse contributions from corporations, id. § 3-8-8(a); and refrain from soliciting or accepting funds in excess of $1000 prior to registration, id. § 3-8-12(g).

> (A) A corporate political action committee, as that term is defined by subdivision (8) of this section;
>
> (B) A membership organization, as that term is defined by subdivision (18) of this section;
>
> (C) An unaffiliated political action committee, as that term is defined by subdivision (29) of this section.
>
> (22) "Political committee" means any candidate committee, political action committee or political party committee.
>
> . . . .
>
> (29) "Unaffiliated political action committee" means a political action committee that is not affiliated with a corporation or a membership organization.

W. Va. Code § 3-8-1a (emphasis added). The challenged definitions were enacted by the West Virginia Legislature on June 7, 2007 and were not changed subsequent to Judge Faber's April 22, 2008, ruling. See 2008 W. Va. Acts 13.

Although WVFL fears becoming a "political committee" under West Virginia law, only the definition of "political action committee" need be addressed; an organization becomes a "political committee" or "unaffiliated political action committee" by virtue of its status as a PAC. See W. Va. Code § 3-8-1a(22) (defining political committee as "any candidate committee, political action committee or political party committee").

b. Analysis

WVFL's bifurcation of the phrase "the purpose of supporting or opposing" in the PAC definition unnecessarily complicates the issue. Cf. NCRL III, 525 F.3d at 286 (evaluating the phrase "a major purpose to support or oppose the nomination or election of one or more clearly identified candidates" as a compete unit in a challenge to North Carolina's definition of political committee). However, in the interests of comprehensiveness, each argument will be addressed.

i. "The Purpose Of"

The definitions in W. Va. Code § 3-8-1a were not cut from whole cloth. Similarly worded statutes have been challenged in other cases and the contours of constitutionally permissible language are well-established. As will be explained in detail below, the question presented by WVFL's PAC definition argument is a matter of semantics: Is the phrase "the purpose of supporting or opposing" found in W. VA. Code § 3-8-1a(21) more like "a major purpose to support or oppose" (which is unconstitutionally vague) or "the major purpose of supporting or opposing" (which is constitutional)?

In Buckley, the Supreme Court made a distinction between issue advocacy and advocacy for the election of a particular candidate. See Buckley, 424 at 80 (holding that campaign finance laws must be "unambiguously related to the campaign of a particular . . . candidate"). Although each form of speech is of equal constitutional gravity, see McConnell, 540 U.S. at 193, the latter form may be subject to narrowly tailored regulation in order to serve the important governmental interests of preventing corruption or the appearance of corruption in elections. See Buckley, 424 U.S. at 25–26. The government's interest in preventing corruption in elections, however, does not extend in equal measure to speech that advocates for or against issues that do not directly relate to the election of a candidate for public office. Accordingly, campaign finance laws must not be so broad as to infringe individuals' rights to express opinions on such issues, see NAACP v. Button, 371 U.S. 415, 433 (1963) ("Because First Amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity."), nor may they be so vague as to make it uncertain whether they cover issue advocacy, see Ctr. for Individual Freedom v. Carmouche, 449 F.3d 655, 665 (5th Cir. 2005).

To screen issue advocacy groups from the reach of campaign finance laws, the Buckley Court stated that the term "political committee" "need only encompass organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate." Id. at 79. Although the Buckley opinion addressed federal campaign law, many states, including West Virginia, have incorporated this language into their definitions of political committees, PACs, or similar terms. See, e.g., Alaska Stat. § 15.13.400(8); Ariz. Rev. Stat. Ann. § 16-901(19); Kan. Stat. Ann. § 25-4143(k); La. Rev. Stat. Ann. § 18:1483(14); N.C. Gen. Stat.§ 163-278.6(14); Wash. Rev. Code § 42.17.020(39); W. Va. Code § 3-8-1a(21). It therefore behooves the Court to view West Virginia's campaign law through the lense of Buckley and its progeny.

Buckley makes it clear that it is constitutionally permissible to define a political committee as an organization controlled by a candidate or an organization for which "the major purpose" is the election of a candidate to public office. In NCRL III, the Fourth Circuit reviewed a North Carolina campaign law that closely tracked the language of Buckley. The law defined "political committee" as

> a combination of two or more individuals . . . that makes, or accepts anything of value to make, contributions or expenditures and has one or more of the following characteristics:
>
> > a. Is controlled by a candidate; [or]
> >
> > . . . .
> >
> > d. Has as a major purpose to support or oppose the nomination or election of one or more clearly identified candidates.

N.C. Gen. Stat.§ 163-278.6(14) (emphasis added). North Carolina's campaign laws, like West Virginia's, impose significantly greater burdens on political committees than on other entities. North Carolina Right to Life, Inc. lodged a facial challenge to the law, arguing that the phrase "a

major purpose" was unconstitutionally vague and potentially subjected it to regulation as a political committee. See NCRL III, 525 F.3d at 287.

The task before the Fourth Circuit in NCRL III was to determine if there was a constitutionally significant difference between "a major purpose," which was used by North Carolina to define "political committee," and "the major purpose," which was approved by Buckley. The Fourth Circuit concluded there was. The court reasoned that the Supreme Court did not speak haphazardly in Buckley when it said that a political committee was an organization with "the major purpose" of electing a candidate. By use of the definite article, "the," the Buckley court was signifying that the major-purpose test referred to organizations whose "only or primary goal" was the election or opposition of a candidate. Id. at 287. In contrast, the phrase, "a major purpose," does not denote an only or primary purpose. It indicates that the election or opposition of a candidate is but one purpose among many. "Permitting the regulation of organizations as political committees when the goal of influencing elections is merely one of multiple 'major purposes' threatens the regulation of too much ordinary political speech to be constitutional." Id. at 288–89.

West Virginia's definition of PAC does not use "the major purpose" or "a major purpose." It omits the word "major," regulating groups "organized . . . for the purpose of supporting or opposing the nomination or election of one or more candidates." W. Va. Code § 3-8-1a(21) (emphasis added). The question, therefore, is whether the absence of the adjective "major" makes West Virginia's statute more like the definition of political committee in Buckley or NCRL III.

Like the Supreme Court in Buckley, West Virginia's legislature chose the definite article to limit the word "purpose." However, West Virginia differs because it does not qualify the requisite purpose with the word "major." This difference does not make West Virginia's statute more vague

or more broad; the opposite is true. Stating that an organization has one "major purpose" implies that it at least could have other, minor purposes. "The purpose," being without qualification, indicates that there is but one and only one purpose—namely, to support or oppose a candidate. Thus, by omitting "major," West Virginia's definition of a PAC more precisely identifies the scope of regulated organizations than the language found to be constitutional in Buckley.

The Court does not arrive at this meaning by construction or interpretation. Instead, it is the plain meaning of this statute to limit its application to singular–purpose organizations. See Caminetti v. United States, 242 U.S. 470, 485 ("It is elementary that the meaning of a statute must, in the first instance, be sought in the language in which the act is framed, and if that is plain, . . . the sole function of the courts is to enforce it according to its terms.").

An organization is a regulable "political committee" under W. Va. Code § 3-8-1a(22) only if it is a "candidate committee, [PAC] or political party committee." Similarly, "unaffiliated PACs," as defined in W. Va. Code § 3-8-1a(29), are merely a subset of organizations labeled as PACs. Because the definition of PAC is not unconstitutionally vague or overbroad on its face, it follows that the definitions of political committee and unaffiliated PAC are not unconstitutional on the grounds alleged by WVFL.

ii. "Supporting or Opposing"

WVFL lodges a facial constitutional challenge to the use of "supporting or opposing" in W. Va. Code § 3-8-1a(22). It therefore bears the "heavy burden" of proving "a substantial risk that application of the provision will lead to the suppression of speech." Nat'l Endowment for the Arts v. Finley, 524 U.S. 569, 580 (1998). WVFL does not appear to meet this burden.

Tellingly, WVFL cites no authority where a court has found the terms "supporting or opposing" a candidate in the definition of political committee or PAC to be unconstitutionally vague. The few courts which have addressed the issue raised here have concluded that "supporting or opposing" a candidate is not vague or overbroad. See, e.g., McConnell, 540 U.S. at 170 n.64; NCRL III, 525 F.3d at 289 ("[T]he Supreme Court[] insist[s] that political committees can only be regulated if they have the support or opposition of candidates as their primary purpose . . . ."); Real Truth About Obama, Inc. v. FEC, No. 3:08-cv-483, 2008 U.S. Dist. LEXIS 73551, at * 37 (E.D. Va. Sept. 24, 2008) ("[C]ase law and Supreme Court precedent make it clear that the use of 'support or oppose' is not unconstitutionally vague . . . ."); EMILY'S List v. FEC, No. 05-0049 (CKK), 2008 U.S. Dist. LEXIS 58046, at *98 (D.D.C. July 31, 2008) ("EMILY's List's [vagueness] argument is entirely unavailing as to the words 'support' or 'oppose,' because the Supreme Court rejected just such a claim in McConnell . . . ."); Voters Educ. Comm. v. Pub. Disclosure Comm'n, 166 P.3d 1174, 1184 (Wash. 2007) ("[W]e conclude that a person of ordinary intelligence would have a reasonable opportunity to understand the meaning of 'in support of, or opposition to, any candidate' in the definition of '[p]olitical committee' . . . ."); cf. Carmouche, 449 F.3d at 663 (dismissing a vagueness and overbroad challenge to a Louisiana statute that defined "expenditure" as "a purchase . . . made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office" because a limiting construction was sufficient). In cases where statutes containing the phrase "support or oppose" were found to be vague or overbroad, the words "support" and "oppose" were not the offending terms. See Real Truth About Obama, 2008 U.S. Dist. LEXIS 73551, at *36–*38 (discussing cases).

WVFL's attempt to distinguish the instant action from McConnell is not persuasive. In McConnell, the Supreme Court held that the words "support" and "oppose" are not unconstitutionally vague in the campaign finance law context because they "clearly set forth the confines within which potential party speakers must act in order to avoid triggering the provision." McConnell, 540 U.S. at 170 n.64 (emphasis added). WVFL correctly points out that the statute at issue in this section of McConnell, 2 U.S.C. § 301(20)(A)(iii), applies to political parties involved in federal election campaigns. WVFL would have this Court limit the application of the McConnell Court's holding to statutes applying to sophisticated political parties, but not other individuals. This argument might be more convincing were it not for the remainder of the Supreme Court's discussion on the matter: "These words [support and oppose] 'provide explicit standards for those who apply them' and 'give the person of ordinary intelligence a reasonable opportunity to know what is prohibited.'" Id. (quoting Grayned v. City of Rockford, 408 U.S. 104, 108–09 (1972)) (emphasis added). Thus, it is evident that the McConnell Court's reasoning should not be limited to sophisticated political party members. The phrase "supporting or opposing" is not unconstitutionally vague. Furthermore, because it has been established that the phrase applies to groups organized for the only purpose of supporting or opposing a candidate for election, its sweep is not overbroad.

For the reasons stated above, the Court concludes that West Virginia's definitions of political committee, PAC, and unaffiliated PAC are not unconstitutionally vague or overbroad. The definitions are "'unambiguously related to the campaign of a particular . . . candidate.'" NCRL III, 525 F.3d at 287 (quoting Buckley, 424 U.S. at 80). Accordingly, the Court further **FINDS** that there is no likelihood that WVFL will succeed on the merits with its facial challenge to those definitions.

c. Political Action Committee Definition As-Applied

WVFL's as-applied challenge to the definitions has a similar fate. Defendants have not argued in their briefs that WVFL's only or primary purpose is to support or oppose a candidate for state election. Furthermore, Defendant Betty Ireland, West Virginia Secretary of State, conceded at the hearing on October 14, 2008, that WVFL's sole purpose is not supporting or opposing candidates. Because there appears to be no basis to find that WVFL's sole, or even major, purpose is supporting or opposing candidates, the likelihood of success of WVFL's as-applied challenge is easily ascertained. As WVFL will be not be deemed a PAC under the constitutionally valid definition in W. Va. Code § 3-8-1a, there is little likelihood that the challenged section will be impermissibly applied to WVFL. See Turchick v. United States, 561 F.2d 719, 721 n.3 (distinguishing overbreadth and as-applied challenges in First Amendment context). Accordingly, the Court **FINDS** that there is little likelihood that WVFL will succeed on the merits of its as-applied challenge to the organizational definitions in W. Va. Code § 3-8-1a.

(4) Electioneering Communication

Both CFIF and WVRTL challenge West Virginia's definition of "electioneering communication."[15] West Virginia's definition was amended in the June 28, 2008, second

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(12)(A) "Electioneering communication" means any paid communication made by broadcast, cable or satellite signal, mass mailing, telephone bank, billboard advertising, or published in any newspaper, magazine or other periodical that:

(i) Refers to a clearly identified candidate for Governor, Secretary of State, Attorney General, Treasurer, Auditor, Commissioner of Agriculture, Supreme Court of Appeals or the Legislature;

(ii) Is publicly disseminated within:

(continued...)

extraordinary session in response to Judge Faber's Order [Docket 38] granting a preliminary injunction on the motion of CFIF. In that order, Judge Faber held that West Virginia's definition of "electioneering communication" was vague and overbroad because, unlike its federal counterpart in BCRA,[16] West Virginia's definition included "mailings, faxes, emails, phone banks, leaflets,

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[15](...continued)

> (I) Thirty days before a primary election at which the nomination for office sought by the candidate is to be determined; or
>
> (II) Sixty days before a general or special election at which the office sought by the candidate is to be filled; and
>
> (iii) Is targeted to the relevant electorate: Provided, That for purposes of the general election of two thousand eight the amendments to this article shall be effective the first day of October, two thousand eight.

W. Va. Code § 3-8-1a(12)(A).

[16]

> (i) The term "electioneering communication" means any <u>broadcast, cable, or satellite communication</u> which-
>
> (I) refers to a clearly identified candidate for Federal office;
>
> (II) is made within–
>
> (aa) 60 days before a general, special, or runoff election for the office sought by the candidate; or
>
> (bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate; and
>
> (III) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

<u>Bipartisan Campaign Finance Reform Act of 2002</u>, Pub. L. No. 107-155, 2 U.S.C. § 434(f)(3)(A)(i) (emphasis added).

(continued...)

pamphlets, and other printed or published materials." (Docket 38 at 2.) Judge Faber concluded that the excessive portions of the definition of "electioneering communications" might not "further the compelling interests at which they are aimed" because there was no "empirical justification for regulating mailings, faxes, emails, phone banks, leaflets, pamphlets, and other printed or published materials." (Docket 37 at 11.)

In response, the West Virginia Legislature removed leaflets, pamphlets, flyers, and outdoor advertisements from the list of types of communications that are included in the definition of "electioneering communication," but added billboard advertisements. See W. Va. Code § 3-8-1a(12)(A). Thus, the current definition of "electioneering communication" in West Virginia differs from its federal counterpart by its inclusion of mass mailings, telephone banks, billboard advertisements, newpapers, magazines, and other periodicals as types of communications that will be defined as "electioneering communications."

Plaintiffs contend that West Virginia's inclusion of print media, in addition to broadcast media, chills the speech of organizations that wish to engage in these types of communications without adhering to burdensome reporting requirements. (Docket 110 at 43.) In particular, WVFL seeks to broadcast a radio advertisement,[17] send out a mass mailing, and circulate petitions.[18] Id. at

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[16](...continued)

[17] As discussed in Part III.A.(4).a, infra, the Supreme Court has already held that BCRA's definition of "electioneering communication" was constitutional on its face. This definition included broadcast media. Therefore, it is well established that the legislature may constitutionally regulate campaign communications that are broadcast over the radio.

[18] Secretary of State Betty Ireland represented for the record, both in her brief and at oral argument, that she does not believe that petitions, either hard copy or online, constitute "electioneering communications."

44. WVFL asserts that "[a]bsent a declaratory judgment and an injunction against the electioneering communication definition and the reporting requirements,[19] it will not do the Radio Ad or the Mass Mailing." Id.

a. Applicable Law

As previously discussed, BCRA requires stringent reporting requirements of broadcast communications that are included in the definition of "electioneering communications." See supra Part III.A.(2).a. In McConnell, the Supreme Court found BCRA's definition of "electioneering communication" was constitutional on its face. 540 U.S. at 194. Thus, the definition was narrowly tailored to achieve a compelling interest. To support its finding, the McConnell Court noted that "Congress found that corporations and unions used soft money to finance a virtual torrent of televised election-related ads during the periods immediately preceding federal elections, and that remedial legislation was needed to stanch that flow of money." Id. at 207.

b. Analysis

Defendants ask the Court to uphold West Virginia's definition of "electioneering communication" though it goes significantly beyond the types of communications regulated by BCRA. When Judge Faber entered the April 22, 2008 injunction, West Virginia's election laws did not contain legislative findings or a statement of purpose explaining the State's justification for including various forms of print media in its definition. (Docket 37 at 12 n. 4 (citations omitted.)) However, House Bill 402 included a statement of purpose, explaining that due to the small size of

[19] In its briefing, WVFL challenges the vagueness of the terms "supporting," "opposing," and "aiding" in W. Va. Code §§ 3-8-2(a) and 3-8-5(a). At oral argument counsel for WVFL suggested these challenges may be a typographical error, particularly with respect to § 3-8-2(a). In any event, reference is made to the cases cited in Part III.A.(3).b.ii, supra, which articulate that "supporting or opposing" a candidate is not vague or overbroad.

the state senate districts, print media is prevalent during elections. W. Va. Code § 3-8-1. Among other findings, the Legislature provided that the

> [d]isclosure provisions are appropriate legislative weapons against the reality or appearance of improper influence stemming from the dependence of candidates on large campaign contributions, and the ceilings imposed accordingly serve the basic governmental interest in safeguarding the integrity of the electoral process without directly impinging upon the rights of individual citizens and candidates to engage in political debate and discussion.

Id.

In addition, Defendant Ireland has provided the Court with declarations of several members of the legislature. Each of these West Virginia legislators assert that they participated in the drafting and/or discussions of H.B. 402 and its sister bill in the Senate, S.B. 4009. (Docket 107, Ex. 8 at 2.) They also suggest that these bills were "the subjects of significant discussion and debate in both the Senate and the House of Delegates." (Docket 107, Ex. 7 at 3.);(Docket 115 at 2.) Furthermore, they claim that, based upon their experience campaigning, "non-broadcast media such as phone banks, mass mailings, and billboards are extremely effective forms of political communication." Id. They aver that "transparency in political advertising is an important tool for voters to make informed decisions," and that "[o]ftentimes the identity of the messenger who is bankrolling the message is an important factor for the electorate to consider in weighing the credibility and/or bias of the message itself."[20] Id.

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[20] Delegate John Pino makes an assertion that does not support Plaintiffs' argument against regulating non-broadcast media. (Docket 116, Ex. 1 at 3.) Delegate Pino complains that damaging direct mail advertisements attacking him and his voting record were disseminated shortly before the 2008 primary election. Delegate Pino, among other things, complains that these mailings occurred so late that no response was possible. However, if no response was possible, it is difficult to understand what use disclosures may have been.

The Defendants clearly demonstrate that the Legislature has a compelling interest in safeguarding the integrity of the electoral process. The Supreme Court has long recognized "the governmental interest in preventing corruption and the appearance of corruption in election campaigns." WRTL, 125 S.Ct. at 2672 (citing Buckley, 424 U.S. at 45). In both WRTL and Buckley, the Court explained that this interest supports upholding contribution limits, and "[t]o the extent that large contributions are given to secure a political quid pro quo from current and potential office holders, the integrity of our system of representative democracy is undermined." Id. (citing Buckley, 424 U.S. at 26-27). Furthermore, the Court said that "this interest might also justify limits on electioneering expenditures because it may be that, in some circumstances, 'large independent expenditures pose the same dangers of actual or apparent quid pro quo arrangements as do large contributions.'" Id. (citing Buckley, 424 U.S. at 45).

However, in addition to showing a compelling interest, Defendants must show that the definition of "electioneering communication" is narrowly tailored to meet that interest. WRTL II, 127 S. Ct. at 2664. In determining whether Defendants have proven the definition to be narrowly tailored, the Court recognizes that Defendants have the great burden of justifying the restriction of free speech in print media. In McConnell, the Supreme Court reached the maximum extent of the curtailment of free speech for the laudable purpose of political integrity when it upheld BCRA. See WRTL II, 127 S.Ct. at 2686 (Scalia, J., concurring). Notably, in McConnell, the Court found the regulation of only broadcast media to be constitutional when it upheld BCRA. However, more recently the Court has tipped the scale back toward First Amendment rights in WRTL II by recognizing that "the First Amendment requires us to err on the side of protecting political speech rather than suppressing it." Id. at 2659.

Defendants have failed to show how West Virginia's definition of "electioneering communication" is narrowly tailored despite the fact it goes far beyond the definition in BCRA. Unlike Congress's proof that "remedial legislation was needed to stanch [the] flow of money" to broadcast media, Defendants have not sufficiently shown that large amounts of money are being spent for print electioneering communications. For example, when justifying the inclusion of broadcast media in the definition of "electioneering communication," Senator Feingold offered a study by the Brennan Center that found forty cents of every dollar is used to purchase broadcast ads in support of or opposition to candidates for federal office. 148 Cong. Rec. S1991-02 (daily ed. March 18, 2002). Also, the Brennan Center found that "the vast money spent by the parties on TV ads was 'soft money.'" Id. In addition, Senator Snow quoted from a 2001 Annenberg Public Policy Center study that found spending on sham issue advocacy advertisements was at $500 million in the year 2000 election. 147 Cong. Rec. S2433-02 (daily ed. March 19, 2001). It is clear that Senator Snow was referring primarily to television ads because at the same time, she cited statistics regarding television ads. Id.[21] Moreover, Senator Edwards said that, "in support of restricting broadcast media through BCRA, congress (sic) made several findings." 147 Cong.Rec. S3022-05 (daily ed. March 28, 2001).[22]

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[21] The study she cited regarding television ads was to justify the sixty-day period included in the definition of "electioneering communication." She stated that in 2000, "[n]inety-five percent of all television shots that aired 2 [sic] months before the election mentioned the candidates [sic] name."

[22] For example, he mentioned that Senator Wellstone pointed to a Brennan research group study that found that only two out of one hundred "issue" advertisements were true issue ads. Congress's failure to make legislative findings regarding print media is indicative of its lack of concern regarding non-broadcast media.

Conversely, Defendant Betty Ireland, West Virginia Secretary of State, has merely offered assertions that various members of the Legislature believe that campaign communications in print media are effective. She supports these assertions with an article, stating the general proposition that direct mailing can be effective on a national level. (Docket 121, Campaign Findings no. 11.) In addition, she filed an article that quotes Kathleen Sullivan, Dean and professor of constitutional law at Stanford Law School who states, "Mandatory disclosure of the amounts and sources of political contributions enables the voters themselves, aided by the press, to follow the money and hold their representatives accountable if they smell the foul aroma of undue influence." (Docket 121, Finding 13.) However, this article does not assert that the same type of influence backing broadcast media advertisements is used for print media advertisements. Id. Furthermore, Dean Sullivan also provides a statement in reference to limits on political contributions that should be applied to the restrictions on the speech in question: "They should be constitutionally permissible only if there is strong justifications for them—that is, if they will truly work to serve important or compelling government interests." Defendants have not shown that including print media in the definition of "electioneering communication" will "truly work to serve important or compelling government interests."

The Secretary of State has also filed a number of documents that do not support the assertion that print media is effective in West Virginia or that with it comes the risk of corruption or the risk of the appearance of corruption. She filed information about the general census; information regarding the democratic party; definitions provided by Wikipedia; a Gallup poll indicating that the public is dissatisfied with campaign finance laws; independent expenditure and electioneering communications reports; and other seemingly irrelevant information. (Docket 121.) Moreover, one

article filed by the Secretary of State undermines her argument that print media has the same kind of influence as broadcast media because, though the article shows that expenditures on print media are growing, its shows that direct mail is still a small fraction of overall spending. (Docket 121, Campaign Finding no. 9.) This article specifically states, "What's exploded is broadcast and cable advertising." Id. Another article filed by the Secretary of State follow suit by stating that "states have witnessed an escalating volley of televised attack and counter-attack ads." (Docket 121, Campaign Finding 12.)(emphasis added). That article did not mention print advertising.

It appears that Defendant Betty Ireland has certainly filed a sufficient amount of information for the inclusion of broadcast media in West Virginia's definition of "electioneering communication," which is clearly constitutional. However, much less has been offered in support the inclusion of print media. In general what was been offered is (1) conclusory, as in the case of the legislative findings, (2) anecdotal instead of empirical, such as the testimonials of several legislators, or (3) not specifically applicable to West Virginia.

In the absence of more concrete data supporting the inclusion of print media, the Court must "err on the side of protecting political speech," WRTL II, 127 S.Ct. at 2659, and find that Defendants have not met their burden of showing West Virginia's definition of "electioneering communication" is narrowly tailored. Further, in contrast to McConnell's limitation of electioneering communications to broadcast media, the parties have not offered a single case where a court has upheld an extension of electioneering communications to print media. This Court is unwilling to blaze that trail on this record. Accordingly, the Court **FINDS** it likely that Plaintiffs

will succeed on the merits of their facial challenge to the definition of "electioneering communication" as provided in W. Va. Code § 3-8-1a(12)(A).[23]

(5) Disclosure Requirements

CFIF brings an as-applied challenge to West Virginia's corporate speech ban, W. Va. Code § 3-8-8, and electioneering communication provision, id. § 3-8-1a(12). This challenge arises from an apparent ongoing dispute between CFIF and West Virginia Attorney General Darrell McGraw. Attorney General McGraw is presently a candidate for reelection and counsel to Defendant Ireland, but he is not a party to this action.

Following Judge Faber's April 22, 2008, preliminary injunction prohibiting the enforcement of several provisions of West Virginia's previous campaign finance law, CFIF launched an advertising campaign critical of Attorney General McGraw. As the parties acknowledge, "public criticism invites public reply." (Docket 90 at 5; Docket 109 at 4.) However, CFIF alleges that Attorney General McGraw's response "went far beyond vigorous public debate. He has used his official status and office to wage a campaign of threats and retaliation against CFIF." (Docket 90 at 5.) CFIF alleges numerous acts of official misconduct, which it summarizes as the following:

> • West Virginia media has reported that the Attorney General was planning to file complaints against CFIF with the Federal Communications Commission and the Internal Revenue Service. Chief Deputy Attorney General Fran Hughes has been quoted as saying, "We are going to pursue every legal remedy."

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[23] CFIF also challenges the terms "publicly disseminated" in W. Va. Code § 3-8-1a(12)(A)(ii), "substantially similar" in § 3-8-1a(17), and "targeted to the relevant electorate" in § 3-8-26 as being vague only as applied to print communications. (Docket 5.) Because the Court has found the inclusion of print media in § 3-8-1a(12)(A) likely to be unconstitutional, these challenges are moot. In addition, CFIF asserts that exceptions to the definition of "electioneering communication" are vague. Id. CFIF has cited no authority for this proposition and did not present this argument at the motion hearing. Therefore, the Court does not find a substantial likelihood of success on the merits on these issues.

> • Attorney General McGraw and Chief Deputy Hughes have also filed identical complaints against CFIF with the West Virginia Secretary of State. While Chief Deputy Hughes purports to be acting as "a resident of West Virginia and a registered voter," the Attorney General's complaint states that he is acting in "my individual capacity as the incumbent West Virginia Attorney-General running for reelection" (emphasis added).
>
> • Attorney General McGraw has sent letters to West Virginia television stations seeking to stop CFIF's ads. The copy CFIF obtained was written on the letterhead of the Attorney General's office.
>
> • Chief Deputy Hughes has appeared on the radio program "Talkline," hosted by Hoppy Kercheval, that is carried on various West Virginia radio stations. On the program, she stated that the Attorney General's office has "put the Center for Individual Freedom, and I say that term with some derision, on notice that we are going to pursue every legal remedy available to us to stop them from spreading out-and-out lies." Chief Deputy Hughes made clear that the attacks on CFIF are by the Attorney General's Office, and not just a campaign committee. Moreover, she emphasized that the reason for the attacks is the content of CFIF's ads.
>
> • The Attorney General ran a television ad broadcast in West Virginia in which CFIF is attacked directly. The ad calls CFIF a "new scam" and a "fake citizens group" and implies that it is one of the "lawbreakers" from which the Attorney General purports to have protected West Virginians. It portrays Mr. McGraw saying "I'm Attorney General Darrell McGraw" and says that it parallels prior "Citizen Alerts" by the Attorney General.

(Id. at 5–6 (footnote omitted).)[24]

CFIF claims that it cannot exercise its right to respond publicly to the allegedly unlawful actions of Attorney General McGraw for fear of further retribution. In light of this concern, CFIF contends that West Virginia's corporate speech ban and electioneering communications provision are unconstitutional as-applied to its planned speech in two respects.

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[24] The allegations are set forth in greater detail in the Second Declaration of Jeffrey Mazzella, attached as Exhibit 1 to CFIF's Response to Motion for Expedited Hearing [Docket 72] and the Third Declaration of Jeffrey Mazzella, attached as Exhibit 1 to CFIF's Emergency Motion for Preliminary Injunction [Docket 90].

First, CFIF argues that Attorney General McGraw "may well claim that the speech is banned under the broad alternative definition of express advocacy in § 3-8-1a(13)(B)." (Id. at 8.) CFIF characterizes its planned advertisements not as express advocacy opposing candidate McGraw, but as public statements exposing Attorney General McGraw's alleged corruption and defending itself from unfounded accusations and attacks. Attorney General McGraw may shield himself from the legitimate criticisms, alleges CFIF, by abusing his status as a candidate and his position as Attorney General to apply West Virginia's campaign finance laws to CFIF in an unconstitutional manner.

Second, CFIF avers it "cannot risk exposing its donors to retaliation" by complying with disclosure requirements that apply to organizations engaging in express advocacy. (Id. at 9.) CFIF alleges that Attorney General McGraw is actively seeking to discover the identities of CFIF's donors, who he may accuse of criminal activity in connection with their support of CFIF. Thus, the potential threat to CFIF's contributors causes it to refrain from publicly responding to Attorney General McGraw, thereby chilling its constitutionally protected right to speech.

Of the two arguments CFIF makes in support of its as-applied challenge, only the second will be addressed in detail. The first argument—that CFIF's speech may be deemed express advocacy under § 3-8-1a(13)(B)—has been rendered moot. For the reasons discussed in Part III.A.(2).b, this section is unconstitutionally vague and overbroad. It is, therefore, unenforceable against CFIF.

a. Applicable Law

CFIF cites an isolated discussion in Buckley as the only authority to support its contention that it should be exempted from disclosing its donors under relevant provisions of West Virginia's campaign laws. In this discussion, the Supreme Court considered the argument that minor political parties should be afforded a "blanket exemption" from disclosure requirements in campaign finance

laws. See Buckley, 424 U.S. at 72–74. The blanket exemption argument was rejected, but the door was opened for political organizations to bring as-applied challenges to disclosure requirements if the requisite burden was met. The burden was described thusly:

> The evidence offered need show only a reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harassment, or reprisals from either Government officials or private parties. The proof may include, for example, specific evidence of past or present harassment of members due to their associational ties, or of harassment directed against the organization itself. A pattern of threats or specific manifestations of public hostility may be sufficient.

Id. at 74. Instructive as it is, the section of Buckley relied on by CFIF cannot be applied to the present circumstances in a vacuum. As the Buckley Court notes, NAACP v. Alabama, 357 U.S. 449 (1958), provides the standard by which CFIF's allegations should be judged. Buckley, 424 U.S. at 74 ("Where [evidence of reprisals and threats] exists the type of chill and harassment identified in NAACP v. Alabama can be shown.").

In NAACP v. Alabama, 357 U.S. 449 (1958), the Supreme Court recognized that "[i]t is hardly a novel perception that compelled disclosure of affiliation with groups engaged in advocacy may constitute [an] effective . . . restraint" on the exercise of First Amendment rights. Id. at 462. This observation was made in the context of the NAACP's activities in Alabama in the early years of the civil rights movement—just four years after an NAACP attorney successfully argued Brown v. Bd. of Educ., 347 U.S. 483 (1954), and just two years after NAACP-member Rosa Parks prompted the Montgomery, Alabama bus boycott. The Court acknowledged that membership in unpopular organizations may entail significant risks for the individuals involved. This was particularly true in the case of NAACP, which had demonstrated that in past instances, "the revelation of the identity of its rank-and-file members has exposed these members to economic reprisal, loss of employment, threat of physical coercion, and other manifestations of public

hostility." Id. at 462. Accordingly, the Court held that Alabama's corporate disclosure law was unconstitutional as-applied to the NAACP because of the chilling effects disclosure would have on the First Amendment rights of the NAACP's members.

Brown v. Socialist Workers '74 Campaign Comm., 459 U.S. 87 (1982), a case decided shortly after Buckley, provides additional guidance as to how to apply Buckley's disclosure requirement exemption. In Brown, the Socialist Worker's Party (SWP) challenged a provision of Ohio's campaign finance laws that mandated the disclosure of the identity of all contributors and recipients of campaign funds. Id. at 88. The Supreme Court sustained the SWP's as-applied challenge to the disclosure requirements because the party had provided "substantial evidence" of public and private hostility," including: threatening phone calls and hate mail, burning of SWP literature, destruction of the party's property, harassment SWP's candidates by police officers, firing of shots at SWP's offices, surveillance and counterintelligence efforts by the FBI, disclosure of SWP members' criminal records to the press, and anonymous letters to family members and employers of SWP members. See id. 98–100. Based on these actions, the Supreme Court held that SWP had met its burden of demonstrating that disclosure of its members would subject those members to potential threats, harassment, and reprisals. SWP was therefore exempted from Ohio's disclosure requirements.

The party seeking an exemption from campaign disclosure requirements bears the burden of establishing that disclosure will impose a "substantial burden" on its First Amendment rights. Master Printers of Am. v. Donovan, 751 F.2d 700, 705 (4th Cir. 1984). A substantial burden can be demonstrated by evidence of threats, harassment, or reprisals roughly on par with NAACP and Brown. Where this burden has not been met, but where the party has alleged facts constituting a

"not entirely consequential" chill on its rights, the government must show that disclosure and reporting requirements are serve compelling government interests. See Master Printers, 751 F.2d at 705.

With the above-cited cases in mind, the Court turns to CFIF's allegations to determine whether there is a "probability that the compelled disclosure of a party's contributors' names will subject CFIF to threats, harassment, or reprisals from either Government officials or private parties." Buckley, 424 U.S. at 74. If CFIF cannot demonstrate a substantial burden its First Amendment rights, but nonetheless shows a not inconsequential burden, the Court must consider whether the government's interests justify the disclosure requirements.

b. Analysis

It must be noted that only "in peculiar circumstances" does the disclosure of a person's identity chill First Amendment rights to the extent that an as-applied challenge will be successful. McIntyre v. Ohio Elections Comm'n, 514 U.S. 334, 379 (1995) (Scalia, J., dissenting) (emphasis in original). The disclosure requirements exemption in Buckley is a rarely applied remedy[25] and requires a substantial showing that an organization's members may be subjected to threats, harassment, or reprisals if their identities are made public.

CFIF has not established that its speech will be substantially burdened by West Virginia's disclosure requirements. CFIF has not demonstrated that its members will be subject to threats, harassment, or reprisals even remotely approaching the severity of the situations in NAACP and Brown. CFIF alleges that Attorney General McGraw has instituted or threatened legal action against

[25] For other cases in which disclosure requirements were found to be unconstitutional, see, e.g., FEC. v. Hall-Tyner Election Campaign Comm., 678 F.2d 416 (2d Cir. 1982); Familias Unidas v. Briscoe, 619 F.2d 391 (5th Cir. 1980).

the organization by filing complaints with the West Virginia Secretary of State, Federal Communications Commission, and the Internal Revenue Service. These actual or threatened legal actions each require the participation of independent government agencies to bring CFIF's feared harm to fruition. The Court cannot presume that these agencies will be complicit in maintaining unlawful legal action against CFIF for the purpose of chilling its speech. CFIF also alleges that Attorney General McGraw has sent letters to West Virginia television stations with the intent to persuade those stations to refrain from carrying CFIF's ads. These allegations, if true, may raise other issues. They do not, however, represent dangers to CFIF's members on par with those in NAACP and Brown. Additionally, CFIF represents that Attorney General McGraw or his representatives have been attacking it in the public forum through radio and television broadcasts. These allegations concern mere speech which does not raise any concerns of incitement against, or physical threats of harm to, CFIF or its members. CFIF does not allege that any of its members have been subjected to acts or threats of physical harm, endangerment to their employment, or demonstrable fear of unlawful reprisals. Thus, CFIF has not met its burden of showing that disclosure would substantially chill its speech.

CFIF has potentially demonstrated a "not inconsequential" burden on its speech by the disclosure requirements. However, West Virginia's disclosure requirements are narrowly tailored to advance the compelling governmental interest of eliminating corruption and the appearance of corruption from statewide elections. See Buckley, 424 U.S. at 26. The disclosure requirements are triggered when an organization is a political committee, or engages in express advocacy or electioneering communications. The reach of the terms express advocacy and electioneering communication, when limited to its proper constitutional scope, ensnare only communications that

are "unambiguously related to the campaign of a particular . . . candidate." Id. at 80. These terms, as construed and limited by this opinion, have been found to be constitutionally permissible. Thus, the government defendants have met their burden. See Master Printers, 751 F.2d at 705. Accordingly, the Court **FINDS** that CFIF's as-applied challenge to West Virginia's corporate speech ban, W. Va. Code § 3-8-8, and electioneering communication provision,§ 3-8-1a(12), have an insufficient likelihood of success to justify a preliminary injunction.

B. Balancing of the Harms

WVFL alleges that it is "chilled from proceeding with [its] communications[] because it reasonably believes it will be subject to an investigation and an enforcement action . . . and possible prosecution."[26] (Docket 2 ¶ 44 in Case No. 1:08-cv-01133.) "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." Elrod v. Burns, 427 U.S. 347, 373 (1976). Indeed, the Supreme Court has recognized the "significant encroachments on First Amendment rights" imposed by compelled disclosure. See Buckley, 424

[26] In their Response [Docket 102 at 3 n.1], the Labor Intervenors assert that WVFL's statements that "[a]bsent the relief it seeks, WVFL will not do the[] communications," (see, e.g., Docket 2 ¶ 93 in Case No. 1:08-cv-01133), effectively deprive WVFL of standing. In support of that assertion, Intervenors cite to Minn. Citizens Concerned for Life, Inc. v. Kelley (MCCL), 291 F. Supp. 2d 1052, 1070 (D. Minn. 2003); rev'd and remanded on other grounds, 427 F.3d 1106 (8th Cir. 2005), for the proposition that a party may negate its own standing by placing itself "outside the ambit" of the statutory provisions it challenges. In MCCL, however, the Minnesota Supreme Court answered a certified question regarding Minnesota's statutory definition of express advocacy. Here, the Court has been afforded no such guidance by the Supreme Court of Appeals of West Virginia. Accordingly, WVFL has a reasonable fear that its activities will place it within the ambit of the challenged statutes and thus has standing to challenge those provisions. Defendant Ireland also raised the issue of standing in her Response [Docket 107], stating that WVFL's disqualification from fundraising in West Virginia deprive it of standing to pursue its challenges. At the preliminary injunction hearing, however, counsel for Ireland conceded that to the extent WVFL has funds on hand and does not need to engage in further fundraising, its challenges are valid.

U.S. at 64. Defendants[27] and Intervenors, however, argue that WVFL's delay in filing this lawsuit evinces a lack of irreparable injury[28] and is "nothing more than an attempt at gaining a strategic advantage." (Docket 108 at 4.) In support of this argument, Defendant Ireland cites to a case from this District recognizing that "[l]aches can, in some circumstances, serve as a defense to First Amendment claims." Nader 2000 Primary Comm., Inc. v. Hechler, 112 F. Supp. 2d 575, 579 n.2 (S.D. W. Va. 2000) (Haden, C.J.) (citing Gay Men's Health Crisis v. Sullivan, 733 F. Supp. 619, 631 (S.D.N.Y. 1989)). In Hechler, however, Chief Judge Haden held that "in light of the types of harm at issue, i.e. First Amendment violations versus increased monetary expenditures, the balance tips decidedly in favor of the Plaintiffs." 112 F. Supp. 2d at 579. In this case, the balance tips even farther in Plaintiffs' favor because Defendants will not be required to increase monetary expenditures.

Although there may be some attendant strategic advantages, a two to three month delay—from the passage of the amendments until the suit was filed—is slight given the ample

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[27] Defendant Ireland contends that the instant case should be barred based on the doctrine of "estoppel by acquiescence" because Plaintiffs were aware of, and lobbied for, the recent amendments. Ireland cites one case in support of this theory, Dolby v. Robertson, 654 F. Supp. 815 (N.D. Cal. 1986), which declined to apply the doctrine of laches to bar a case for trademark infringement against a defendant who had received a letter from the plaintiffs threatening court action nearly five years before suit was filed. The Court is unaware of the application of this doctrine to any case involving the legislative process, and will accordingly decline to apply it here.

[28] In light of the Supreme Court's holding in Elrod, 427 U.S. at 373, that a burden on First Amendment rights "unquestionably" is an irreparable injury, the Court will give this argument due weight in balancing the harms. Intervenor Margaret Workman also filed a Motion to Dismiss [Docket 99] for failure to state a claim based on the equitable doctrine of laches and referencing many of the same arguments she addressed in her Response [Docket 108]. The Court will address the motion to dismiss in further detail in Part IV.C., infra.

potential justifications for WVFL's delay.[29] For example, as Judge Faber correctly noted when he granted CFIF's motion for an injunction, filing suit too far in advance of the election or before the effective date of the amendments may have raised standing and ripeness concerns. (Docket 37 at 13 n.5.)

WVFL could have been monitoring CFIF's litigation to determine the legal result therein. WVFL could also have delayed because it did not arrive at a plan to exercise its rights to speak until relatively recently. Although filing sooner may have been more beneficial overall, finding these laws unconstitutional will not likely result in the type of chaotic "wild west" scenario Defendants and Intervenors foretell. Rather, it will simply result in the dissemination of more information of precisely the kind the First Amendment was designed to protect. Given the Court's finding that Plaintiffs are likely to prevail on the merits of their claim, the resulting chill on speech—especially leading up to an election—overrides any concern about delay.

It is difficult to fathom any harm to Defendants Ireland and Boggess as it is simply their responsibility to enforce the law, whatever it says. Moreover, as entities to which the laws in question could apply, the Court's ruling is not only not harmful but potentially favorable to the Intervenors. As to the candidate Defendants, this decision could affect their campaigns, but that is a political, and not a legal, consequence. Any "October surprises" sprung upon candidates for office may be managed like the countless other surprises and challenges routinely encountered by political campaigns. Moreover, even if the candidate Defendants do suffer some legally cognizable harm,

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[29] This argument does not implicate CFIF because Judge Faber's previous injunction was not dissolved until September 29, 2008. CFIF filed its second motion for a preliminary injunction one week later, on October 6, 2008.

it pales in comparison to violating the First Amendment rights of other citizens. Accordingly, the Court **FINDS** that the balance of the harms tips decidedly in favor of Plaintiffs.

C. Public Interest

In this opinion, the Court has discussed at length the importance of the First Amendment freedom of speech. This freedom is of paramount importance to a republic like the United States that depends on open and robust political discussion to ensure a meaningful democratic process, especially at election times. Obviously, the protection of First Amendment rights is very much in the public's interest, as it is their right, but it also cuts in favor of the Plaintiffs. On the other hand, as has been noted herein, the state has a legitimate interest in appropriately regulating elections. This interest and the First Amendment are necessarily in conflict in these cases. However, "[w]here the First Amendment is implicated, the tie goes to the speaker, not the censor." WRTL II, 127 S. Ct. at 2669.

The Court is also mindful that the 2008 general election is now less than three weeks away, and is somewhat concerned that changing the rules this late in the game could cause disruption. The media has reported just this week that virtually no independent expenditures have been made this fall in West Virginia's Supreme Court race, contrasted with nearly $800,000 in the 2008 primary. Third Parties Silent in Supreme Court Race, Charleston Gazzette, Oct. 12, 2008.

Could this be the autumn chill of unconstitutional laws? Or could it be that this year in West Virginia there is just less interest in our political discourse? The Court has little from which to draw answers to these questions, other than to note that no one has produced any evidence from which one could expect a substantial disruption on account of this Court's ruling. Accordingly, although disruption is a concern, it is overshadowed by the necessary vindication of First Amendment rights.

D. Summary

For the reasons stated above, Plaintiffs are likely to succeed on the merits of their challnges to W. Va. Code §§ 3-8-1a(12)(A) and (13)(B). Further, the balance of the harms tips decidedly in favor of Plaintiffs as to these statutes and according them relief would, on balance, serve the public interest. Accordingly, they are entitled to a preliminary injunction.

IV. OTHER MOTIONS

A. WVFL's Motion for Reconsideration

WVFL asks the Court to reconsider its previous Orders [Docket 97 and 98] denying as moot Margaret Workman's motion to intervene in Case No. 1:08-cv-01133, permitting her to continue in her capacity as intervenor in this consolidated case, and deeming filed her motion to dismiss. In support of its motion, WVFL states that Workman failed to follow the proper procedure for intervention under Fed. R. Civ. P. 24(c) because she did not file a pleading to accompany her motion to dismiss. WVFL further states that Workman's intervention in the lead case "does not automatically grant her the right to intervene" in the CFIF case. (Docket 106 at 4.) In support of that contention, WVFL cites to Schneider v. United States, 197 F.R.D. 397, 402-03 (D. Neb. 2000) for the proposition that "'[c]ommon questions of law and fact' between the two cases, standing alone, 'do not require intervention.'"

The Court first notes that its denial of Workman's motion to intervene as moot negates any concern over any alleged Rule 24(c) deficiencies in her filing. To the extent that WVFL contends that consolidation does not require intervention, its citation to Schneider misapprehends the issue. In Schneider, a magistrate judge recommended that the presiding district judge deny class certification and instead consolidate four cases with nearly identical facts. 197 F.R.D. at 402.

Schneider, a plaintiff in one of the cases recommended for consolidation, had previously sought to intervene in two of the other cases. Id. The district court, however, denied Schneider's motion to intervene because his case had been consolidated with those cases in which he sought intervention. Id. at 403. Thus, his interests were adequately protected, rendering him unable to satisfy the requirements of Rule 24. Id.

Contrary to WVFL's assertion, Schneider actually supports the Court's decision on this issue. Because she had already intervened in Case No. 1:08-cv-00190, her interests were adequately protected in Case No. 1:08-cv-01133 when the cases were consolidated. Much like Schneider, then, Workman was properly permitted to carry on in her same capacity when the cases were consolidated. Accordingly, WVFL's Motion for Reconsideration [Docket 106] is **DENIED**.

B. Ireland's Motion to Strike

Defendant Ireland asks the Court to strike, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, any and all references to West Virginia Attorney General Darrell V. McGraw from CFIF's Emergency Motion for Preliminary Injunction [Docket 90]. Specifically, Ireland contends that CFIF's allegations regarding McGraw are "scandalous" and should be stricken as such because they have "been confined to a partisan electioneering attack" on McGraw, who has "done nothing more than seek redress by legal means." (Docket 105 at 5.) Despite these assertions, Ireland fails to cite to any specific portion of CFIF's brief that is particularly "scandalous."

Motions under Rule 12(f) are disfavored. See Pigford v. Veneman, 215 F.R.D. 2, 4 (D.D.C. 2003). Upon review of CFIF's brief, the Court is unable to ascertain any portion that rises to such a level as would merit granting Ireland's motion. Generally, CFIF's brief describes the actions taken by McGraw in response to earlier ads by CFIF and alleges that those actions are harassing and

threatening. (See Docket 90 pp. 5, 10.) CFIF then uses those allegations to support an as-applied challenge to the reporting and disclose requirements based on Buckley's exemption reserved for small parties that may face "threats, harassment, or reprisals" upon disclosure of contributors' names. 424 U.S. at 74. Accordingly, to the extent that CFIF's allegations may be deemed "scandalous," they are made in good faith in support of a colorable First Amendment claim. For these reasons, Ireland's Motion to Strike [Docket 105] is **DENIED**.

C. Ireland's Motion to Dismiss

Ireland seeks dismissal of the instant matter pursuant to Fed. R. Civ. P. 12(b)(7) and 19 based on Plaintiffs' failure to name the State Election Commission (SEC) as a party. In his Memorandum Opinion [Docket 37] granting CFIF's original motion for preliminary injunction, Judge Faber denied Ireland's motion to dismiss that case for failure to name an indispensable party because Ireland, who as Secretary of State is a statutorily mandated member of the SEC, could adequately represent the SEC's interests in the proceeding. (Docket 37 at 2 n.1.) Ireland, however, contends that the analysis should change in light of a recent development whereby Ireland recused herself from consideration of a complaint filed with her against CFIF and subsequent referral of that complaint to the SEC. Further, she contends that WVFL's reference to SEC jurisdiction in its complaint "constitutes an acknowledgment that the [SEC] is an indispensable party." (Docket 103 at 3.)

Rule 12(b)(7) permits a defendant to move for dismissal for "failure to join a party under Rule 19." Rule 19 states that a person must be joined as a party if "the court cannot accord complete relief" without the person or the person claims an interest such that proceeding may "impair or impede the person's ability to protect the interest" or subject an existing party to multiple or inconsistent obligations. Fed. R. Civ. P. 19(a)(1). Judge Faber recognized that Ireland could

adequately represent the SEC's interests and that complete relief could be accorded when he issued the previous injunction, and the complaint against CFIF before the SEC does nothing to change that analysis. Any new complaint against WVFL or CFIF that is filed with Ireland will no longer be subject to such recusal; if she receives a complaint based on any provision of the statute that the Court holds unconstitutional, she will be bound not to enforce it. Thus, complete relief can be accorded in this case. Moreover, Ireland is part of the SEC by statute; she can adequately represent the interests of that entity regardless of whether she recuses herself on one particular complaint. Accordingly, Ireland's Motion to Dismiss [Docket 103] is **DENIED**.

D. Workman's Motion to Dismiss

In her Motion to Dismiss [Docket 100], Workman asserts that WVFL's late filing of this case gives rise to the affirmative defense of laches. Accordingly, Workman contends that WVFL fails to state a claim upon which relief can be granted and that the case should be dismissed pursuant to Rule 12(b)(6). WVFL, in responding to the motion, notes that Workman's motion depends on facts that have neither been pled nor introduced into the record. (Docket 106 at 5.) Moreover, WVFL correctly points out that laches, as an affirmative defense, must be stated in response to a pleading pursuant to Rule 8(c). Fed. Express Corp. v. U.S. Postal Serv., 75 F. Supp. 2d 807, 814 (W.D. Tenn. 1999) ("As evaluation of a claim of laches is dependant upon the submission of evidence, Fed. R. Civ. P. 12(b)(6) is not the proper vehicle for bringing such a request.") Accordingly, because laches is not a proper basis for a motion to dismiss because it relies on facts outside the pleadings, Workman's Motion to Dismiss [Docket 99] is **DENIED**.

V. CONCLUSION

For the reasons stated above, WVFL's Motion for Leave to File a Verified Complaint [Docket 110] and Motion to Exceed Page Limit for Preliminary Injunction Brief [Docket 111] are **GRANTED**. Likewise, Defendant Timothy D. Boggess' Motion to Adopt Defendant Betty Ireland's Response [Docket 104] is **GRANTED**. WVFL's Motion for Preliminary Injunction [Docket 112] is **GRANTED IN PART** as to West Virginia's definition of "expressly advocating," W. Va. Code § 3-8-1a(13), and "electioneering communication," § 3-8-1a(12) and **DENIED IN PART** as to West Virginia's definition of a political committee, § 3-8-1a(21). Similarly, CFIF's Emergency Motion for Preliminary Injunction [Docket 90] is **GRANTED**. Intervenor Defendant Margaret L. Workman's Motion to Dismiss [Docket 99], Defendant Betty Ireland's Motion to Dismiss [Docket 103] and Motion to Strike [Docket 105], and WVFL's Motion for Reconsideration [Docket 106] are hereby **DENIED**. A separate Preliminary Injunction Order will enter this day implementing the rulings contained within.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 17, 2008

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE

Exhibit 17

Exhibit 14

BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, Indiana 47807-3510
(812) 232-2434

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

THE BROWARD COALITION OF CONDOMINIUMS, HOMEOWNERS ASSOCIATIONS AND COMMUNITY ORGANIZATIONS INC., CHARLOTTE GREENBARG, UNIVERSITY OF FLORIDA COLLEGE LIBERTARIANS, NEAL CONNER, NATIONAL TAXPAYERS UNION, NATIONAL TAXPAYERS UNION FOUNDATION, and DUANE PARDE,

Plaintiffs,

v. CASE NO.: 4:08cv445-SPM/WCS

KURT S. BROWNING, in his official capacity as Florida Secretary of State, JORGE L. CRUZ-BUSTILLO, in his official capacity as Chair of the Florida Elections Commission; and DONALD W. RHODES, KAREN H. UNGER, JOSE LUIS RODRIGUEZ, THOMAS E. ROSSIN, GREGORY KING, JULIE B. KANE, BELERIA F. FLOYD, and WILLIAM H. HOLLIMON, in his official capacities as members of the Florida Elections Commission,

Defendants.
_____/

ORDER GRANTING MOTION FOR PRELIMINARY INJUNCTION

This cause comes before the Court on Plaintiffs' Motion for Preliminary Injunction (doc. 10) and Memorandum of Law in support thereof (doc. 10-2).

Defendants have filed a response in opposition (doc. 27). For the reasons set forth below, Plaintiffs' request for a preliminary injunction will be granted.

Plaintiffs have asked this Court to enjoin enforcement of Florida's electioneering communications laws—both as applied to Plaintiffs and on their face—before October 30, but sooner, if possible. Because no court has ever upheld such a sweeping regulation of political speech and for the other reasons discussed below, Plaintiffs' motion is granted, and the electioneering communications provisions within Chapter 106 of the Florida Statutes are enjoined both on their face and as applied to Plaintiffs.

I. PLAINTIFFS AND THEIR SPEECH ACTIVITIES.

Plaintiffs are four groups and their respective leaders. The Broward Coalition is an all-volunteer, not-for-profit 501(c)(4) corporation that has been serving the Broward County, Florida, community for over 25 years. Decl. of Charlotte Greenbarg in Supp. of Pls.' Mot. for Prelim. Inj. ¶ 3. A coalition of condominium associations, homeowners associations, and community organizations, the Coalition is dedicated to helping its members as well as the larger community make decisions about issues that affect them—locally, statewide, and nationally. *Id.* at ¶ 3. Charlotte Greenbarg serves as the group's president. *Id.* The University of Florida College Libertarians is a student-run campus club that seeks to spread the ideals of liberty and self-ownership. Decl. of Neal Conner in Supp. of Pls.' Mot. for Prelim. Inj. ¶ 3. Neal Conner serves as the club's president. *Id.* at ¶ 2. The National Taxpayers Union (NTU) is a 501(c)(4) nonprofit, nonpartisan organization founded almost 40 years ago to promote lower taxes and smaller government at all political levels. Decl. of Duane Parde in Supp. of Pls.' Mot. for Prelim.

Inj. ¶ 2. The National Taxpayers Union Foundation (NTUF) is NTU's 501(c)(3) affiliate. *Id.* at ¶ 3. Duane Parde is the president of both NTU and NTUF.

Before the election on November 4, Plaintiffs wish to publish communications that (as the parties agree) would require them to be regulated pursuant to Florida's electioneering communications laws. For example, the Broward Coalition wishes to publish a page in its forthcoming newsletter about pending statewide ballot issues. Greenbarg Decl. at ¶¶ 4, 5. The newsletter is distributed to members and non-members and posted on the Internet. *Id.* at ¶ 3. The Coalition has refrained from putting the page in its upcoming newsletter—which is due to be published and distributed at the end of this week—because doing so will cause it to become regulated under the electioneering communications laws.[1] *Id.* at ¶ 6. The Coalition has also removed from its website references that mention candidates for fear that failing to do so would subject them to regulation. *Id.* at ¶ 13. For the same reason, the University of Florida College Libertarians has refrained from putting out fliers on campus advertising events at which they want to host candidates; and it is holding off (pending a ruling on this motion) from publishing a flier in which the club expresses its opinion about current ballot issues. Conner Decl. at ¶¶ 11, 13. NTU collected and drafted information regarding several of Florida's ballot issues. However, it did not include that information in this year's ballot guide, and NTUF will not be able to use it in any of its publications. Decl. of Kristina Rasmussen in Supp. of Pls.' Mot. for Prelim. Inj. ¶ 8. Like the other Plaintiffs, NTU and NTUF have refrained from speaking because of concerns that the State's electioneering

[1] A copy of the proposed communications for each Plaintiff is attached as an appendix to this order.

communications laws will be applied to its speech and force it to submit to burdensome registration, reporting, and disclosure requirements for electioneering communications organizations. Parde Decl. at ¶ 5; Rasmussen Decl. at ¶¶ 7-8.

Plaintiffs state that complying with these requirements would consume a considerable amount of their time and resources and would hinder their groups' ability to pursue their respective missions. Greenbarg Decl. at ¶¶ 11, 13; Conner Decl. at ¶¶ 16, 17; Rasmussen Decl. at ¶¶ 10-11; Parde Decl. at ¶ 6. NTU is particularly concerned about being compelled to reveal the identity of its donors, some who prefer to remain anonymous because they are concerned about retaliation from the government should their identities become known. Parde Decl. at ¶¶ 7-9.

None of the above-mentioned publications contain express advocacy (that is, phrases such as "vote for" or "vote against"), which is regulated by Florida's laws concerning political committees. But because the publications are "electioneering communications," Plaintiff must first register with the state and comply with rules that are nearly identical to those that political committees must follow; failing to do so will subject them to fines and even criminal prosecution. They seek an injunction so that they may issue their publications (or, in the case of NTU, update its previously issued ballot guide on its website by adding a Florida section) in which a candidate or ballot issue is mentioned before the November 4 election without being subject to the "electioneering communication" laws. Those laws are described below.

II. FLORIDA'S ELECTIONEERING COMMUNICATIONS LAWS.

Under Florida law, an "electioneering communication" includes "a paid expression in any communications media" other than the spoken word in direct conversation that "[r]efers to or depicts a clearly identified candidate for office or contains a clear reference indicating that an issue is to be voted on at an election, without expressly advocating the election or defeat of a candidate or the passage or defeat of an issue." Fla. Stat. § 106.011(18)(a). Certain narrow exceptions apply; excluded from the definition are statements or depictions in a pre-existing organization's newsletter that is distributed *only* to members of that organization; statements in various news media; and communications that constitute a public debate or forum that include at least two opposing candidates or one advocate and one opponent of an issue. Fla. Stat. § 106.011(18)(b). Moreover, for speech about candidates, the communication must be targeted to reach the relevant electorate—that is, to reach 1,000 or more people in the geographic area the candidate would represent if elected—to be captured by the law. Fla. Stat. § 106.011(18)(a)2. "Communications media" means "broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail, advertising agencies, the Internet, and telephone companies." § 106.011(13).

A. Regulation of Groups and Individuals Who Make "Electioneering Communications."

Under the statutory scheme, all "electioneering communications" in Florida, by both groups and individuals (except those for which an individual spends less than $100), are regulated. *See* Fla. Stat. §§ 106.011(1)(b)3 & 106.071.

1. Groups: "Electioneering Communications Organizations."

A group that makes an electioneering communication must register as an "electioneering communications organization" ("ECO"). An ECO is any group not otherwise registered under Florida's campaign financing law "whose activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications." § 106.011(19). The Secretary of State—through the Division of Elections—interprets this provision to include any group whose *election-related* activities are limited to electioneering communications. *See* Exhibit B attached to Declaration of Robert W. Gall, *Electioneering Communications Organizations; Political Committees*, DE 08-08, Op. Dept. of State, Div. of Elections (June 18, 2008). This reading makes sense, given that the definition is found within Chapter 106, which regulates only election-related activities.[2]

2. Specific Requirements for "Electioneering Communications Organizations."

Electioneering communications organizations are "required to register with and report expenditures and contributions . . . to the Division of Elections in the same manner, at the same time, and subject to the same penalties as a political committee

[2] Defendants agree with this reading of the statute. Any other reading of the statute would allow all groups to avoid registration as an ECO by engaging in *de minimis* additional activity, such as hosting an annual bake-sale for charity or distributing one annual newsletter containing no regulated speech. It would also create the absurd situation in which an individual must register her electioneering communications no matter what her other "activities" are—and all individuals, by definition, have other activities such as eating, breathing, and sleeping—but could escape registration if she creates or belong to a group that, like virtually every group, can truthfully state that it has more than just one activity.

supporting or opposing an issue or a legislative candidate, except as otherwise specifically provided in [Chapter 106]." § 106.011(1)(b)3. Thus, any group that is an electioneering communications organization is subject to a wide array of requirements, including:

- Registering with the government within 24 hours of its organization or receiving information that causes it to anticipate receiving or expending funds for an electioneering communication, Fla. Stat. § 106.03(1)(b)
- Appointing a campaign treasurer (or custodian of the books), § 106.03(2)(d)
- Designating a depository, § 106.03(2)(k)
- Making regular reports, § 106.07(1)
- Recording expenditures, § 106.07(4)(a)
- Disclosing *all* donors—even those who never intended their gift to go towards political speech, § 106.07(4)(a)1 and Gall Decl., Ex. A at 3
- Restricting expenditures and contributions, including not spending money raised in the five days before the election, refusing contributions by 527s or 501(c)(4)s that are not—themselves—registered, and refusing all cash contributions over $50, § 106.08(4)(b), § 106.08(5)(d), & § 106.09
- Including a prominent "disclaimer" on each communication that reads "Paid electioneering communication paid for by (Name and address of person paying for communication)." § 106.1439
- Allowing random audits by the government, § 106.22(10).

According to the Commission, there are almost 100 separate violations possible under the campaign finance code. *See* Florida Elections Commission, Jurisdiction, http://www.fec.state.fl.us/juris/index.html. The Secretary of State and "any person" may file a sworn complaint with the Florida Elections Commission. Fla. Stat. § 106.26(1). All violations are subject to civil penalties, Fla. Stat. §§ 106.265(1) & 106.07(8), and many are subject to additional criminal penalties and jail time. *See, e.g.*, §§ 106.08(7), 106.09(2), 106.19,

& 106.1439(2). Information from reports filed with the Secretary is made available on the Secretary's website. *See* Fla. Stat. § 106.0706.

3. Individuals and Requirements That Apply to Them.

Under § 106.071, "each individual who makes an expenditure for an electioneering communication which is not otherwise reported pursuant to [Chapter 106]"—i.e., is not reported by a group that is an ECO, a political committee, or a committee of continuous existence—and spends $100 or more to do so has to "file periodic reports of such expenditures in the same manner, at the same time, subject to the same penalties, and with the same officer as a political committee supporting or opposing such candidate or issue." Thus, the only way that an electioneering communication does not have to be regulated is (1) if it is made by an individual and (2) the individual spends less than $100 on the communication.

III. LEGAL ANALYSIS.

As noted above, it is not disputed that the speech in which Plaintiffs wish to engage is regulated by the electioneering communications laws and does not fall within any of its exceptions.[3] Thus, the only issue for this Court to decide is whether Defendants can constitutionally regulate those communications.

Plaintiffs are entitled to injunctive relief if they can demonstrate (1) a substantial likelihood of success on the merits; (2) irreparable injury; (3) that their injury outweighs the harm to the State; and (4) that granting an injunction will not adversely impact the

[3] The Broward Coalition's newsletter is distributed to non-members and placed on the Internet. Thus, it does fit into the newsletter exception discussed above.

public interest. *Statewide Detective Agency v. Miller*, 115 F.3d 904, 905 (11th Cir. 1997). As demonstrated below, each of these factors weighs in favor of the Plaintiffs.

A. Plaintiffs Are Substantially Likely to Succeed On the Merits.

The First Amendment protects the right to free speech on political matters, including candidates and ballot issues; it also protects the right of citizens to associate with one another as part of political discourse. When government infringes upon these rights, it must demonstrate a compelling interest and then narrowly tailor the restrictions that purportedly serve that interest. Florida's electioneering communications laws regulate virtually *all* political speech about ballot issues and candidates; the Supreme Court has never recognized a compelling interest that allows such a wide-open regulation. Thus, Plaintiffs are substantially likely to succeed on their claims that Florida's electioneering communications laws are unconstitutional, both as applied to them and on their face.

1. Restrictions On the Plaintiffs' First Amendment Rights Are Subject to Strict Scrutiny.

Political speech is at the core of the First Amendment. As the Supreme Court has noted, the First Amendment "was fashioned to assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people," *Roth v. United States*, 354 U.S. 476, 484 (1957), and expresses "a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open." *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964). These principles "extend equally to issue-based elections . . . ." *McIntyre v. Ohio Elections Comm'n*, 514

U.S. 334, 347 (1995). The First Amendment also protects political association. As the Supreme Court noted in *NAACP v. Alabama*, "[E]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association." 357 U.S. 449, 460 (1958); *see also Buckley v. Valeo*, 424 U.S. 1, 15 (1976) ("The First Amendment protects political association as well as political expression.").

Groups swept up by Florida's electioneering communications laws, however, are subject to numerous regulatory requirements. ECOs must register with the state before they may legally mention the name of a candidate or ballot measure in their public communications. This registration requirement constitutes a content-based prior restraint. *See Burk v. Augusta-Richmond County*, 365 F.3d 1247, 1251 (11th Cir. 2004) (content-based prior restraints "are presumptively unconstitutional and face strict scrutiny"). ECOs are subject to reporting and disclosure requirements that "impose well-documented and onerous burdens, particularly on small nonprofits." *Fed. Election Comm'n v. Wisc. Right to Life* (*WRTL II*), 127 S. Ct. 2657, 2671 n.9 (2007); *see also NAACP*, 357 U.S. at 463 (noting the "deterrent effect which [compelled] disclosures may well have on the free exercise [of the] constitutionally protected right of association"). ECOs are required to include disclaimers in their communications that read "Paid electioneering communication paid for by (name and address of person paying for communication)." This disclaimer is a form of compelled speech that the Supreme Court has recognized violates the right to anonymous speech. *McIntyre*, 514 U.S. 334, 355 (1995) (law requiring "compelled self-identification on all election-related writings" was "particularly intrusive"). Finally, ECOs are prohibited from spending on their

communications any money raised in the last five days before an election, a limit on expenditures that "heavily burdens core First Amendment expression." *Buckley*, 424 U.S. at 48.

Because the Florida statute "burdens political speech, it is subject to strict scrutiny." *WRTL II*, 127 S. Ct. at 2664. Moreover, it is the State that must demonstrate that the law will likely be upheld because the burden of proof at the preliminary injunction stage tracks the burden of proof at trial. *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 429 (2006). To prevail in this case, then, Defendants must demonstrate a compelling state interest for each of the challenged laws, and they must show that the laws are narrowly tailored to achieve that interest. *See id.* at 429; *Ashcroft v. ACLU*, 542 U.S. 656, 666 (2004). Defendants must also demonstrate that the application of the laws to the Plaintiffs satisfies strict scrutiny as well. *See WRTL II*, 127 S. Ct. at 2671.

At oral argument, Defendants argued that this Court should instead apply a heightened form of intermediate scrutiny that the Supreme Court has applied to "organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate." *See, e.g., Buckley v. Valeo*, 424 U.S. 1, 79 (1976). The Supreme Court, however, has never applied this lesser standard to such a broad regulation of core political speech by grassroots groups like Plaintiffs. First, in regard to ballot-issue speech, in every case the Supreme Court has dealt with a law that

burdened speech in that context, it has applied strict scrutiny and struck down the law.[4] *See Buckley v. Am. Const. Law Found.*, 525 U.S. 182, 204 (1999); *Meyer v. Grant*, 486 U.S. 414, 420, 428 (1988); *McIntyre*, 514 U.S. at 345-47; *Citizens Against Rent Control*, 454 U.S. at 294, 300; *Bellotti*, 435 U.S. at 786, 795. Second, in regard to speech about candidates, the Court has always applied strict scrutiny where the speech at issue was by groups that did not have the major purpose of influencing elections, *see Fed. Election Comm'n v. Massachusetts Citizens for Life, Inc.* (*MCFL*), 479 U.S. 238, 256, 263, or where the speech at issue was not the functional equivalent of express advocacy. *See WRTL II*, 127 S. Ct. at 2664.

Even if this Court were to apply scrutiny that is less than strict, the outcome would be no different. No matter what level of scrutiny applies, when First Amendment rights are at stake, the government has the burden of proving the constitutionality of the challenged law. *See Watchtower Bible & Tract Soc'y of New York City v. Vill. of Stratton*, 536 U.S. 150, 170 (2002) ("When the Government restricts speech, *the Government bears the burden* of proving the constitutionality of its actions." (emphasis added)) (Breyer, J., concurring) (quoting *United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 816 (2000). This requires real evidence. *See City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 51-52 (1986) (requiring the city to show evidence "reasonably believed to be relevant to the problem the city addresses"). It is not enough for Defendants to conjecture that an injunction "could" confuse political actors, sanction

[4] The Supreme Court has made clear that the term "exacting" scrutiny is synonymous with strict scrutiny. *See Buckley v. ACLF*, 525 U.S. at 192 n.12 (majority opinion) & 206 (Thomas, J., concurring); *McIntyre*, 514 U.S. at 346 & n.10.

excessive and unregulated campaign contributions, and deprive the public of important information. Defs.' Resp. Opp. Pls.' Mot. Prelim. Inj. [hereinafter Defs.' Resp.] at 19. *See Nixon v. Shrink Missouri Gov't PAC,* 528 U.S. 377, 392 (2000) ("We have never accepted mere conjecture as adequate to carry a First Amendment burden...."); *see also Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 664 (1994) (Kennedy, J., plurality opinion) ("[The government] must demonstrate that the recited harms are real, not merely conjectural, and that the regulation will in fact alleviate these harms in a direct and material way"). Moreover, Defendants' conjectures must be weighed against the certainty that allowing the law to stand will deprive the public of the information that the Broward Coalition, the University of Florida College Libertarians, and NTU/NTUF would like to provide. *Watchtower*, 536 U.S. at 165 (courts must determine "whether there is an appropriate balance between the affected speech and the governmental interests that the ordinance purports to serve"). Of course, any "tie goes to the speaker, not the censor." *WRTL II*, 127 S.Ct. at 2669.

Furthermore, if the State lacks the power to regulate Plaintiffs' speech, it simply cannot regulate it, even under a reduced level of scrutiny. *See Nat'l Right to Work Legal Def. and Educ. Found., Inc. v. Herbert*, No. 2:07-cv-809, 2008 WL 4181336, at *10 (D. Utah Sept. 8, 2008) ("[B]efore applying exacting scrutiny . . . the court must first determine whether the activities being regulated are unambiguously campaign related [and therefore potentially subject to regulation]."); *see also N.C. Right to Life, Inc. v. Leake*, 525 F.3d 274, 281 (4th Cir. 2008) ("[O]nly unambiguously campaign related communications have a sufficiently close relationship to the government's acknowledged

interest in preventing corruption to be constitutionally regulable."). Defendants have not met their burden of demonstrating a compelling interest for regulating most of the speech captured by its electioneering communications laws.

2. The State Has No Compelling Interest in Regulating Speech That is Neither Express Advocacy nor its Functional Equivalent.

The rights to speak and associate freely regarding issues of public concern are zealously guarded by the First Amendment. Unfettered and unregulated speech is the rule, not the exception. Just because a restriction is labeled as a restriction on campaign finance does not mean that it faces an easier path to constitutionality than a restriction outside that context. Indeed, as the Supreme Court made clear in its seminal decision on campaign finance law, *Buckley v. Valeo*, governments may regulate only those narrow categories of political speech that are "unambiguously related to the campaign of a particular . . . candidate." 424 U.S. at 80.

The Court has recognized only two narrowly drawn categories that fall within that exception. The first of these categories includes "communications that in express terms advocate the election or defeat of a clearly identified candidate for federal office." *Id.* at 44. This category includes what have come to be known as "magic words"—phrases such as "vote for" or "vote against" in reference to candidates. *See McConnell v. Fed. Election Comm'n*, 540 U.S. 93, 126 (2003); *see also Buckley*, 424 U.S. at 44 n.52.

The second category includes communications that constitute "the functional equivalent of express advocacy." *McConnell*, 540 U.S. at 206. In order to fall into this very narrowly drawn category, speech must satisfy two requirements. *Leake*, 525 F.3d at

282. First, the speech must be "susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate." *Id.* (quoting *WRTL II*, 127 S. Ct. at 2667). Second, because the Court has never held that the regulation of "electioneering communications" beyond how that term is defined in the Bipartisan Campaign Reform Act of 2002 ("BCRA") is permissible, the outer limit of regulation tracks BCRA's definition: a "broadcast, cable, or satellite communication that refers to a clearly identified candidate within sixty days of a general election or thirty days of a primary election." *Leake*, 525 F.3d at 282 (citing *WRTL II*, 127 S. Ct. at 2669 n.7). This two-pronged analysis is consistent with the First Amendment's command that "when it comes to defining what speech qualifies as the functional equivalent of express advocacy subject to . . . a ban . . . we give the benefit of the doubt to speech, not censorship." *WRTL II*, 127 S. Ct. at 2674.

As the Court noted in *WRTL II*, it "has never recognized a compelling interest in regulating ads . . . that are neither express advocacy nor its functional equivalent." 127 S. Ct. at 2671. But Florida is attempting to regulate much more speech than is contained in those two narrow categories.

The Florida statute is a sweeping regulation of speech—i.e., virtually all paid communications about ballot issues and candidates. As explained above, the Supreme Court established the outer bounds of political speech that may be regulated in *McConnell* and *WRTL II*. Since *WRTL II*, there have been only three cases where courts have addressed the constitutionality of attempts to regulate speech that went beyond the scope of the federal definition of "electioneering communication." In all three cases,

those attempts were rejected. *See N.C. Right to Life, Inc. v. Leake*, 525 F.3d 274 (4th Cir. 2008); *Ctr. for Individual Freedom, Inc. v. Ireland*, Nos. 1:08-cv-00190 & 1:08-cv-01133, 2008 WL 4642268 (S.D. W.Va. Oct. 17, 2008); *Nat'l Right to Work Legal Def. & Educ. Found., Inc. v. Herbert*, No. 2:07-CV-809, 2008 WL 4181336 (D. Utah Sept. 8, 2008). On the other hand, the two post-*WRTL II* cases cited by Defendants, Defs.' Resp. at 6, that upheld statutes regulating "electioneering communications" involved either the use of that term as defined in BCRA—that is, a broadcast, cable, or satellite communication that refers to a clearly identified candidate (not a ballot issue) within thirty days of a primary election or sixty days of a general election—or a similar state definition. *See Citizens United v. Fed. Election Comm'n*, 530 F. Supp.2d 274 (D.D.C. 2008); *Ohio Right to Life Society, Inc. v. Ohio Elections Comm'n*, No. 2:08-cv-00492, 2008 WL 4186312 (S.D. Ohio Sept. 5, 2008).[5]

Defendants argue that *Buckley* and *McConnell* allow states to require disclosure for "the entire range of electioneering communications." Defs.' Resp. at 7-8 (quoting *McConnell*, 540 U.S. at 196). By this, they apparently mean that *Buckley* and *McConnell* allow the regulation of every kind of communication in which a candidate or ballot issue is mentioned. But it is clear that the "entire range" to which *McConnell* referred was speech that met the narrow definition of "electioneering communication" in BCRA. No broader definition was before the Court. Thus, it is impossible to read *Buckley* or

[5] Defendants' reliance on *The Real Truth About Obama, Inc. v. Federal Election Commission*, No. 3:08-cv-483, 2008 WL 4416282 (E.D. Va. Sept. 24, 2008), which also dealt with BCRA's far-narrower electioneering communication provisions, is similarly misplaced.

McConnell as sanctioning the regulation of all the speech encompassed within Florida's expansive and much broader definition of "electioneering communication."

Defendants also cite *McConnell* for the proposition that there is not a constitutionally compelled line between express advocacy and issue advocacy. Defs.' Resp. at 9. But this claim completely ignores *WRTL II*. *WRTL II* held that there is a line between speech that is the functional equivalent of express advocacy and the vast majority of political speech falling outside that category and that line *is* constitutionally compelled. 127 S. Ct. at 2670-74.

Additionally, Defendants cite *McConnell* for the proposition that political speech regarding ballot issues can be regulated. Defs.' Resp. at 8-9. *McConnell*, however, contains no such holding; nor could it, since BCRA does not regulate speech about ballot issues. *McConnell* was about the regulation of sham issue ads that were really advocacy for candidates but put forth by big corporations and unions. Once again, as *WRTL II* makes clear, this is a narrow exception to the general rule that speech about issues may not be regulated.

Furthermore, contrary to Defendants' assertion, Defs.' Resp. at 9 n.4, neither *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995), nor any other decision from the Supreme Court has held that speech about ballot issues can be regulated on the same terms as speech about candidates. Indeed, when the Court has been confronted with regulations of speech about ballot issues, it has struck them down. *See, e.g., Citizens Against Rent Control v. City of Berkeley*, 454 U.S. 290, 297-98 (1981); *First Nat'l Bank of Boston v. Bellotti*, 435 U.S. 765, 789-92 (1978) (both striking down restrictions on

ballot issue speech because there is no possibility of quid pro quo corruption in a ballot issue election).[6]

a. Florida's Electioneering Communications Law is Unconstitutional as Applied to Plaintiffs Because Their Speech is Neither Express Advocacy Nor its Functional Equivalent.

As described above, none of the speech in which Plaintiffs wish to engage is express advocacy. Indeed, that is one of the reasons that the Plaintiffs' speech qualifies as "electioneering communications"; if Plaintiffs' speech *were* express advocacy, the plaintiff groups would be regulated as "political committees" rather than as "electioneering communications organizations." Fla. Stat. § 106.011(1)(a)1. Nor is it the functional equivalent of express advocacy because, for several reasons, the Plaintiffs' speech does not satisfy the two-pronged test from *WRTL II*, discussed earlier.

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[6] To the extent that Defendants suggest that disclosure for ballot issue speech has been sanctioned by *Bellotti* and *Citizens Against Rent Control*, Defs.' Resp. at 7, they are incorrect. The statements regarding disclosure in those cases are dicta because the constitutionality of the disclosure provisions was not at issue. Moreover, the disclosure requirements were significantly less burdensome than Florida's. *See Citizens Against Rent Control*, 434 U.S. at 294 n.4 ($50+ contributors listed in the local newspaper twice during the last seven days before the election). In both cases, the regulations regarding ballot issues that were actually at issue were all struck down. *Id.*, 454 U.S. at 292, 297 ($250 contribution limit for ballot issues held unconstitutional); *Bellotti*, 435 U.S. at 775, 776, 789-92 (ban on corporate expenditures related to referenda held unconstitutional). Notably, some of the other cases about ballot issues cited by Defendants actually hold that the government cannot apply political committee requirements to groups like Plaintiffs. *Cal. Pro-Life Council, Inc. v. Randolph,* 507 F.3d 1172, 1187-89 (9th Cir. 2007) (holding that California's political action committee requirements could not be constitutionally imposed on groups discussing only ballot measures, rather than candidates); *Richey v. Tyson*, 120 F. Supp.2d 1298, 1318 (S.D. Ala. 2000) (concluding that Alabama's "registration, organizational and recordkeeping requirements are unconstitutional as applied to organizations whose major purpose is not to engage in election activity").

First, none of the Plaintiffs are issuing a communication via broadcast, cable, or satellite. Second, with regard to the University of Florida College Libertarians' speech about candidates, simply mentioning that a candidate will be a guest at a meeting is certainly susceptible of a reasonable interpretation other than as an appeal to vote for or against that candidate. The same is true for the mere mention of a candidate's name in regard to a policy issue discussion in the Broward Coalition's newsletter. *See WRTL II*, 127 S. Ct. at 2683 ("Discussion of issues cannot be suppressed simply because the issues may also be pertinent in an election. Where the First Amendment is implicated, the tie goes to the speaker, not the censor."). Third, Plaintiffs' speech relating to ballot issues cannot, by definition, be express advocacy because it has nothing to do with candidates. The Supreme Court has never equated advocacy of particular ballot issues to express advocacy for or against a candidate; indeed, it has repeatedly recognized that advocacy of ballot issues enjoys even stronger protection than express advocacy for candidates because it raises absolutely no danger of corruption or the appearance of corruption. *See McIntyre*, 514 U.S. at 356 ("Not only is the Ohio statute's infringement on [ballot-issue related] speech more intrusive than the *Buckley* disclosure requirement, but it rests on different and less powerful state interests."); *Bellotti*, 435 U.S. at 790 ("The risk of corruption perceived in cases involving candidate elections . . . simply is not present in a popular vote on a public issue."); *Citizens Against Rent Control*, 454 U.S. at 297-98 (same).

Defendants' arguments that the Plaintiffs' ballot issue speech can be the functional equivalent of express advocacy—once again, a term developed in and confined

to the candidate context—simply find no basis in *Buckley*, *McConnell*, *WRTL II*, or any other case from the Supreme Court. If expressing an opinion about ballot issues could constitute the functional equivalent of express advocacy, then the State would be able to regulate virtually all speech about ballot issues. This would mean that ballot issue speech would receive less, not more, protection than speech about candidates. Furthermore, this result would clash with *WRTL II*, which makes clear that the vast majority of political speech should remain unregulated. 127 S. Ct. at 2672 (rejecting an expansive definition of "functional equivalent").

Thus, Defendants cannot demonstrate a compelling interest in regulating Plaintiffs' speech.[7] And because Plaintiffs' speech cannot be regulated, it necessarily follows that the State has no interest in requiring Plaintiffs to submit to a prior restraint on their speech; to restructure their organizations and comply with registration, reporting, and disclosure requirements requiring, among other things, information regarding all of their donors; to surrender their ability to speak and associate anonymously; and to accept

[7] Defendants argue that the disclosure requirements are not burdensome, and thus should be allowed. But Defendants' argument misses the point that disclosure requirements simply cannot be applied to speech that is neither express advocacy nor the functional equivalent of express advocacy. And, as explained in the text above, disclosure requirements cannot stand if their underlying regulatory regime is, like Florida's electioneering communications laws, unconstitutional. The Supreme Court has specifically recognized that "compelled disclosure, in itself, can seriously infringe on privacy of association and belief guaranteed by the First Amendment." *Buckley*, 424 U.S. at 64. The Court has also recognized that the burdens of disclosure are particularly onerous for grassroots organizations. *MCFL*, 479 U.S. at 255 (plurality opinion). Indeed, Plaintiffs' declarations indicate that Florida's disclosure requirements would be burdensome for their organizations. Furthermore, in *Davis v. Federal Election Commission*, the Supreme Court struck a requirement that a millionaire fill out a few forms; if that requirement was burdensome as to him and unconstitutional, then surely the same is true in regard to the more onerous requirements imposed by Florida's electioneering communications laws. 128 S. Ct. 2759, 2775 (2008).

restrictions on Plaintiffs' right to make expenditures five days before an election. As the Supreme Court recently made clear, when disclosure requirements are part of a broader regulatory regime that is unconstitutional, it necessarily follows that the disclosure requirements are unconstitutional. *See Davis v. Fed. Election Comm'n*, 128 S. Ct. 2759, 2775 (2008) (striking down disclosure requirements that were part of the asymmetrical contribution limits for the so-called Millionaires' Amendment). Thus, Plaintiffs have a substantial likelihood of succeeding on the merits in regard to their as-applied challenge to the definition of "electioneering communications" and all the regulations that the State imposes on those who make those communications.

b. Florida's Electioneering Communications Laws are Unconstitutional on Their Face Because the Definition of "Electioneering Communication" is Substantially Overbroad and Vague.

Furthermore, Plaintiffs have a substantial likelihood of succeeding on the merits in regard to their facial challenge to Florida's definition of electioneering communications and its attendant regulation of speech. For that reason, the injunction should extend not just to them, but also to all speakers who make electioneering communications. Florida's definition of electioneering communication goes beyond regulation of express advocacy; but in order to avoid being unconstitutional on its face, it must go no further than the functional equivalent of express advocacy in a manner that is neither unconstitutionally overbroad nor vague. On both counts, the definition fails.

i. Overbreadth

In the context of the First Amendment, a regulation is unconstitutionally overbroad "if the impermissible applications of the law are substantial when judged in

relation to the statute's plainly legitimate sweep." *City of Chi. v. Morales*, 527 U.S. 41, 52 (1999) (internal quotation marks omitted). That is the case here. First, Florida's definition of "electioneering communication" is much broader than BCRA's in several respects. While BCRA's definition is limited to speech about candidates, Florida's includes speech about ballot issues. While BCRA's definition includes only a narrow scope of media (a "broadcast, cable, or satellite communication"), Florida's includes virtually every kind of media ("broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail, advertising agencies, the Internet, and telephone companies . . ."). Additionally, while BCRA's definition limits its temporal scope to communications within sixty days of an election or thirty days of a primary, Florida's definition applies as soon as a candidate starts receiving contributions or making expenditures with a view toward being nominated or elected. § 106.011(16)(c) (definition of "candidate"); § 106.011(18)(a) (definition of "electioneering communication").

Second, it is clear that the definition of "electioneering communication" includes speech that is clearly susceptible to a reasonable interpretation other than as an appeal to vote for or against a specific candidate. As noted above, it is nearly impossible for speech about ballot issues to constitute the functional equivalent of express advocacy, but the definition nonetheless regulates that speech. And although the definition does encompass at least some speech about candidates that can be considered the functional equivalent of express advocacy, it also sweeps up any discussion about policy before an election in which a candidate's name is mentioned. For example, a group blog discussion

about state insurance law would be captured by the definition if a participant mentions an insurance bill named after a legislator who is running for reelection. Indeed, any discussion of public policy is very likely to include mention of a candidate's name, especially if he is already an elected politician—after all, politicians are responsible for making public policy. But as the Supreme Court has recognized, "[d]iscussion of issues cannot be suppressed simply because the issues may also be pertinent in an election." *WRTL II*, 127 S. Ct. at 2669.

Applying this two-part test for what constitutes the functional equivalent of express advocacy—and can thus be regulated—the Fourth Circuit in *Leake* struck down a regulation of political speech in North Carolina that was similar in its scope to Florida's. 525 F.3d at 283. The court was particularly concerned that the North Carolina regulation would swallow up practically all ordinary political speech. "The danger in this area—when dealing with a broadly empowered bureaucracy—is not that speakers may disguise electoral messages as issue advocacy, but rather that simple issue advocacy will be suppressed by some regulator who fears it may bear conceivably on some campaign. If the First Amendment protects anything, it is the right of political speakers to express their beliefs without having to fear subsequent civil and criminal reprisals from regulators authorized to employ broad and vague definitions as they see fit." *Leake*, 525 F.3d at 302 (citing *Buckley*, 424 U.S. at 43). Following *Leake*'s lead, the District Court for the Southern District of West Virginia, in granting a motion for a preliminary injunction concerning a similar regulation, found that the plaintiffs in that case were substantially likely to succeed on the merits of their facial challenge regarding overbreadth. *Ctr. for*

Individual Freedom, Inc. v. Ireland, Nos. 1:08-cv-00190 & 1:08-cv-01133, 2008 WL 4642268, at *10-12 (S.D. W.Va. Oct. 17, 2008).[8]

Defendants cite statements in *Washington State Grange*—a case about how Washington State's primaries are conducted—in support of their argument that a facial challenge cannot succeed. Defs.' Resp. at 4. But the Supreme Court recognized in *Grange* that facial challenges are appropriate in the First Amendment context and that courts can overturn an overbroad law when a "substantial number" of the law's applications are unconstitutional and when the Plaintiffs have described those instances of overbreadth. *Wash. State Grange v. Wash. State Republican Party*, 128 S. Ct. 1184, 1191 n.6 (2008); *see also Leake,* 525 F.3d at 284-85. As described in Plaintiffs' opening brief, Florida's law sweeps up speech by any group—or any individual who spends $100—in any paid communications media, if it mentions a candidate or pending ballot issue. It is difficult to imagine a more overbroad law. A simple web search reveals that numerous organizations are discussing Florida's upcoming ballot issues, including groups such as the League of Women Voters and VoteSmartFlorida.org, and thus would be subject to Florida's electioneering communications laws.[9] Far more may unwittingly

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[8] Unlike the statute at issue in *National Right to Work Legal Defense and Education Foundation, Inc. v. Herbert*, No. 2:07-cv-809, 2008 WL 4181336, at *13 (D. Utah Sept. 8, 2008), and for the reasons discussed in more depth below, Florida's law cannot be saved from a facial challenge by a narrowing construction.

[9] The League of Women Voters of Tallahassee, VoteSmartFlorida.org, and the Florida League of Cities all have ballot guides on the web. *See* http://Tallahassee.fl.lwvnet.org/StateBallots.html; http://www.votesmartflorida.org/mx/hm.asp?id=Amendments_November2008; and http://www.flcities.com/legislative/files/A228852694304B2092B40D75B87C847C.pdf. The ACLU posted legal arguments on Amendments 7 and 9 (before they were removed from the ballot). *See* http://www.aclu.org/religion/govtfunding/35646prs20080613.html.

mention the name of a candidate in the context of policy discussions or other discussions that have nothing to do with political campaigns. As the Fourth Circuit held in *Leake*, "[n]othing in *McConnell, WRTL [II]*, or any First Amendment tradition that we know of forces political speakers to incur these sorts of protracted costs [a long series of as-applied challenges that would take years to resolve] to ascertain nothing more than the scope of the most basic right in a democratic society—the right to engage in discussion of issues of unquestioned public importance." 525 F.3d at 285.

ii. Vagueness

The definition of electioneering communication is also unconstitutionally vague because it is impossible to know—in advance—whether the law will apply to a particular communication about candidates. McConnell, 540 U.S. at 170 (statutory language may be considered constitutionally vague if it fails to "clearly set forth the confines within which potential party speakers must act in order to avoid triggering the provision").

In regard to communications mentioning candidates, the definition of "electioneering communication" states that a paid communication about a candidate will become an electioneering communication if the speech is targeted towards the relevant electorate; that is, if the communication will be received by 1,000 or more persons in the geographic area the candidate hopes to represent. In today's Internet age, it is impossible to know—in advance—whether any particular Internet communication will fall within that definition. A website that is linked to by a popular blog could overnight quadruple

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All of the above-referenced publications fall within Florida's broad definition of "electioneering communications."

the number of hits to that website. And an organization would have no way of knowing whether each hit represents a separate recipient or even whether the recipient is located in the targeted area. Low-tech advertising may raise problems as well. For instance, if the University of Florida College Libertarians put up posters and fliers advertising their events in the University student center and dining hall—as they have regularly done in the past—it is impossible for them to know how many people would actually look at the posters and fliers. Therefore, it would be nearly impossible for any of the Plaintiffs to ascertain whether their flyer or website actually constitutes "electioneering communication."

This vagueness cannot be squared with the requirement that government regulate in the area of the First Amendment "only with narrow specificity." *NAACP v. Button*, 371 U.S. 415, 433 (1963). As the Supreme Court has recognized, "[u]ncertain meanings inevitably lead citizens to steer far wider of the unlawful zone . . . than if the boundaries of the forbidden areas were clearly marked." *Grayned v. City of Rockford*, 408 U.S. 104, 109 (1972) (internal quotation marks omitted). A law that fails to satisfy this standard and that is "so vague and indefinite, in form and as interpreted, as to permit within the scope of its language the punishment of incidents fairly within the protection of the guarantee of free speech is void, *on its face*, as contrary to the Fourteenth Amendment." *Winters v. New York*, 333 U.S. 507, 509 (1948) (emphasis added). Such is the case with Florida's definition of "electioneering communication."

IV. THE DEFINITION OF ELECTIONEERING COMMUNICATIONS ORGANIZATION IS OVERBROAD.

Florida's electioneering communications laws reach organizations and individuals, like the plaintiffs in this case, that the government has no compelling interest in regulating. The Supreme Court has made absolutely clear that the burdensome structural and reporting requirements that apply to PACs may *only* be visited upon groups "the major purpose of which is the nomination or election of a candidate." *Buckley*, 424 U.S. at 79; *see also MCFL*, 479 U.S. at 262. Even if we assume that these burdens are permissible outside of the candidate context and that groups who speak about ballot measure may sometimes be subject to PAC-like burdens, the Supreme Court has never endorsed a law as broad as Florida's, under which groups and individuals may be subject to all of the burdens that apply to fully regulated PACs merely for *mentioning* the names of candidates or ballot issues in their public communications.

The Fourth Circuit's recent decision in *North Carolina Right to Life, Inc. v. Leake*, 525 F.3d 274 (4th Cir. 2008), is instructive. In *Leake*, the Fourth Circuit struck down North Carolina's definition of "political committee," which extended PAC-like burdens to any group having merely "*a* major purpose" of influencing elections. *Leake*, 525 F.3d at 289. The court held that definition was too broad, going well beyond what *Buckley*'s test—*the* major purpose—would permit. As that court recognized, "[p]ermitting the regulation of organizations as political committees when the goal of influencing elections is merely one of multiple 'major purposes' threatens the regulation of too much ordinary political speech to be constitutional." *Id.* at 288-89. Accordingly, because North Carolina's law "[ran] the risk of burdening a substantial amount of

constitutionally protected political speech," it was facially unconstitutional. *Id.* at 289-90.

But North Carolina's law, while unconstitutionally overbroad, was more narrowly tailored than Florida's. Florida's electioneering communications laws are not limited to groups with "a major purpose" of influencing elections. Indeed, under Florida's law, groups are subject to the full panoply of PAC-like registration and reporting requirements if they engage in *any* amount of speech related to elections, regardless of how minor a part of their overall activity that speech might be. And for each of the plaintiffs in this case, electioneering communications represent a tiny fraction of their overall activity. *See* Conner Decl. at ¶¶ 3, 4, 6, 7 (describing group's election- and non-election-related activities); Greenbarg Decl. at ¶¶ 3, 4, 5, 7 (same); Parde Decl. at ¶¶ 2, 3, 5 (same).

Buckley's application to the facts of this case is clear. None of the Plaintiffs has "the major purpose" of influencing elections. Because they are, nevertheless, swept within the definition of "electioneering communications organizations," Florida's electioneering communications laws are unconstitutionally overbroad. Defendants can cite to no case in which courts have applied PAC requirements on groups, like Plaintiffs, that are not political committees. Indeed, the Supreme Court has repeatedly turned back attempts to regulate the speech of individuals and citizens' groups that are not professional political committees, even when they engage when they are actively promoting the passage of ballot issues and the election of candidates. *See, e.g., McIntyre* 514 U.S. at 357 (holding that disclosure requirements that indiscriminately outlawed leafleting by private individual violated the First Amendment); *MCFL*, 479 U.S. at 241

(concluding that the restriction on independent spending in section 2 U.S.C. § 441(b) is unconstitutional as applied to nonprofit corporation funded by member contributions and fundraisers such as bake sales). If Defendants' arguments were correct, then these cases would have been decided differently.

V. IRREPARABLE INJURY AND THE BALANCE OF HARMS

In addition to having a high likelihood of success on the merits, Plaintiffs also satisfy the remaining elements necessary to secure injunctive relief. "The loss of First Amendment freedoms, *for even minimal periods of time*, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (emphasis added); *Cate v. Oldham*, 707 F.2d 1176, 1188 (11th Cir. 1983) (same). Unless they submit to regulation, Plaintiffs cannot speak without violating the law. Refraining from engaging in First Amendment activity because of fear of violating the law is a concrete—not hypothetical—injury. *See Majors v. Abell*, 317 F.3d 719, 721 (7th Cir. 2003) (holding that a statute that arguably covers the intended conduct is likely to chill expression and is thus subject to challenge); *see also Pittman v.* Cole, 267 F.3d 1269, 1283 (11th Cir. 2001) ("In the First-Amendment realm, plaintiffs do not have to expose themselves to enforcement in order to challenge a law. Rather, actual injury can exist when the plaintiff is chilled from exercising her right to free expression or forgoes expression in order to avoid enforcement consequences. In such an instance, which is what is alleged here, the injury is self-censorship.") (quoting *Wilson v. State Bar of Ga.*, 132 F.3d 1422, 1248

(11th Cir. 1998)).[10] Additionally, the balance of interests favors the Plaintiffs because the Supreme Court has made clear that in any conflict between First Amendment rights and regulation, courts "must give the benefit of any doubt to protecting rather than stifling speech." *WRTL II*, 127 S.Ct. at 2667; *see also id.* at 2669 ("Where the First Amendment is implicated, the tie goes to the speaker, not the censor.").

The government plays an important role in preventing the "actuality and appearance of corruption" in elections. *Buckley*, 424 U.S. at 26. As such, Defendants have a compelling interest in regulating the functional equivalent of express advocacy as it relates to electioneering communications. *McConnell*, 540 US at 206. This compelling interest generally justifies disclosure requirements. To obtain a preliminary injunction in this Circuit, the movant must clearly establish that granting the injunction would not disserve the public interest. *Horton*, 272 F. 3d at 1326. In weighing this factor, especially during this important election season, the Court feels that the public interest is

[10] Defendants also argue that even if Plaintiffs speak under the protection of an injunction, they will not be immunized from future prosecution for that speech. Defs.' Resp. at 17-18. This argument would preclude federal courts from ever enjoining a state statute that carried criminal or civil penalties, which is clearly not the law. *See, e.g., Fla. Retail Fed'n, Inc. v. Att'y Gen.*, No. 4:08-cv-179, 2008 WL 2908003 (N.D. Fla. July 28, 2008) (enjoining enforcement of state firearms law that carried civil penalties); *League of Women Voters v. Cobb*, 447 F. Supp.2d 1314 (S.D. Fla. 2006) (enjoining the enforcement of statute that subjected third-party voter registration organizations to financial penalties for failing to submit voter registration applications in the manner prescribed by the law). In support of their argument, Defendants rely entirely on two cases in which the Supreme Court, applying the "retroactivity doctrine," held that taxpayers were entitled to refunds for taxes that were struck down as unconstitutional. But Defendants do not cite a single case in which an individual acting under the protection of a preliminary injunction was later prosecuted or fined by the enjoined party following the dissolution of the injunction. Furthermore, any such prosecution "would raise a serious question whether [Plaintiffs] had the state of mind necessary for a violation." *Clarke v. United States*, 915 F.2d 699, 701 (D.C. Cir. 1990).

best served by protecting and not chilling free speech. "[T]here is practically universal agreement that a major purpose of [the First] Amendment was to protect the free discussion of governmental affairs . . . includ[ing] discussions of candidates . . . ." *Mills*, 384 U.S. at 218. Thus, "speech concerning public affairs is more than self-expression; it is the essence of self-government." *Garrison v. Louisiana*, 379 U.S. 64, 74-75 (1964).

However, given the temporal proximity of the election, the extraordinary and drastic nature of a preliminary injunction, *Munaf v. Geren*, 128 S. Ct. 2207, 2219 (2008) and the disfavored treatment of facial challenges, *Wash. State Grange*, 128 S. Ct. at 1191, the Court also feels that the state's compelling interests must be preserved. "We respect without question the state's legitimate interest in ensuring the integrity of the electoral process." *Leake*, 525 F. 3d at 296. "To the extent the state regulates electoral advocacy within the scope of these interests it is well within constitutional bounds." *Id.* In the complete absence of the challenged statute, the state would have no method of regulating that which it has the legal authority to regulate—express advocacy or its functional equivalent. Thus, to the extent the Florida electioneering communications laws regulate only the functional equivalent of express advocacy, and the speech is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate, the statute regulating such communication remains enforceable. However, to the extent the Florida electioneering laws also regulate issue advocacy, the Court finds that such regulation violates constitutionally protected free speech.

VI. THE BOND REQUIREMENT UNDER F.R.C.P. 65(C) IS WAIVED.

Federal Rule of Civil Procedure 65(c) provides that a preliminary injunction be issued only if the applicant gives security in an amount determined by the court. District Courts, however, have discretion to waive this requirement. *See Baldree v. Cargill, Inc.*, 758 F. Supp. 704, 707 (M.D. Fla. 1990), *aff'd*, 925 F.2d 1474 (11th Cir. 1991); *Caterpillar, Inc. v. Nationwide Equip.*, 877 F. Supp. 611, 617 (M.D. Fla. 1994) (waiving bond requirement in trademark infringement case). Cases raising constitutional issues are particularly appropriate for a waiver of the bond requirement. *See, e.g.*, *Johnston v. Tampa Sports Authority*, No. 8:05CV2191T-27MAP, 2006 WL 2970431, at *1 (M.D. Fla. Oct. 16, 2006); *Ogden v. Marendt*, 264 F. Supp.2d 785, 795 (S.D. Ill. 2003); *Smith v. Bd. of Election Comm'rs*, 591 F. Supp. 70, 71 (N.D. Ill. 1984). Thus, this Court will waive the bond requirement.

Accordingly, it is hereby ORDERED AND ADJUDGED as follows:

1. Effective immediately, Plaintiffs' Motion for Preliminary Injunction (doc. 10) is ***granted*** as applied to Plaintiffs.
2. Defendants are enjoined from enforcing the electioneering communications provisions of Chapter 106 of the Florida Statutes except for the functional equivalent of express advocacy, which it may properly regulate in accordance with this order.
3. This injunction does not affect any other provisions of Chapter 106, including its regulation of political committees and committees of continuous existence, regulations of the expenditures of candidates and other lawful campaign finance regulations.
4. Pursuant to the limitations discussed above, this preliminary injunction is binding on Defendants and their officers, agents, servants, employees, and attorneys, and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.
5. Plaintiffs' Motion to File Reply Memorandum (doc. 29) is ***denied***.

DONE and ORDERED on the twenty-ninth day of October, 2008.

s/ Stephan P. Mickle
Stephan P. Mickle
United States District Judge

BROWARD COALITION COMMUNICATION

CONSTITUTIONAL AMENDMENTS ON THE NOVEMBER 4 BALLOT

1. DECLARATION OF RIGHTS: Proposing an amendment to the State Constitution to delete provisions authorizing the Legislature to regulate or prohibit the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship.

2. FLORIDA MARRIAGE PROTECTION AMENDMENT: This amendment protects marriage as the legal union of only one man and one woman as husband and wife and provides that no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized.
(Ed. Yes, it's the hot button one.)

3. CHANGES AND IMPROVEMENTS NOT AFFECTING THE ASSESSED VALUE OF RESIDENTIAL REAL PROPERTY: Authorizes the Legislature, by general law, to prohibit consideration of changes or improvements to residential real property which increase resistance to wind damage and installation of renewable energy source devices as factors in assessing the property's value for ad valorem taxation purposes. Effective upon adoption, repeals the existing renewable energy source device exemption no longer in effect.

4. PROPERTY TAX EXEMPTION OF PERPETUALLY CONSERVED LAND; CLASSIFICATION AND ASSESSMENT OF LAND USED FOR CONSERVATION: Requires Legislature to provide a property tax exemption for real property encumbered by perpetual conservation easements or other perpetual conservation protections, defined by general law. Requires Legislature to provide for classification and assessment of land used for conservation purposes, and not perpetually encumbered, solely on the basis of character or use. Subjects assessment benefit to conditions, limitation, and reasonable definitions established by general law. Applies to property taxes beginning in 2010.
(Ed. This is the one supported by the Florida Wildlife Federation, among others, and reflects our longstanding past positions regarding the importance of conservation.)

6. ASSESSMENT OF WORKING WATERFRONT PROPERTY BASED UPON CURRENT USE: Provides for assessment based upon use of land used predominately for commercial fishing purposes; land used for vessel launches into waters that are navigable and accessible to the public; marinas and drystacks that are open to the public; and water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities, subject to conditions, limitations, and reasonable definitions specified by general law.
(Ed. The Broward Coalition agrees with most property appraisers that the best practice is to appraise property at its current use; that practice, which this issue requires for waterfront property, is the fairest way to treat property owners.)

8. LOCAL OPTION COMMUNITY COLLEGE FUNDING: Proposing an amendment to the State Constitution to require that the Legislature authorize counties to level a local option sales tax to supplement community college funding; requiring voter approval to levy the tax; providing that approved taxes will sunset after 5 years and may be reauthorized by the voters.

NTU/NTUF COMMUNICATION

Florida

(+) Amendment 3 would shield home improvements for wind damage protection and renewable energy installations from property tax assessments. While taking steps to protect property from natural disasters is a prudent choice, carving out exemptions for certain activities could ultimately require higher tax rates on other behavior.

(–) Amendment 4 would create a property tax exemption for land under perpetual conservation protection, and could deter economic expansion as more land is taken out of development.

(+) Amendment 6 would apply a "current use" assessment method for working waterfront property. This would be used in place of a "highest and best use" assessment system, which can mean high assessments for small businesses (e.g., fisheries) if their property could be used for other, more expensive purposes (e.g., luxury condos).

(–) Amendment 8 would authorize local sales tax options to fund community colleges. Even though the tax hikes would require voter approval and sunset after 5 years, this amendment would open the door to yet more taxes.

BALLOT GUIDE KEY:

The various measures, propositions, initiatives, referenda, proposals, and amendments are listed by state. Measures that could lower taxes or control government are listed in **GREEN** with a plus sign (+), and measures that could raise taxes or expand government are listed in **RED** with a minus sign (–).

This guide is for informational purposes only;
it is not intended to provide endorsements or recommendations to voters.

UNIVERSITY OF FLORIDA COLLEGE LIBERTARIANS COMMUNICATION

UF LIBERTARIANS ON THE BALLOT ISSUES

THE AMENDMENTS	OUR ANALYSIS
Amendment #1 **RELATING TO PROPERTY RIGHTS/ INELIGIBLE ALIENS** "Proposing an amendment to the State Constitution to delete provisions authorizing the Legislature to regulate or prohibit the ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship."	The provisions which this amendment would strike were created during the "Yellow Peril" and are racist in origin. Only Florida and New Mexico have yet to remove this language from their Constitutions.
AMENDMENT #2 **FLORIDA MARRIAGE PROTECTION AMENDMENT** "This amendment protects marriage as the legal union of only one man and one woman as husband and wife and provides that no other legal union that is treated as marriage or the substantial equivalent thereof shall be valid or recognized."	A Constitution is meant to limit the rights of the government, not those of citizens. The government has no right to regulate our personal lives. This amendment is an attack on our individual liberties, and is a violation of the separation between church and state.
AMENDMENT #4 **PROPERTY TAX EXEMPTION OF PERPETUALLY PRESERVED LAND; CLASSIFICATION AND ASSESSMENT OF LAND USED FOR CONSERVATION** "Requires Legislature to provide a property tax exemption for real property encumbered by perpetual conservation easements or other perpetual conservation protections, defined by general law. Requires Legislature to provide for classification and assessment of land used for conservation purposes, and not perpetually encumbered, solely on the basis of character or use. ..."	This amendment would penalize people who put their land to productive use. If we are to be taxed, we should be taxed equally. If concerned citizens wish to conserve their land, they should seek our voluntary assistance, rather than expect us to pick up the slack of their tax bill.
AMENDMENT #8 **LOCAL OPTION COMMUNITY COLLEGE FUNDING** "Proposing an amendment to the State Constitution to require that the Legislature authorize counties to levy a local option sales tax to supplement community college funding; requiring voter approval to levy the tax; providing that approved taxes will sunset after 5 years and may be reauthorized by the voters."	If education is funded by the public, it should be funded voluntarily, not by coercive taxation. Community Colleges can support themselves, by offering a valuable service in the marketplace.

There are two other amendments (3 & 6) which would redefine assesments on property taxes of certain types of property. Generally, we feel that if property is to be taxed, it should be taxed equally and that the fewer laws on the books, the better.