

## Comments of ProtectMarriage.com—Yes on 8 Concerning NPRM 2014-12<sup>1</sup>

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January 14, 2015

ProtectMarriage.com Yes on 8 (“ProtectMarriage”) comments on NPRM 2014-12 regarding the serious ill effects that sometimes result from disclosure of contributors to citizen-advocacy groups. James Bopp, Jr. requests to testify at the scheduled hearing on this NPRM.

These comments are in response to FEC’s solicitation of comments concerning “*collection . . . of campaign finance data.*” 79 Fed. Reg. at 62363 (emphasis added), coupled with the Statement of Vice Chair Ann M. Ravel, Commissioner Steven T. Walther, and Commissioner Ellen L. Weintraub on Rulemaking in Response to *McCutcheon v. FEC* (Oct. 4, 2014). In that Statement, three members of the Commission particularly invited comments as follows:

We think it is essential to hear from anyone who cares about money in politics especially the citizens and campaign volunteers who have an equal stake in making our democracy work. We know there is growing public concern about the deluge of undisclosed spending to sway our votes. . . . [T]he Commission should consider based on public comments and testimony how to strengthen its disclosure rules so that voters know who is behind the messages intended to influence their votes.

ProtectMarriage was a citizen-advocacy group in California’s Proposition 8 campaign, which sought a constitutional amendment to protect traditional marriage. Disclosure of ProtectMarriage’s supporters led to their widespread, serious harassment. Filed with these comments is Plaintiffs’ Statement of Undisputed Facts (“SUF”), filed in support of summary judgment in *ProtectMarriage v. Bowen*, 830 F. Supp. 2d 914 (E.D. Cal. 2011), wherein ProtectMarriage sought a disclosure exemption because of the record of harassment summarized in that SUF. The Commission’s attention is also called to exhibits detailing this serious harassment that were filed in support of summary judgment in the case, which are available at the James Madison Center’s website. See <http://www.jamesmadisoncenter.org/cases/52-protect-mariage-v-bowen.html>.

The SUF provides extensive evidence of threats, harassment, and reprisals in 59 pages, based in part on 58 John Doe Declarations. The evidence was distilled in plaintiffs’ summary-judgment memorandum to four pages with the following opening paragraph:

There have been death threats; physical assaults and threats of violence; vandalism and threats of destruction of property; arson and threats of arson; angry protests; lewd demonstrations; intimidating emails and phone calls; hate mail (the old-fashioned kind); mailed enve-

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<sup>1</sup> Notice of Proposed Rulemaking (“NPRM”) 2014-12: Aggregate Biennial Contribution Limits, 79 Fed. Reg. 62361 (Oct. 17, 2014).

<sup>2</sup> The Bopp Law Firm, PC, 1 South Sixth Street, Terre Haute, Indiana 47807-3510. The authors represent ProtectMarriage in *ProtectMarriage v. Bowen*, currently on certiorari petition. See <http://www.supremecourt.gov/search.aspx?filename=/docketfiles/14-434.htm>.

lopes containing white suspicious powder; multiple web sites dedicated to blacklisting those who support traditional marriage and similar causes; loss of employment and job opportunities; intimidation and reprisals on campus and in the classroom; acts of intimidation through photography; economic reprisals and demands for “hush money”; and gross expressions of anti-religious bigotry, including vandalism and threats directed at religious institutions and religious adherents. There is also ample evidence that protected speech and association has been chilled because of the prospect of reprisals.

*See also ProtectMarriage*, 830 F. Supp. 2d at 916-22 (E.D. Cal. 2011) (district court’s evidence summary).<sup>3</sup>

The United States Supreme Court and its members have cited and acted on the evidence in *ProtectMarriage*, making this case the quintessential recent example of a case warranting a disclosure exemption. In *Doe v. Reed*, 561 U.S. 186 (2010) (re harassment of traditional-marriage supporters), the Supreme Court rejected a facial challenge to Washington’s petition-signer disclosure but remanded for a possible exemption, *id.* at 200, and, concurring, Justice Alito said “widespread harassment and intimidation suffered by supporters of California’s Proposition 8 provides strong support for an as-applied exemption in the present case.” *Id.* at 205. In *Hollingsworth v. Perry*, 558 U.S. 183 (2010), this Court relied on the record here in staying broadcast of the Proposition 8 trial. *Id.* at 185-86. In *Citizens United v. FEC*, this Court cited amici briefs about harassment of Proposition 8 supporters, saying it was “cause for concern,” 558 U.S. 310, 370 (2010), and Justice Thomas relied on the record in *ProtectMarriage* in dissenting from upholding contributor disclosure, *id.* at 480-85.

In sum, compelled disclosure of contributors to advocacy organizations can cause serious ill effects. Given this potential, any marginal benefit that requiring more disclosure than already exists is not constitutionally warranted and risks serious harm to citizens engaging in their First Amendment advocacy rights.

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<sup>3</sup>Evidence of harm to Proposition 8 contributors continues: “Just days after taking the job, Brendan Eich has resigned as chief executive of Mozilla, the maker of Firefox, after coming under fire for his 2008 support of Proposition 8.” Salvador Rodriguez, *Mozilla CEO Brendan Eich resigns under fire for supporting Prop. 8*, L.A. Times, Apr. 3, 2014, <http://articles.latimes.com/2014/apr/03/business/la-fi-tn-mozilla-ceo-resigns-under-fire-prop-8-20140403>. The JavaScript founder was forced to resign “after he came under sharp criticism for donating \$1,000 to a campaign that supported Proposition 8. Several Mozilla board members resigned to protest his appointment.” *Id.*

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17 **United States District Court**  
18 **Eastern District of California**  
19 **Sacramento Division**

20 **ProtectMarriage.com, et al.,**  
21 **Plaintiffs,**  
22 **vs.**  
23 **Debra Bowen, et al.,**  
24 **Defendants.**

Case No. 2:09-CV-00058-MCE-DAD  
**Plaintiffs' Statement of Undisputed Facts  
in Support of Motion for Summary  
Judgment**

Judge Morrison C. England, Jr.

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1 **Statement of Undisputed Facts**

2 Plaintiffs ProtectMarriage.com—Yes on 8, a Project of California Renewal  
3 (“**ProtectMarriage.com**”), National Organization for Marriage—Yes on 8, Sponsored by National  
4 Organization for Marriage (“**NOM-California**”), John Doe #1, an individual and as a  
5 representative of the proposed Class of Major Donors (“**Major Donors**”), and National  
6 Organization for Marriage California PAC (“**NOM-California PAC**”), respectfully submit the  
7 following proposed Statement of Undisputed Facts in support of their Motion for Summary  
8 Judgment. The facts relevant to the disposition of this case are not in dispute.<sup>1</sup>

9  
10 **Background Facts**

11 1. Plaintiff ProtectMarriage.com is a primarily formed ballot committee organized to support  
12 Proposition 8 (“Prop. 8”). (3d Am. Compl. ¶ 30.)

13 2. Plaintiff NOM-California is also a primarily formed ballot committee organized to support  
14 Prop. 8. (3d Am. Compl. ¶¶ 31, 32.)

15 3. Plaintiff John Doe #1, an individual, and on behalf of the proposed class of major donors,  
16 also supported Prop. 8 and is a committee for purposes of the PRA because he contributed \$10,000  
17 or more to a committee in support of Prop. 8. (3d Am. Compl. ¶¶ 13, 34.)

18 4. Plaintiff NOM-California PAC was organized on February 6, 2009, and is a general  
19 purpose committee for purposes of the PRA because it intends to support candidates and ballot  
20 measures related to the issue of marriage.<sup>2</sup> (3d Am. Compl. ¶ 33.)

21 5. Defendant Debra Bowen is the Secretary of State for the State of California and is sued  
22

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23 <sup>1</sup> Some of the incidents documented in this statement of facts have been set forth in a report  
24 previously published by The Heritage Foundation. *See* Thomas M. Messner, *The Price of Prop*  
25 *8*, Heritage Foundation Backgrounder, No. 2328 (Oct. 22, 2009), *available at*  
<http://www.heritage.org/research/family/bg2328.cfm> (Ex. 4-1). Restatements of parts of that  
report in this document are used with permission of Thomas M. Messner.

26 <sup>2</sup> Collectively, ProtectMarriage.com, NOM-California, the Major Donors, and NOM-  
27 California PAC are referred to throughout simply as “**Plaintiffs.**” Together,  
28 ProtectMarriage.com and NOM-California are referred to as “**Ballot Committee Plaintiffs.**”  
Together, ProtectMarriage.com, NOM-California, and NOM-California PAC are referred to as  
“**Committee Plaintiffs.**”

1 in her official capacity. Plaintiffs are required to file copies of all reports with Defendant Bowen.  
2 (3d Am. Compl. ¶ 15.)

3 **6.** Defendant Kamala D. Harris is the Attorney General for the State of California and is sued  
4 in her official capacity. Defendant Harris has the authority to bring criminal and civil actions  
5 against individuals or organizations that fail to comply with provisions of the PRA. (3d Am.  
6 Compl. ¶ 16.)

7 **7.** Defendant Dean C. Logan is the Registrar-Recorder for Los Angeles County, California.  
8 Plaintiffs are required to file copies of all reports with Defendant Logan. Defendant Logan is sued  
9 in his official capacity. (3d Am. Compl. ¶ 17.)

10 **8.** Plaintiffs are also required to file copies of all reports with Defendant Department of  
11 Elections—City and County of San Francisco. (3d Am. Compl. ¶ 18.)

12 **9.** Defendant Jan Scully is the District Attorney for Sacramento County, California, and is  
13 sued in her official capacity and on behalf of the Class of District Attorneys. Defendant Scully and  
14 all other District Attorneys in the State of California have authority to bring criminal and civil  
15 actions against individuals or organizations that fail to comply with the provisions of the PRA at  
16 issue herein. (3d Am. Compl. ¶ 19.)

17 **10.** Defendant Dennis J. Herrera is the City Attorney for the City and County of San  
18 Francisco, California, and is sued in his official capacity and on behalf of the Class of Elected City  
19 Attorneys. Defendant Herrera and all other Elected City Attorneys have authority to bring criminal  
20 and civil actions against individuals or organizations that fail to comply with the provisions of the  
21 PRA at issue herein. (3d Am. Compl. ¶ 20.)

22 **11.** Defendant Ann Ravel is the Chair of the Fair Political Practices Commission (“FPPC”),  
23 and is sued in her official capacity. Defendants Sean Eskovits, Elizabeth Garrett, Lynn  
24 Montgomery, and Ronald Rotunda are members of the FPPC and are sued in their official capacity.  
25 The FPPC has the “primary responsibility for the impartial, effective administration and  
26 implementation of [the PRA],” including investigation of possible violations of the PRA based  
27 upon sworn complaints of any person or upon its own initiative. The FPPC has the authority to  
28 order Plaintiffs to comply with provisions of the PRA and to impose civil penalties. (3d Am.

1 Compl. ¶ 21.)

2 **12.** The PRA defines a “committee” in relevant part as:

3 [A]ny person or combination of persons who directly or indirectly does any of the  
4 following: (a) receives contributions totaling one thousand dollars (\$1,000) or more in a  
5 calendar year; (b) makes independent expenditures totaling one thousand dollars (\$1,000)  
6 or more in a calendar year; (c) makes contributions totaling ten thousand dollars (\$10,000)  
7 or more in a calendar year to or at the behest of candidates or committees . . . . CGC §  
8 82013.

9 **13.** A “person” is defined as:

10 [A]n individual, proprietorship, firm, partnership, joint venture, syndicate, business, trust,  
11 company, corporation, limited liability company, association, committee, and any other  
12 organization or group of persons acting in concert. CGC § 82047.

13 **14.** A “primarily formed committee” (“PFC”) is defined as:

14 [A] committee pursuant to subdivision (a) of Section 82013 which is formed or exists  
15 primarily to support or oppose any of the following: (a) a single candidate; (b) a single  
16 measure; (c) a group of specific candidates being voted upon in the same city, county, or  
17 multicounty election; two or more measures being voted upon in the same city, county,  
18 multicounty, or state election. CGC § 82047.5.

19 **15.** A “general purpose committee” is defined as:

20 All committees pursuant to subdivision (b) or (c) of Section 82013, and any committee  
21 pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to  
22 support or oppose more than one candidate or ballot measure . . . . CGC § 82027.5.

23 **16.** The PRA imposes numerous record-keeping and reporting requirements on committees,  
24 including, but not limited to, registration statements, financial disclosure statements, the  
25 identification of committee sponsors in committee names, the identification of major donors in  
26 advertisements, and termination statements. (3d Am. Compl. ¶¶ 49–65.)

27 **17.** Plaintiffs are required to file copies of all reports, including campaign statements, with the  
28 Secretary of State, the Registrar-Recorder of Los Angeles County (Defendant Logan), and the  
Registrar of Voters of the City and County of San Francisco (Defendant Department of Elections -  
City and County of San Francisco). (3d Am. Compl. ¶ 56.)

**18.** The reports include highly personal information, including, but not limited to, the name,  
address, occupation, and employer for every person that contributes one hundred dollars (\$100) or  
more. (3d Am. Compl. ¶ 61.)

**19.** Furthermore, committees are required to keep detailed records of all contributors of

1 twenty-five dollars (\$25) or more. (3d Am. Compl. ¶ 62.)

2 **20.** Reports filed in compliance with the PRA are public records, are open to the public for  
3 inspection, are placed on the Internet, and are retained by filing officers indefinitely. (3d Am.  
4 Compl. ¶¶ 57, 59, 60.)

5 **21.** Non-compliance with the complex provisions of the PRA may result in substantial civil  
6 and criminal penalties. (3d. Am. Compl. ¶¶ 64, 65; State Defs.’ Opp’n to Pls.’ Mot. for Prelim. Inj.  
7 p. 19, n.14.)

8 **22.** On March 7, 2000, 61.4% of California citizens voted in favor of Proposition 22, entitled  
9 California Defense of Marriage Act, which added Cal. Fam. Code § 308.5, which provided that,  
10 “Only marriage between a man and woman is valid or recognized in California.” (3d Am. Compl.  
11 ¶ 24.)

12 **23.** On February 24, 2004, the Mayor of the City and County of San Francisco directed the  
13 San Francisco county clerk to begin issuing marriage licenses to same-sex couples despite section  
14 308.5’s mandate that only marriage between a man and woman is valid or recognized in California.  
15 (3d Am. Compl. ¶ 25.)

16 **24.** On May 15, 2008, in response to a challenge by the City and County of San Francisco, the  
17 California Supreme Court ruled that section 308.5 violated the California Constitution. (3d Am.  
18 Compl. ¶ 26.)

19 **25.** In response to a California superior court’s ruling striking down section 308.5,  
20 ProtectMarriage.com began circulating a petition to place an amendment to the California  
21 Constitution on the June 2006 ballot to correct the constitutional infirmities of section 308.5.  
22 ProtectMarriage.com ultimately failed to collect the requisite number of signature necessary to  
23 place the amendment on the June 2006 ballot. (3d Am. Compl. ¶ 27.)

24 **26.** On June 2, 2008, Defendant Bowen certified Proposition 8, indicating that  
25 ProtectMarriage.com had obtained the requisite number of signatures necessary to place the  
26 proposed constitutional amendment on the November 4, 2008 ballot. (3d Am. Compl. ¶ 28.)

27 **27.** Proposition 8, entitled the “California Marriage Protection Act,” provided for the addition  
28 of section 7.5 to Article I of the California Constitution, and read in its entirety, “Only marriage



1 between a man and woman is valid or recognized in California.”<sup>3</sup>

2 **28.** The combined Yes on Proposition 8 campaigns received over 36,000 individual  
3 contributions totaling nearly \$30 million. (State Defs.’ Opp’n to Pls.’ Mot. for Prelim. Inj., p. 17,  
4 1. 1-2 (Dkt. 71); Cassady Decl. ¶ 7, Ex. A. (Dkt. 73).)

5 **29.** On November 4, 2008, the voters of California adopted Proposition 8. (Ex. 2, p. 3.)

6 **30.** Supporters of Proposition 8 and a traditional definition of marriage have been subjected  
7 to a coordinated campaign of threats, harassment, and reprisals designed to silence any individual  
8 supporting Proposition 8 or a traditional definition of marriage.

9  
10 **Death Threats**

11 **31.** In California, the mayor of Fresno and a local pastor received death threats for opposing  
12 same-sex marriage. The threat against the mayor stated, “Hey Bubba, you really acted like a real  
13 idiot at the Yes of [sic] Prop 8 Rally this past weekend. Consider yourself lucky. If I had a gun I  
14 would have gunned you down along with each and every other supporter.” (Exs. 4-2, 4-3, 4-4.)

15 **32.** The same perpetrator also mentioned a “little surprise” for a local pastor (who voiced  
16 support for traditional marriage) and “his congregation of lowlifes.” “Keep letting him preach hate  
17 and he’ll be sorry,” the perpetrator threatened. “He will be meeting his maker sooner than  
18 expected.” (Exs. 4-2, 4-3, 4-4.) The death threat against the pastor came “just days after someone  
19 egged [his] home and church.” (Ex. 4-5.) The threat also stated that *anyone* in Fresno displaying  
20 a Yes on Prop. 8 yard sign or bumper sticker was “in danger of being shot or firebombed.” (Exs.  
21 4-2, 4-3, 4-4.) Police took the threats seriously, launched a criminal investigation, and took extra  
22 steps to protect the mayor and pastor. (Exs. 4-5, 4-6.)

23 **33.** In 2008, a small group of Christians entered the “Castro District”—a predominantly  
24 homosexual neighborhood in San Francisco—to sing hymns and pray on the public sidewalks,  
25 something they had been doing on a regular basis for years. (Exs. 4-7, 4-8, 4-9, 5-1.) On this  
26 occasion, however, their ordinarily peaceful gathering quickly escalated into a menacing situation.

27 <sup>3</sup> Even the name of Proposition 8 proved controversial. The Defendant Bowen changed the  
28 official name of Proposition 8 to “Eliminates Right of Same-Sex Couples to Marriage. Initiative  
Constitutional Amendment.” (3d Am. Compl. p. 9, n. 2.)

1 A large crowd of homosexuals surrounded the group, and one of the homosexuals hit one of the  
2 Christian women in the head with a book, knocked her to the ground, and then kicked her while she  
3 was lying on the ground. (Exs. 4-7, 4-8, 3-1.) The angry crowd shouted words like “haters” and  
4 “bigots” and then “started throwing hot coffee, soda and alcohol on [them] and spitting (and maybe  
5 even peeing) on [them].” (Ex. 4-8.) Several in the crowd started taking pictures of the Christians,  
6 threatening, “We’re going to kill you. We know who you are.” (Ex. 3-2.)

7 The group was surrounded by several guys with whistles, who “blasted them inches away from  
8 [their] ears continually.” (Ex. 4-8.) The mob then became violent, shoving and kicking some  
9 members of the group. Some shouted death threats at the group’s leader. A man in the Christian  
10 group reported that someone in the throng “repeatedly tried to pull his pants down.” (Ex. 4-7.)  
11 Video footage posted on the Internet shows a band of police officers dressed in riot gear fending  
12 off the angry crowd and escorting the Christians to safety. (Exs. 5-2, 5-3.) A local news source  
13 reported that “San Francisco Police officers in riot gear formed a line and escorted the religious  
14 group into a van to safely get them out of the area.” (Ex. 4-9.)

## 15 16 **Violence and Threats of Violence**

17 **34.** A traditional marriage supporter in Modesto, California, was reportedly punched in the  
18 face by someone who had stolen several Yes on 8 signs. A Hispanic man, who only months earlier  
19 had become a U.S. citizen, was waiting to distribute signs outside his Catholic church when a man  
20 grabbed about seventy-five Yes on 8 signs and fled. (Exs. 4-22, 4-23.) The man followed the thief  
21 and eventually caught up with him. But when he tried to recover the signs, the thief reportedly  
22 yelled “What do you have against gays?” and punched him in the face. (Ex. 4-23.) The man  
23 suffered a bloody eye and wounds to his face and was taken by ambulance to a local hospital  
24 “where he received 16 stitches under his eye.” (Exs. 4-24, 4-25.)

25 **35.** In Palm Springs, California, an elderly woman was besieged by an angry mob protesting  
26 Prop. 8 video footage posted on the Internet shows several men shouting at the woman as a  
27 television reporter tries to interview her. (Ex. 4-7; Ex. 3-14 (see the footage from 0:00 to 2:29 of  
28 the video).) “Get out of here,” one man shouts in the elderly woman’s face. (Ex. 3-14 (see the

1 footage from 0:11-0:16 in the same video).) Later the video shows the woman, who is carrying a  
2 large cross at this point, surrounded by several men, including at least one who knocks the cross  
3 out of the woman's hands and stomps on it. (Ex. 3-14 (see the footage from 2:29 to the end of the  
4 same video).) Someone also reportedly spit on the 69-year-old lady. (Ex. 4-7.)

5  
6 **Chilled Speech**

7 **36.** A California woman, though "ashamed to admit" it, refused to put a bumper sticker on her  
8 car in support of traditional marriage "because of the aggression directed towards [her] family and  
9 friends that resulted from their [public] support." (Decl. of John Doe 39.)

10 **37.** Another woman decided to remove the traditional marriage bumper sticker from her car  
11 after someone keyed her car and let the air out of the tires while she was in the grocery store. (Decl.  
12 of John Doe 12.)

13 **38.** A woman from Michigan who had "no idea that [her] name would be made public" for  
14 making a donation in support of Prop. 8, admitted that had she known, she "probably would not  
15 have donated" because it "had been [her] intention to remain anonymous." (Decl. of John Doe 27.)

16 **39.** One father, concerned about the safety of his children, determined that he will no longer  
17 speak out publicly in support of traditional marriage. (Decl. of John Doe 30.)

18 **40.** Another woman declared she would have to "seriously consider . . . the safety of [her]  
19 family in the future when deciding to support a cause similar to Proposition 8." (Decl. of John Doe  
20 45.)

21 **41.** Another supporter will "think twice" about supporting a similar cause in the future because  
22 she is "worr[ie]d that someone could go after [her family.]" (Decl. of John Doe 19.)

23 **42.** One father with young children will consider donating "a lesser amount under the  
24 disclosure threshold" in the future, or possibly donating to an organization in such a way that would  
25 not require him to divulge his name. (Decl. of John Doe 23.)

26 **43.** And another woman admitted that her support for a similar cause in the future was  
27 "negatively affect[ed]" by the fact that her yard sign was stolen while her neighbors' signs  
28 supporting same-sex marriage were left untouched throughout the entire campaign. (Decl. of John

1 Doe 44.)

2 **44.** Similarly, a mother in California who witnessed repeated vulgarities at sign-waving events  
3 said she felt nervous and scared, chose not to take her children with her, and worried about future  
4 violence to her family should she decide to support a similar cause in the future. (Decl. of John Doe  
5 13.)

6 **45.** Another woman concluded that in the future she would make sure that at least one man  
7 was with each group of sign wavers to help ensure the safety and protection of the group. (Decl.  
8 of John Doe 20.)

9 **46.** One man would not bring children to demonstrations in the future. (Decl. of John Doe 25.)

10 **47.** One father, who was “blacklisted” on the Internet for his financial contribution in support  
11 of traditional marriage, became so concerned for the safety of his children that he contacted the  
12 children’s principal and made it explicit that only he or his wife were authorized to pick up the  
13 children from school. (Decl. of John Doe 23.)

14 **48.** One man reported that although he intends to support causes similar to Prop. 8 in the  
15 future, he will look for alternative ways to contribute his money, which may involve finding a way  
16 to donate anonymously or through an organization that would allow him to keep his personal  
17 information and support from becoming public record. (Decl. of John Doe 53.)

18 **49.** In one community, speech was chilled so significantly that newspaper editors could not  
19 convince *anyone* to submit opinion pieces presenting countervailing views in the same-sex  
20 marriage debate, absent a solemn pledge to keep their names anonymous. In 2008, the student  
21 newspaper at the University of California, San Francisco decided to reverse its policy prohibiting  
22 anonymous opinion letters—but only in the case of the same-sex marriage debate. The newspaper  
23 was prompted to make this special exception because it had “printed many articles from those  
24 opposing Prop 8, but hadn’t received any from the other side.” After tracking down someone with  
25 a pro-traditional-marriage opinion, the newspaper endeavored “to get the writer to agree to use his  
26 name, but he refused, citing fear of harassment.” (Ex. 4-101.)

27 **50.** The editors of the paper treated seriously the decision to break from their standard policy.  
28 In a formal announcement explaining their rationale, the editors cited a newspaper article by the

1 *San Francisco Chronicle*'s Editorial Page Editor John Diaz that revealed what happened to a  
2 gentleman who had written a letter to the editor pleading with readers to “[p]lease show respect for  
3 democracy.” (See discussion of Diaz’s article in Plaintiffs’ opening brief at pages 10–11.) The  
4 student editors concluded, “In this democracy, the way to rectify errors at the polls is to convince  
5 a majority at a future election of the rightness of your cause. No matter how passionately one feels  
6 about an issue, it is important to maintain a civil dialogue and a reasoned debate.” (Ex. 4-101.)

7 **51.** One woman reported that she is worried that she may lose her job as a result of her support  
8 for Prop 8. She wrote two letters to the editor advocating against same-sex marriage. The day after  
9 one of the letters was published, she heard her boss (who she suspects is a homosexual) conversing  
10 with an openly homosexual man in “[un]complimentary” tones. And a few weeks later her boss  
11 called her in and told her “he could not guarantee [her] job beyond the current year” and that she  
12 would be wise to “keep [her] options open.” She “suspect[s]” that her support for Prop. 8 put her  
13 job “in jeopardy.” (Decl. of John Doe 16.)

14 **52.** One man received several harassing and threatening phone messages and emails at work,  
15 some of which indicated that the senders knew where he worked and that they were going to  
16 attempt to have him fired. His co-workers, in fact, received emails informing them that he came  
17 “from a long line of bigots and racists.” (Decl. of John Doe 9.)

18  
19 **Forced Resignations, Boycotts, and Demands for “Hush Money”<sup>4</sup>**

20 **53.** There are also several examples of forced resignations, boycotts, and demands for “hush  
21 money.” Many of these incidents occurred within the film and theater industry.

22 **54.** In the wake of Prop. 8, revelations as to who contributed money in support of traditional  
23 marriage, made possible by publicly disclosed donor lists, caused many in Hollywood to call for  
24 widespread boycotts, blacklists, firings, or de facto shunning of those people and studios who  
25 supported the proposition.

26 **55.** Some were adamant about retribution. Chad Griffin, a political advisor to Hollywood

27  
28 <sup>4</sup> The term “hush money” was used by a *Los Angeles Times* editorial to describe quasi-  
extortion techniques used in connection with organized boycotts. (Ex. 4-115.)

1 executives said, “A dollar to the yes campaign is a dollar in support of bigotry, homophobia and  
2 discrimination. There are going to be consequences. Any individual who has held homophobic  
3 views and who has gone public by writing a check, you can expect to be publicly judged. Many can  
4 expect to pay a price for a long time to come.” (Ex. 4-116.)

5 **56.** Scott Eckern was employed as director of the nonprofit California Musical Theater in  
6 Sacramento before being targeted for personally donating \$1,000 to Prop. 8. Once Mr. Eckern’s  
7 support for traditional marriage was discovered, the theater was “deluged” with criticism from  
8 prominent artists who supported same-sex marriage. (Ex. 4-117.) Critics included Marc Shaiman,  
9 the composer of *Hairspray*, who stated that his work could not be performed at the theater because  
10 of Mr. Eckern’s support for traditional marriage. (Exs. 4-118; *see also* Exs. 4-119, 4-120.) Mr.  
11 Eckern eventually resigned. (Exs. 4-117, 4-120, 4-121.)

12 **57.** Richard Raddon was the director of the Los Angeles Film Festival before he landed in the  
13 crosshairs of traditional marriage opponents. Mr. Raddon personally donated \$1,500 to Prop 8. As  
14 in the case of Mr. Eckern, once information about Mr. Raddon’s personal donation was disclosed  
15 to the state and published on the Internet, he became a target of traditional marriage opponents. (Ex.  
16 4-117; *see also* Ex. 4-122.) According to an op-ed in the *Wall Street Journal*, “A threatened boycott  
17 and picketing of the next festival forced him to resign.” (Ex. 4-117.)

18 **58.** Some donors were targeted for truly insignificant contributions. Marjorie Christoffersen  
19 was a 67-year-old restaurant employee who donated \$100 to support traditional marriage in  
20 California. (Ex. 4-58.) Once information about Ms. Christoffersen’s \$100 donation was published  
21 on the Internet, traditional marriage opponents launched a protest against El Coyote, the restaurant  
22 where she worked—even though the restaurant itself had not made a donation—prompting the  
23 restaurant to offer activists a free brunch and Ms. Christoffersen to offer an apology. (*See* Ex. 4-58.)  
24 However, when Ms. Christoffersen refused to renounce her support for Prop. 8—like Scott Eckern  
25 and Richard Raddon, Marjorie Christoffersen is a Mormon—the meeting “turned ugly” and  
26 “[b]oisterous street protests erupted that night.” (Ex. 4-58.) “Hundreds of protesters converged on  
27 [the restaurant] . . . , and the picketing got so heated that LAPD officers in riot gear had to be  
28

1 called.”<sup>5</sup> (Ex. 4-123.) The *Los Angeles Times* referred to the demonstrators as an “angry mob.” (Ex.  
2 4-124.) “The mob left, but so did the customers” (Ex. 4-124), the *Times* reported, and Ms.  
3 Christoffersen decided to take a leave of absence to protect the restaurant (which is owned by her  
4 mother) and the other employees who worked there. (Ex. 4-58; *see also* Ex. 4-125.)

5 **59.** Many media outlets expressed discomfort with the protestors’ tactical decision to go after  
6 Ms. Christoffersen and the restaurant that employed her. Many journalists—who made clear they  
7 fully supported same-sex marriage—condemned the attacks as unfair and uncivil. One  
8 article—drenched in sarcasm and entitled “Major Victory for Prop 8 Protesters”—opened, “Today,  
9 I salute gays for a major civil rights victory: They forced some old lady to quit her job.” (Ex. 4-  
10 126.) The *Los Angeles Times*’s Steve Lopez quoted Fred Karger, orchestrator of the Californians  
11 Against Hate web site, as saying “Christoffersen’s small personal donation didn’t warrant such a  
12 backlash against [the restaurant].” (Ex. 4-124.) And the *Huffington Post* ran an article highlighting  
13 the hypocrisy of firing people based on their political views when homosexuals have fought for  
14 years for legal protections in the workplace: “If individuals perform their jobs well, if they are good  
15 students or good human resource managers, then they should be allowed to continue in their  
16 positions.” (Ex. 4-128.)

17 **60.** Many other businesses were boycotted after their support for traditional marriage was  
18 exposed by state-mandated political contribution reports. *E.g.*,

19 **a.** Ex. 4-129 (boycott organized against family-owned health food store after political  
20 reporting records exposed the store’s financial support for traditional marriage);

21 **b.** Ex. 4-130 (protests and boycotts against family-run ice cream shop that made financial  
22 contribution to support traditional marriage);

23 **c.** Ex. 4-131 (boycott against Grand Hyatt hotel in San Diego because its owner contributed  
24 \$125,000 to support traditional marriage); Ex. 4-132 (same); Ex. 4-133 (same);

25 **d.** Ex. 4-134 (targeting a self-storage company whose owner (and his family) donated money  
26 to support traditional marriage);

27 \_\_\_\_\_  
28 <sup>5</sup> Among other things, “some of [the protestors] shout[ed] ‘shame on you’ at customers.”  
(Ex. 4-124.)

1 e. Ex. 4-120 (cataloguing several examples of boycotts).

2 **61.** Some businesses were singled out simply because the company’s owner or manager made  
3 a *personal* contribution in support of traditional marriage—even though the company itself (like  
4 the restaurant that employed Ms. Christoffersen) had not contributed anything. *E.g.*,

5 a. Ex. 4-120 (small insurance company picketed with signs such as “Purves Family Supports  
6 Homophobia” after family members donated individually to support traditional marriage);

7 b. Ex. 4-136 (boycotting Texas-based Cinemark (the movie company) after state-mandated  
8 political reports revealed that CEO made personal contribution to support traditional marriage);  
9 Ex. 4-123 (reporting on boycott against Cinemark);

10 c. Ex. 4-137 (calling for boycott against Hoehn Motors because its president made a personal  
11 contribution to support traditional marriage).

12 **62.** In one case, a boycott was organized by a California group against fifty-three Utah car  
13 dealerships in retaliation for the dealership’s owner’s *mother’s* personal contribution. The group  
14 created an Internet site, boycottkengarffautomotive.com, to boost awareness for the state-wide  
15 boycott. (Ex. 4-141.)

16 **63.** Some activists demanded what the *Los Angeles Times* called “hush money” in exchange  
17 for calling off boycotts.<sup>6</sup> For example, “boycotters . . . demanded” that El Coyote manager Marjorie  
18 Christoffersen “pony up \$100 to help [advance same-sex marriage]”—a sum equal to her own  
19 contribution in favor of traditional marriage. Ms. Christoffersen declined and the boycott continued.  
20 Activists refused to lift the boycott “even after some El Coyote employees raised \$500 to help  
21 repeal the new ban [on same-sex marriage].” (Ex. 4-58.)

22 **64.** Similarly, *Time* magazine reported that a boycott against Bolthouse Farms—which gave  
23 \$100,000 to support traditional marriage—was dropped after Bolthouse Farms agreed “to give an

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24 \_\_\_\_\_  
25 <sup>6</sup> Ex. 4-115. To be fair, the *Los Angeles Times* used the term “hush money” to describe  
26 tactics employed by the pro-traditional-marriage side when they “sent letters to various  
27 companies that had donated to the opposition camp . . . warn[ing] donors to pay an equal  
28 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).” (Ex. 4-115.) Surely, however, there is no  
principled distinction between asking for money up front (to prevent a boycott) and demanding it  
after the boycott has begun (to bring it to an end).



1 equal amount of money to gay rights political causes.” (Ex. 4-142.) That amount “ultimately  
2 equaled \$110,000.” (Ex. 4-142.)

3 **65.** The Daily Kos, “the nation’s most popular liberal blog” (Ex. 4-60), suggested that even  
4 the businesses of Mormons who had *not* made a financial contribution to protect traditional  
5 marriage should “[p]robably” be boycotted if they (the individuals themselves) pay tithes to their  
6 church, “unless he or she also makes a reasonable countervailing donation to LGBT causes.” (Ex.  
7 4-143.) The *Los Angeles Times* opined that this “tactic”—i.e., threatening economic reprisals unless  
8 and until a matching countervailing donation is made—“look[s] and quack[s] a lot like extortion”  
9 and “goes over the line.” (Ex. 4-115.)

#### 10 11 **EightMaps.com and Blacklists**

12 **66.** The efforts of individuals or groups who wish to inappropriately target persons who  
13 supported traditional marriage are greatly facilitated by Internet web sites that combine information  
14 gleaned from state-mandated political reports with other publicly available information, thus  
15 enabling those so inclined to more easily threaten and intimidate marriage supporters at home and  
16 at work.

17 **67.** For example, the web site EightMaps.com is a GoogleMaps “mashup”<sup>7</sup> that combines data  
18 obtained from the California Secretary of State (for political donation reports) with an interactive  
19 geographical map. (Exs. 4-152, 4-153.) An individual can use the web site to search for any city  
20 and print a map graphically illustrating the name, address, amount, occupation, and employer of  
21 each individual in that city who donated to Prop. 8. A *New York Times* article commented,  
22 “Eightmaps.com is the latest, most striking example of how information collected through  
23 disclosure laws intended to increase the transparency of the political process, magnified by the  
24 powerful lens of the Web, may be undermining the same democratic values that the regulations

25 \_\_\_\_\_  
26 <sup>7</sup> PCMag.com, “Mashup,” [http://www.pcmag.com/encyclopedia\\_term/0,,t=&i=55949,00.asp](http://www.pcmag.com/encyclopedia_term/0,,t=&i=55949,00.asp)  
27 (last visited July 12, 2011) (defining “mashup” as: “A mixture of content or elements. For  
28 example, an application that was built from routines from multiple sources or a Web site that  
combines content and/or scripts from multiple sources is said to be a mashup. The term became  
popular in the 2005 time frame.”).

1 were to promote.” (Ex. 4-154.)

2 **68.** Other web sites popularly called “blacklists” have sprung up that list citizens (and groups  
3 as well), by name, that contributed in support of Prop. 8. (*E.g.*, Exs. 4-58, 4-133, 4-139.) Each of  
4 the following web sites lists donors or known supporters of traditional marriage and encourages  
5 action against them:<sup>8</sup>

6 a. <http://www.californiansagainsthate.com> (Ex. 4-62)

7 b. <http://fighttherightwingnuts.blogspot.com/2009/01/pro-h8-bigots-who-donated-in-palo-alto.html> (Ex. 4-110)

8 c. <http://knowthyneighbor.org/> (Ex. 4-109)

9 d. <http://www.mormonsstoleourrights.com/><sup>9</sup>

10 e. <http://mormonsfor8.com/><sup>10</sup> (Exs. 4-106, 4-105)

11 f. <http://www.stophemormons.com/> (Ex. 4-104)

12 g. <http://www.antigayblacklist.com/><sup>11</sup> (Ex. 4-10)

13  
14 <sup>8</sup> The web site “You Can’t Hide Your Hate” identifies individual supporters of Prop. 8, but  
15 includes a disclaimer that the web site does not advocate violence, vandalism, or threats, or, for  
16 that matter, even boycotts. (Ex. 4-114.) However, as the *Long Beach Press-Telegram* noted in an  
17 editorial, the web site’s actions speak louder than its quiet disclaimer. If nothing else, the  
18 editorial pointed out, the name of the web site—You Can’t Hide Your Hate—“tars people  
19 . . . with a broad and clumsy brush,” adding that so long as this debate rages, what is needed is a  
20 “huge dose of civility.” (Ex. 4-113.)

21 In addition, at least two major California newspapers have compiled searchable databases on  
22 their respective web sites that enable easy access to look up Prop. 8 contributors. (Exs. 4-138,  
23 4-83.)

24 <sup>9</sup> It appears that MormonsStoleOurRights.com has been stripped of its content, but it is  
25 evident from other Internet blogs and article that the site was, for a time at least, the focal point  
26 of a “petition drive . . . to the IRS to strip the Mormon church of its tax exempt status.” (*See*,  
27 *e.g.*, Ex. 4-107.) In any event, the site MormonsStoleOurRights.com was only one of several web  
28 sites that openly called for the revocation of the Mormon church’s tax-exempt status because of  
its support for traditional marriage. (*E.g.*, Exs. 4-14, 4-15, 4-19.)

<sup>10</sup> Mormonsfor8.com is a web site whose goal is to identify every Mormon donor to Prop. 8.  
The site actively solicits help from visitors to the web site. The web site lists every individual  
contributor to Prop. 8, and whether each contributor is Mormon or not Mormon. It encourages  
visitors to the site to review the list, to spot the Mormons they know, and report them by sending  
an email to [yeson8donors@mormonsfor8.com](mailto:yeson8donors@mormonsfor8.com). (Ex. 4-105.)

<sup>11</sup> Though the web site AntiGayBlacklist.com appears to have been removed, a print-screen  
of the web site is reproduced in Exhibit 4-190. Multiple media reports confirm its existence and  
its purpose. *Time* magazine, for example, reported that on “AntiGayBlacklist.com, individuals  
who gave money toward Prop. 8 are publicized, and readers are urged not to patronize their

1 h. <http://www.hrc.org/news/11542.htm> (Ex. 4-21)

2 i. <http://www.dontbuyfrombigots.com/> (Ex. 4-28)

3 j. <http://www.afterellen.com/node/39787> (Ex. 4-98)

4 k. <http://boycotta-1selfstorage.com/> (Ex. 4-134)

5 **69.** The blacklists have been used, for instance, to go onto the restaurant web site yelp.com,  
6 and give bad reviews to restaurants that supported traditional marriage. (Ex. 4-123.) Others have  
7 spread the word via email (*e.g.*, Exs. 4-129, 4-154) and on sites like Facebook.com (*e.g.*, Ex. 4-  
8 137), Craigslist.com (*e.g.*, Ex. 4-123), and InsiderPages.com (*e.g.*, Ex. 4-27).

9 **70.** Other emerging technology is also threatening the privacy of our political views. A new  
10 product called “Inbox Influence” is now being marketed by the Sunlight Foundation “that allows  
11 you to see the political contributions of the people and organizations that are mentioned in emails  
12 you receive”—simply by dragging the mouse over the name of any person or entity in the body of  
13 the email. (Ex. 4-27.) The Sunlight Foundation touts its product:

14       Inbox Influence provides details on any entity in the body of the email, plus  
15 information on both the sender of the email and the company from which it was sent. With  
16 it, you can even see how your friends and family have given to political campaigns.  
17 Perhaps Uncle Joe has more mainstream views after all?

18 (Ex. 4-26.)

19 **71.** Several news reports confirm that the blacklists and other emerging political-exposure  
20 technology are being compiled by referencing government-compiled political exposure reports. For  
21 example, the *Los Angeles Times* reported that “activists” found their targets by “por[ing] though  
22 campaign contribution databases” (Ex. 4-123), and an article appearing in the *San Francisco*  
23 *Chronicle* reported that same-sex marriage advocates “harness[ed] technology and open-records  
24 laws in their efforts” to “focus on the Mormons” (Ex. 4-60).

25 **72.** Those who publish the blacklists have used the fact that their data is compiled from  
26 publicly available reports as justification for their actions. Fred Karger—founder of  
27 \_\_\_\_\_  
28 businesses or services.” (Ex. 4-142; *see also, e.g.*, Ex. 4-128 (reporting that the writer personally  
“looked up the Anti-Gay Blacklist, a collection of names and affiliations lifted from the public  
record of political donations to the Yes on 8 campaign”).) Moreover, the original Anti-Gay  
Blacklist has been replicated (and is still available) at several web sites. (*See, e.g.*, Exs. 4-84, 4-  
99, 4-103.)

1 CaliforniansAgainstHate.com, which has its own blacklist dubbed the “dishonor roll”—was quoted:  
2 “People are going to do what they want, and it’s in this society where you have campaign reporting  
3 that is all public information.” (Ex. 4-123.)

4 **73.** The advent of Internet blacklists, together with the tense and hostile atmosphere  
5 surrounding the debate over same-sex marriage, caused many in the media (across the political  
6 spectrum) to openly question whether society can handle, civilly, the instant availability of public  
7 records exposing private citizens’ controversial political views. The *Los Angeles Times*, for  
8 instance, ran an editorial entitled “Prop. 8—Boycott, or Blacklist?” with the subtitle “Shunning  
9 businesses is one thing; intimidation crosses the line.” The *Times* described the actions of those  
10 who blacklisted and boycotted Prop. 8 donors as the “vengeful campaign against individuals who  
11 donated to the gay-marriage ban.” “As much as we abhorred Proposition 8, there’s nothing to cheer  
12 about when private individuals are afraid to donate to the political campaigns of their choice  
13 because it may cost them their livelihood.” (Ex. 4-115.)

14 **74.** Likewise, *The New York Times* published an article critical of what it called the “ugly  
15 specter of intimidation”—referring to several documented episodes of threats, harassment, and  
16 reprisals:

17 With tools like eightmaps—and there are bound to be more of them—strident  
18 political partisans can challenge their opponents directly, one voter at a time. The results,  
19 some activists fear, could discourage people from participating in the political process  
20 altogether.

21 (Ex. 4-154.)

### 22 **Anti-Religious Hostility: Vandalism and Overt Threats**

23 **75.** A good portion of the reprisals documented in this case were aimed at churches and church  
24 members who donated in support of Prop. 8 or simply supported traditional marriage.

25 **76.** The following acts of vandalism occurred in the days and weeks immediately before and  
26 after Prop. 8 passed at the polls.

27 **a.** Offices of the Cornerstone Church in Fresno were egged. (Ex. 4-44.)

28 **b.** Perpetrators used orange paint to vandalize a statue of the Virgin Mary outside a

1 California church. (Decl. of John Doe 23.)

2 c. Swastikas and other graffiti were scrawled on the walls of the Most Holy Redeemer  
3 Catholic Church in San Francisco. (Exs. 4-45, 4-46.)

4 d. A Mormon church in Orangeville, California, was spray-painted with the words “No on  
5 8” and “hypocrites.” (Ex. 4-47.)

6 e. In San Luis Obispo, the Assembly of God Church was egged and toilet-papered, and a  
7 Mormon church had an adhesive poured onto a doormat and keypad. (Ex. 4-7.)

8 f. Within days of the Prop. 8 vote, at least seven Mormon church buildings in Utah had their  
9 glass doors and windows shattered (Ex. 4-48), and another one had graffiti spray-painted in  
10 large letters across a wall that read “Nobody is born a biggot!!!” followed by a smiley face and  
11 a heart (Ex. 4-49).

12 g. Signs supporting Prop. 8 were twisted into a swastika at Our Lady of Perpetual Help  
13 Catholic Church in Riverside. (Exs. 4-50, 4-51.)

14 h. And at the Messiah Lutheran Church in Southern California, a “Yes on 8” sign was  
15 wrapped around a heavy object and used to smash the window of the pastor’s office. (Ex. 4-7.)

16 i. Ten Mormon church buildings in the Sacramento region were vandalized in the first week  
17 after Prop. 8 passed. (Ex. 4-52.)

18 **77.** In Lansing, Michigan, just days after Prop. 8 passed, the group Bash Back! invaded a  
19 Christian church during its Sunday service. Before the invasion, the group sent out a call for  
20 participants to help pull off their act: “We need people to do anything from just engaging in  
21 conversation, to tossing some glitter, to playing spin the bottle, to a more ‘militant’-looking  
22 presence out side of the building. I can tell you that we are targeting a well-known anti-queer, anti-  
23 choice radical right wing establishment.” (Ex. 4-17.) Then Bash Back! took action:

24 [M]embers of the group dressed in militant garb staged a protest outside the church during  
25 a worship service to distract security personnel, blocking access to the building and  
26 parking lot at various times. Other members of the group dressed in plain clothes then  
27 deceptively entered the building. At a coordinated time, they sprang up to disrupt the  
28 service, terrifying many attendees. The group shouted religious slurs, unfurled a sign, and  
threw fliers around the sanctuary while two women began kissing near the podium. The  
group pulled fire alarms as they ran out of the building.

(Ex. 4-53; *see also* Ex. 4-13.)

1 The group's web site featured photos of members dressed like terrorists and brandishing various  
2 objects as weapons. (Ex. 4-53; Ex. 4-17.)

3 In accounts posted on the Internet after the invasion, Bash Back! claimed the deed and  
4 described the Mount Hope Church as a "deplorable, anti-queer mega-church" that is "complicit in  
5 the repression of queers in Michigan and beyond" and cited the church's "stance on queer  
6 identities" as one reason for the attack. (Ex. 4-54.) The incident, including video of the actual  
7 invasion, was covered by multiple news outlets. (Exs. 3-9, 3-10.) For its deeds, Bash Back! found  
8 itself the object of a federal suit, which ultimately resulted in a permanent injunction banning the  
9 group from invading churches anywhere in the country, and notifying the group that future  
10 violations will be punished as contempt of court and fined \$10,000. (Exs. 4-13, 4-16.)

11 **78.** Advocates also threatened financial repercussions against churches that publicly stood for  
12 traditional marriage or supported Prop. 8, vowing to press for the revocation of their tax-exempt  
13 status. Official petitions to that effect were circulated on the Internet and several web sites openly  
14 called for the revocation of the Mormon church's tax-exempt status because of its support for Prop.  
15 8 and traditional marriage. (*See, e.g.*, Exs. 4-14, 4-15, 4-19.)

16 **79.** In the wake of Prop. 8's passage, comments on homosexual blogs openly called for arson,  
17 physical violence, and even killing. Much of it was aimed at religious groups. One blogger wrote:

18 Fuck you Mormons. Yeah you heard me. Fuck you. Fuck you and your narrow  
19 minded hypocritical asses. Fuck you for putting money into taking away a persons right.

20 . . . . Fuck you LDS church. Now it's MY turn. You have no idea how much I've held back  
21 all of these years . . . .

22 Fuck you LDS church. Fuck you [LDS President] Monson. Fuck all of you. If you  
23 were afraid that your kids learning about homosexuals would corrupt them, you have no  
24 IDEA what I'm going to do to them.

(Ex. 4-55.)

25 **80.** Others were even more explicit in their call for violence and retribution:

26 "Can someone in CA please go burn down the Mormon temples there, PLEASE. I mean  
27 seriously. DO IT."

28 "I'm going to give them something to be f--ing scared of....I'm a radical who is now on a  
mission to make them all pay for what they've done."

"Burn their f--ing churches to the ground, and then tax the charred timbers"

1 “I hope the No on 8 people have a long list and long knives.”

2 “Trust me. I’ve got a big list of names of mormons and catholics that were big supporters of  
3 Prop 8...As far as mormons and catholics...I warn them to watch their backs.”

4 (Ex. 4-56; *see also* Ex. 4-57.)

5 **81.** Responding to these blog posts, one commentator wrote, “This is not free speech; this is  
6 criminal activity. Imagine if Christian web sites were advocating such violence against  
7 homosexuals. There’d be outrage, and rightfully so. It’d be national front-page news.” (Ex. 4-56.)

8 **82.** Mormons have been particularly and systematically targeted. One leading homosexual  
9 rights activist in West Hollywood said, “The main finger we are pointing is at the Mormon church.”  
10 (Ex. 4-58.) Joe Solmonese, head of the Human Rights Campaign, echoed this sentiment on the Dr.  
11 Phil show when, in response to a question from a Mormon audience member asking why his church  
12 was being targeted, he reportedly declared, “We are going to go after your church every day for the  
13 next two years unless and until Prop 8 is overturned.” (Ex. 4-59.) Several web sites targeting Prop.  
14 8 donors focus specifically on Mormons.<sup>12</sup> And one anti-Prop-8 activist filed a complaint asking  
15 California officials to investigate the Church of Jesus Christ of Latter-Day Saints for its support for  
16 the marriage amendment. (Ex. 4-61; *see also* Ex. 4-62.)

17 **83.** The “Home Invasion” television ad, in particular, sought to exploit anti-Mormon bigotry  
18 for political gain. The ad, which aired during the lead-up to Prop. 8, depicts two Mormon  
19 missionaries invading the home of two lesbian partners, ransacking their belongings, and tearing  
20 up their marriage license. “Hi, we’re from the Church of Jesus Christ of Latter-Day Saints,” says  
21 one of the Mormon missionaries. “We’re here to take away your rights,” says the other. The ad  
22 concludes with script and a voiceover stating, “Say NO to a Church taking over your government.  
23 Vote NO on Proposition 8.” (Ex. 3-17.)

24 **84.** The *Los Angeles Times* lamented that same-sex marriage activists had failed to air more  
25 “hard-hitting” ads like the “Home Invasion” ad. (Ex. 4-63.) The editorial discussed the “many

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26 <sup>12</sup> *See* Ex. 4-60. According to this source, “One Web site run by a Prop. 8 opponent,  
27 Mormonsfor8.com, identifies the name and hometown of every Mormon donor.” *Id.* The source  
28 also reported that, “[o]n 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.” *Id.*

1 mistakes” made by Prop. 8 foes, and stated, “Same-sex marriage advocates produced only one  
2 hard-hitting commercial, depicting a pair of Mormon missionaries ripping up the wedding license  
3 of a married gay couple, but didn’t air it until election day.” *Id.*

4 **85.** After Prop. 8 passed, crowds of same-sex marriage activists congregated for protests at  
5 Mormon houses of worship throughout the nation.

6 **a.** Protests in the City of Los Angeles prompted the Los Angeles Police Department to call  
7 a “tactical alert.” (Ex. 4-64.)

8 **b.** A protest in Long Beach, though characterized as mostly peaceful, reportedly involved  
9 the arrest of 15 people, a smashed police car window, and roughly 100 protestors who refused  
10 to leave, blocked traffic at an intersection, and attempted to incite others to riot. (Ex. 4-65.)

11 **c.** Same-sex marriage supporters also protested in other cities throughout California and the  
12 nation. (*See, e.g.*, Exs. 4-66, 4-67, 4-68, 4-69.)

13 **d.** Video of one protest shows same-sex marriage activists massed outside the Mormon  
14 temple in New York City crying “fascist church” repeatedly. (Ex. 3-8.)

15 **e.** Another video appears to show angry activists rattling the gates of the temple in Los  
16 Angeles and chanting “shame on you.” (Ex. 3-19 (see footage from 5:01 to 6:04).) Protesters  
17 at the Los Angeles temple vandalized the temple gates, scrawling “LIARS” and various heart-  
18 shaped symbols across several of the concrete pillars.<sup>13</sup>

19 **86.** Images from various protests show signs like:

20 **a.** “Mormon Scum,”<sup>14</sup>

21 **b.** “Get your filthy church off me,”<sup>15</sup>

22 **c.** “Keep your hate in Salt Lake,”<sup>16</sup>

23 <sup>13</sup> See picture at page 282 of Exhibit 4.

24 <sup>14</sup> *E.g.*, Ex. 4-72 (reporting that protestors chanted “Mormon scum” outside the Mormon  
25 temple in Los Angeles). See also the picture on page 280 of Exhibit 4 and, generally, the  
26 photographs compiled in Exhibit 4-73.

27 <sup>15</sup> Ex. 3-10. The sign can be seen during the period, roughly, from 0:51 to 0:56 in the video.

28 <sup>16</sup> Ex. 3-8. The sign can be seen during the period, roughly, from 2:51 to 2:55. Another sign  
sports a hand-drawn swastika. It can be seen during the period, roughly, from 3:40 to 3:44 in the  
same video. The swastika was placed inside the letter “o” in the message “H8 IS TOXIC.” *Id.* A  
similar sign was posted at another rally. See picture on page 269 of Exhibit 4.



1 d. “Go back to Utah,”<sup>17</sup> and

2 e. “Stop the Christo-Fascists.”<sup>18</sup>

3 **87.** One woman at a post-election, anti-Prop. 8 rally in Sacramento acknowledged the  
4 widespread vandalism occurring in the wake of Prop. 8, but refused to condemn it. Instead, she  
5 dismissed it, saying, “same-sex marriage opponents have no right to complain about any physical  
6 and verbal attacks they’ve encountered since election day.” “Get over it,” she said. “It’s easier to  
7 wash a paint stain off a church than to take off the stain they left on the California Constitution.”  
8 (Ex. 11-1.)

9 **88.** In addition, protestors organized at least two homosexual “kiss-ins” in front of Mormon  
10 temples in Salt Lake City and San Diego. (Exs. 4-70, 4-71.)

11 **89.** The *San Francisco Chronicle* reported that at a same-sex marriage rally in Sacramento in  
12 November 2008, Margaret Cho performed “a song she wrote slamming Mormons for their support  
13 of [Prop. 8.]” (Ex. 4-74.) Here are the actual lyrics she sang to the delight of cheering crowds:

14 Whatever happened to democracy?  
15 Everything equal and fair?  
16 Mormons deny our humanity,  
17 And they wear weird underwear.

18 All that we ask for is family,  
19 Freedom from a homophobic complaint.  
20 Spare me your holy insanity—  
21 I protest the church of latter-day saints.

22 (chorus)  
23 Don’t let the Mormons get away with it,  
24 Don’t let their legislation pass.  
25 Why do you think that they give a shit?  
26 Shove Proposition 8 up their ass!

27 Maybe we can get them audited,  
28 Cut the whole church down to size.  
29 They hate gays ’cause they’re all closeted,  
30 Protect our kids from their lies!

31 I want them to suffer for what they’ve done,  
32 What would the lord on high say?  
33 A true Christian tries to love everyone—  
34 And Jesus was probably gay.

35 <sup>17</sup> See picture at page 275 of Exhibit 4.

36 <sup>18</sup> See picture at page 278 of Exhibit 4.

1 They crowded our airwaves with blasphemy,  
2 Distortion, and misuse of wealth.  
3 They try to deny their polygamy—  
4 Oh Mormons, go fuck yourselves!

5 Don't let the Mormons get away with it,  
6 Don't let their legislation pass.  
7 Why do you think that they give a shit?  
8 Shove Proposition 8 up their ass!  
9 Shove Proposition 8 up their ass!  
10 Shove Proposition 8 up their ass!<sup>19</sup>

11 **90.** Cho gave the same performance at a same-sex marriage rally in Cincinnati, Ohio, and  
12 several videos of her performance there are posted on the Internet. (Ex. 3-13.)

13 **91.** Anti-Mormon malice reached a new level when someone mailed packages containing  
14 suspicious white powder to Mormon temples in California and Utah and to a Catholic fraternity in  
15 Connecticut. (Exs. 4-75, 4-76; *see also* Ex. 4-77.) At least one of the packages sent to the Mormon  
16 temples triggered a domestic terrorism investigation by the FBI. (Ex. 4-78.) Meanwhile, in  
17 Colorado, perpetrators placed a Book of Mormon on the steps of a Mormon church and lit it on fire.  
18 (Exs. 4-79, 4-80.) Police reportedly investigated the incident as a “bias-motivated arson” related  
19 to the church’s position on Prop. 8. (Ex. 4-120; *see also* Ex. 4-79.)

20 **92.** The Mormon church responded in a public statement:

21 [P]laces of worship have been targeted by opponents of Proposition 8 with demonstrations  
22 and, in some cases, vandalism. People of faith have been intimidated for simply exercising  
23 their democratic rights. These are not actions that are worthy of the democratic ideals of  
24 our nation. . . .

25 . . . . Attacks on churches and intimidation of people of faith have no place in civil  
26 discourse over controversial issues. People of faith have a democratic right to express their  
27 views in the public square without fear of reprisal. Efforts to force citizens out of public  
28 discussion should be deplored by people of goodwill everywhere.

(Ex. 4-81.)

29 **93.** In 2008, a Bash Back! chapter in Olympia, Washington, bragged that they had vandalized  
30 a Mormon church where they glued their door locks and sprawled anarchist messages in spray paint  
31 “over their boring veneer.” “The Mormon church (just like most churches) is a cesspool of filth,”  
32 the group wrote in a statement justifying its attack. “It is a breeding ground for oppression of all  
33 sorts and needs to be confronted, attacked, subverted and destroyed.” To the church they warned:

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<sup>19</sup> Ex. 3-11. Cho also created a music video of the same song. Ex. 3-12.

1 “Dissolve completely or be destroyed.” (Exs. 4-34, 4-82.)

2 **94.** Anti-Mormon sentiment has lingered well beyond the Prop. 8 campaign. Recently, there  
3 have been several arsons and acts of vandalism at Mormon church buildings. Investigators  
4 determined that arson was the cause of a fire that destroyed a Mormon meetinghouse in Mukilteo,  
5 Washington, in 2010. (Ex. 4-85.) The fire was started when someone threw a Molotov cocktail into  
6 the building. (Ex. 4-86.) Arson was also identified as the likely cause of fires at a Mormon  
7 meetinghouse in Utah (Ex. 4-87), as well as at the Mormon temple in Los Angeles (Ex. 4-88).

8 **95.** In one of a “about a dozen” separate incidents of vandalism at a Mormon church building  
9 in West Lynn, Oregon (about fifteen miles outside Portland), in 2010, vandals spray-painted on a  
10 brick wall in large red letters, “Fuck Mormons.”<sup>20</sup>

11 **96.** In Sacramento, a man went out to his car in the morning only to find that overnight it had  
12 been vandalized with a black permanent marker, with the message “Damn Mormons” written on  
13 the vehicle. Police are “treating the incident as a hate crime.” (Ex. 4-90.)

14 **97.** The Mormon temple in Richland, Washington, continues to be the target of repeated  
15 vandalism. The most recent incident was May 7, 2011, and that incident was the *seventh* since  
16 January 2011. Five of the incidents involved someone throwing rocks or bricks through glass  
17 windows or doors, and the other two incidents involved slashed tires on vehicles parked at the  
18 temple. (Ex. 4-91.)

19 **98.** The acts of anti-religious violence and intimidation that erupted in the wake of Prop. 8  
20 prompted a full-page ad in *The New York Times*, signed by thirteen national leaders, which declared  
21 that the “violence and intimidation” against the Mormon church and other religious organizations,  
22 and against individual believers, “simply because they supported Proposition 8 is an outrage that  
23 must stop.” The commentary rebuked the “thugs” who resorted to such tactics as well as those  
24 “public voices” who “fail[ed] to condemn” and, in some cases, “seem[ed] to condone” them:  
25 “Consciously or not, they are numbing the public conscience, which endangers all of us.” (Ex. 4-  
26 92.)

27 \_\_\_\_\_  
28 <sup>20</sup> Ex. 4-89. The words “Fuck Mormons” painted in large red letters can be seen in the video  
accompanying the news story.

1       **99.** The U.S. Conference of Catholic Bishops wrote a public letter to the President of the  
2 Mormon Church, expressing “prayerful support and steadfast solidarity” and noting that they were  
3 “especially troubled by the reports of explicit and direct targeting of [Mormon] church personnel  
4 and facilities as the objects of hostility and abuse.” (Ex. 4-93.)

5       **100.** And Rabbi Nachum Shifren wrote a piece affirming, “We who are friends of the  
6 Mormons, their patriotism, their family values, will not falter in our continued support of these dear  
7 Americans.” He argued that acts of intimidation against the Mormons in reality erode everyone’s  
8 freedom. Recalling Niemoller’s prose—“When they came for the gypsies, I said nothing, because  
9 I wasn’t a gypsy”—the Rabbi insisted that for liberty’s sake, “we all are Mormons!” (Exs. 4-94,  
10 4-95.)

### 11

### 12 **Stolen and Vandalized Signs**

13       **101.** Reports of Yes on 8 signs being defaced, damaged, dislocated, or stolen are almost  
14 too numerous to track reliably. (*See, e.g.*, Decls. of John Does 13, 14, 16, 18, 20, 22, 24, 25, 26, 31,  
15 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 55, 57, 58; *see also, e.g.*, Exs.  
16 4-29, 4-30, 4-31.)

17       **102.** The Yes on 8 campaign estimated that about one-third of an estimated 25,000 signs  
18 distributed in California were stolen or vandalized before the campaign ended. (Ex. 4-32.)

19       **103.** Prop. 8 supporters who replaced stolen signs often had their signs stolen again. (*E.g.*,  
20 Decls. of John Does 45, 47.) One man had his seven-foot wooden sign stolen the day after it was  
21 put up. He replaced it with a steel sign. (Ex. 4-33.)

### 22

### 23 **Trespassing**

24       **104.** Sign theft and vandalism also involved the added element of trespass or fear of  
25 trespass. (*E.g.*, Decl. of John Doe 41.)

26       **105.** In some cases, perpetrators crossed fences and tall walls to steal signs, many that had  
27 been securely fastened in place. (Decl. of John Does 13, 26, 33, 46.)

28       **106.** One individual reported coming home late and hearing male voices outside her home.

1 (Decl. of John Doe 45.)

2 **107.** Another reported that a suspected perpetrator quickly drove away when spotted  
3 through the front window of his house. (Decl. of John Doe 47.)

4  
5 **Vandalized Vehicles, Homes, and Commercial Buildings**

6 **108.** Vandals targeted more than just yard signs. A senior citizen who placed a  
7 pro-traditional-marriage bumper sticker on her car had her car's rear window smashed in. (Decl.  
8 of John Doe 11.)

9 **109.** And an elderly couple who put a Yes on 8 sign in their yard had a block thrown  
10 through their window. (Ex. 4-34.)

11 **110.** Others with pro-traditional-marriage bumper stickers had their cars keyed. (Ex. 4-35;  
12 Decl. of John Does 12, 13.)

13 **111.** One man who placed signs in his yard and stickers on his cars and motorbike reported  
14 that someone egged and floured his home three times and egged, floured, and honeyed his car  
15 twice. Someone also pushed over the man's motorbike and scraped the bumper stickers off the back  
16 glass windows of his cars. (Decl. of John Doe 14.)

17 **112.** Several other individuals reported that their bumper stickers were scraped or ripped  
18 off their vehicles, or defaced. (Decls. of John Does 24, 25, 31.)

19 **113.** Several individuals found their property vandalized with spray paint. Vandals  
20 spray-painted vehicles, garages, fences, and Yes on 8 signs in Yucaipa, California. (Ex. 4-36.)

21 **114.** An Alta Loma resident who placed a Yes on 8 sign in her yard found the words "love  
22 for all" and "no on 8" spray-painted in large letters on her fifth-wheel trailer. (Ex. 4-37.)

23 **115.** In San Jose, vandals spray-painted in large letters "No on 8" on the garage doors of  
24 two neighboring homeowners who displayed signs supporting Prop. 8 (they also tagged the  
25 homeowners' yard signs as well as the minivan belonging to one of the neighbors). (Exs. 4-38, 4-  
26 39, 4-40.)

27 **116.** And in Fullerton, vandals spray-painted anti-Prop-8 messages on commercial and  
28 residential buildings. (Ex. 4-41.)

1

2 **Harassing and Intimidating Telephone Calls**

3 **117.** Several individuals reported receiving harassing phone calls. Some reported receiving  
4 phone calls calling them “bigot” (*e.g.*, Decl. of John Doe 56) and using vulgar language (*e.g.*, Decl.  
5 of John Doe 28).

6 **118.** One man called his neighbor and left a short voice message, signing off, “What a  
7 scum-fuck!” (Decl. of John Doe 28.)

8 **119.** Some received harassing calls at work. (*E.g.*, Decl. of John Does 1, 8, 53, 56.) One  
9 donor reported that his co-workers began receiving harassing phone calls at work shortly after his  
10 donation was made public. (Decl. of John Doe 53.)

11 **120.** A public relations firm hired by the Yes on 8 Campaign received so many harassing  
12 phone calls from one angry person that business over the telephone became impossible and the  
13 sheriff’s office was contacted. (Decl. of John Doe 52.)

14

15 **Emails and Letters**

16 **121.** Many others received harassing and intimidating emails, letters, and postcards using  
17 vulgar language (*e.g.*, Decl. of John Doe 54) and offensive labels like “gay hater” (*e.g.*, Decl. of  
18 John Doe 51) and “Nazi.” (Decl. of John Doe 9.)

19 **122.** One man from San Francisco emailed a traditional marriage supporter: “I tolerate you  
20 because I don’t come to where you are and slaughter you.” (Decl. of John Doe 30.)

21 **123.** Another email was sent to a traditional marriage supporter in Connecticut who was  
22 employed at a local school. After calling the supporter a “rotten” person, the person sending the  
23 email threatened to tell “all the parents” of students at the school where the supporter worked that  
24 she had supported traditional marriage with a financial contribution. The supporter found “the  
25 effect of this to be chilling and very upsetting.” (Decl. of John Doe 10.)

26 **124.** One man even received a book, sent anonymously through Amazon.com, that  
27 contained “the greatest homosexual love stories of all time.” He contacted Amazon to ask who sent  
28 it, but Amazon would not tell him. (Decl. of John Doe 23.)

1       **125.**     After the names of Prop. 8 donors were released in California, there was a rash of  
2 hostile and intimidating emails and letters. One previously undisclosed donor received this  
3 correspondence:

4             The judge released the names today of the donors who supported Prop 8, and your  
5 name is on the list as having donated . . . to keep same-sex couples from marrying.  
6 Someday you will have to account for the fact that you refused to love they [sic] neighbor,  
7 but in the meantime I hope your hateful little life is full of oppression and injustice as this  
8 is the kind of life you wish for others. You're a queer-hating douchebag. Fuck you. Best,  
9 Julia

10 (Decl. of John Doe 54.)

11       **126.**     The same man, a 65-year-old veteran, also received a handwritten letter, at his home  
12 address, that read in its entirety, “STUPID MOTHER FUCKER. MAKE A DONATION Like that  
13 AND YOU ARE LISTED.” (Decl. of John Doe 54.)

14       **127.**     And there are many other examples of individuals who were singled out after their  
15 financial support became public. (*E.g.*, Decls. of John Does 2, 4, 5, 6, 10, 17, 19, 20, 27, 28, 29, 30,  
16 32.)

### 17 **Other Acts of Intimidation**

18       **128.**     Harassment sometimes took other forms. In one case, two women painted an arrow  
19 and the words “Bigots live here” on the window of an SUV and parked the vehicle in front of a  
20 household that had supported traditional marriage. (Ex. 4-60.)

21       **129.**     One woman, an artist from New York who donated to Prop. 8, recounted her  
22 experience: “One night in early February, I drove home to find two cars, two men, waiting for me,  
23 unannounced, in the dark.” The men were reporters for the *Daily News*, who told the woman they  
24 were publishing a story on her. She could sense the men’s visit to her home had a different purpose:  
25 “This was intimidation, not fact-gathering.” The woman’s name was printed in the *Daily News*  
26 story, and within twenty-four hours, her name was subsequently dragged through the mud. In her  
27 own words, she had become “a class enemy,” “up there with Halliburton and Big Oil.” Her “home  
28 address and email were repeated in comment sections [of the article] in which readers egged each  
other on to ‘make the bitch pay.’” (Ex. 4-96.)

1       **130.** Others sought to intimidate through the use of photography. One individual who  
2 supported Prop. 8 found himself the subject of a flyer distributed in his town. The flyer included  
3 a photo of him, labeled him a “Bigot,” and stated his name, the amount of his donation to Prop. 8,  
4 and his association with a particular Catholic Church. (Decl. of John Doe 2); (Ex. A to John Doe  
5 2.)

6       **131.** In another case, the names and pictures of several Prop. 8 supporters were posted on  
7 an online message board. People responded with the following comments: “Let’s go get ‘em”; “I’m  
8 having a hard enough time fighting the urge to put on my construction boots, hop on a plane and  
9 kick some right-wing ass!”; “I can take out the doped up chick, no problem”; “I’ve been trying to  
10 locate them...”; “I’m actually so enraged right now I want to go punch a Mormon.” Several posters  
11 posted the addresses, home phone numbers, work phone numbers, and email addresses of the  
12 pictured supporters. One poster claimed to have left the following message on a supporter’s  
13 answering machine:

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

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

19 (Ex. 4-97.)

### 20 **The Peter Vidmar Story**

21       **132.** In May 2011, two-time gymnastics gold medalist Peter Vidmar resigned as head of  
22 the (entire) 2012 U.S. Olympic team after intense criticism from homosexual athletes and activists.  
23 (Ex. 4-144.) He had served in the position for all of eight days. (Ex. 4-144.) In 2008, Vidmar  
24 donated \$2,000 to support the passage of Prop. 8 and also attended a rally supporting traditional  
25 marriage. (Ex. 4-144.)

26       **133.** The public was made aware of Vidmar’s donation, ultimately, from records preserved  
27 and made available by the California Secretary of State. *USA Today* reported that a homosexual  
28 news outlet called Outsports.com was the first to break the news. (Ex. 4-145.) The Outsports.com



1 article (Ex. 4-146) gives credit for its information to a web page of the *Los Angeles Times* entitled  
2 “Proposition 8: Who gave in the gay marriage battle?”—and the *Times*’ web page reveals its source  
3 as the California Secretary of State. (Ex. 4-108.)  
4

### 5 **The Carrie Prejean Story**

6 **134.** Another widely reported case involved Carrie Prejean, the Miss USA beauty  
7 contestant. Ms. Prejean was competing in the final round of the Miss USA pageant when she drew  
8 a question from pageant judge Perez Hilton about legalizing same-sex marriage.<sup>21</sup> Ms. Prejean’s  
9 answer—that, in her view, marriage should be between a man and a woman—generated “vicious  
10 attacks on her character, intelligence, and religious beliefs” (Ex. 4-149) by bloggers and the media,  
11 including from Mr. Hilton, who later described Ms. Prejean in crude and derogatory terms in a  
12 video blog on his web site (Ex. 4-148).

13 **135.** A “high-ranking gay British politician Alan Duncan . . . called [Prejean] a ‘silly bitch’  
14 and said that if she turns up murdered, ‘you know it was me.’”<sup>22</sup>

15 **136.** A co-director of the Miss California association also condemned Ms. Prejean, stating  
16 that “[r]eligious beliefs have no place in politics in the Miss CA family.” (Ex. 4-112.)

17 **137.** Both Ms. Prejean and Mr. Hilton have speculated that her answer cost her the crown.  
18 (Ex. 4-151.)  
19

### 20 **Harassment and Intimidation on Campus and in the Classroom**

21 **138.** Students who held traditional beliefs regarding marriage and family life were also the  
22 object of harassment, intimidation, and reprisals. A student group at the University of California,  
23 Davis, was attacked, while sitting at a Yes on 8 table on the campus quad, by another group of  
24 students throwing water balloons and shouting “you teach hate.” (Ex. 4-35.)  
25

---

26 <sup>21</sup> Ex. 4-147. According to one source, “Perez [Hilton] had actually written the question  
27 hoping Miss Utah would answer it, thereby bringing attention to the Mormon Church’s financing  
of the Yes on Prop. 8 campaign.” (Ex. 4-148.)

28 <sup>22</sup> Ex. 4-149. The *Post-Dispatch* article (Ex. 4-149) censored the term “bitch,” but it can be  
found in the article included as Exhibit 4-150.

1       **139.** Jonathan Lopez was a student at Los Angeles City College enrolled in a speech 101  
2 class. (Ex. 4-100 (article).) After Prop. 8 passed in California, his professor told the entire class,  
3 “If you voted yes on Proposition 8, you are a fascist bastard.” (Ex. 4-100 (complaint ¶ 42).) Later  
4 in the semester, Mr. Lopez was tasked with presenting an informative speech on a topic of his  
5 choice. Mr. Lopez, who is a Christian, chose to present a speech on his faith. In the middle of his  
6 speech, he mentioned the dictionary definition of marriage and recited two Bible verses. At that  
7 point, his professor interrupted him, called him a “fascist bastard” in front of the entire class, told  
8 the other students that they could leave if they were offended, and when no one left, dismissed the  
9 class. The professor refused to grade the assigned speech and wrote on Mr. Lopez’s evaluation,  
10 “Ask God what your grade is.” (Ex. 4-100 (complaint ¶ 39); Ex. 4-100 (Ex. 2 to complaint).) Mr.  
11 Lopez discussed the event with a college dean (who did nothing to intervene). His professor saw  
12 him speaking to the dean and later told him that he (the professor) would make sure that he (Mr.  
13 Lopez) was expelled from school. (Ex. 4-100 (complaint ¶ 49).)

14       **140.** At Galt High School in California, Tarl Reid-Reynoso was reportedly slapped and  
15 even received “death threats from fellow students” because of his support for traditional marriage.  
16 In addition, after Tarl and several of his classmates protested the California Teachers’ Association’s  
17 donation opposing Prop. 8, Tarl was allegedly singled out in front of the class by one of his teachers  
18 (who is also president of the Galt Federation of Teachers union). According to reports, his teacher  
19 presented to the class a court case involving the constitutionality of students “handing out flyers,”  
20 but substituted Tarl’s name and other personal information for the person in the court case. (Ex. 4-  
21 102.)

22       **141.** And other students at the same high school were also harassed, according to a  
23 California attorney who said that parents have contacted him “as an attorney to see what their  
24 options [are] against on-campus harassment over Proposition 8.” “The parents of these harassed  
25 students are afraid to come forward due to fear of retaliation for their children at Galt High School,”  
26 he said. (Ex. 4-102.)

27       **142.** The continued availability of Plaintiffs’ previously filed reports creates the reasonable  
28 probability that supporters of Prop. 8 will be subjected to continued harassment for exercising their

1 First Amendment rights, particularly in light of the continuing debate over the subject of marriage  
2 in California.

3  
4 **Factual Summaries of Each John Doe Declaration (Declarations #1–58)**

5 **Declaration of John Doe #1**

6 **143.** John Doe #1 donated funds to ProtectMarriage.com, placed a yard sign in front of his  
7 home, and made phone calls supporting Proposition 8 on behalf of a church group. He was required  
8 to list the name of his business when he contributed to ProtectMarriage.com, and, consequently,  
9 in October 2008, someone papered the cars in his parking lot with flyers referencing his support  
10 for Proposition 8 and the amount of his contribution. His business has since been targeted by  
11 numerous boycotts, several orchestrated through Facebook. At one point, someone paid for a  
12 sponsored link on Google so that a search for John Doe #1's store resulted in a website referencing  
13 his support for Proposition 8 and urging a boycott. Additionally, several negative reviews of his  
14 business were posted on Yelp.com referencing his donation to Plaintiff. Other websites have posted  
15 similar reviews.

16 John Doe #1's business has twice been picketed and, in November 2008, opponents of  
17 Proposition 8 allegedly orchestrated a march intended to culminate in further picketing of John Doe  
18 #1's business.

19 According to John Doe #1, the protesters have become quite aggressive and he has received  
20 numerous letters and hundreds of emails condemning his support of the Proposition. Approximately  
21 30-40 people have frequented his business to express their displeasure with his support of the ballot  
22 initiative. John Doe #1 eventually became concerned that opponents of Proposition 8 would tamper  
23 with his products so he installed sixteen additional security cameras. John Doe #1 contends that he  
24 will not contribute in the future and does not believe his business should suffer repercussions  
25 because of his personal donation. (Decl. of John Doe 1.)

26 **Declaration of John Doe #2**

27 **144.** John Doe #2 made two donations to ProtectMarriage.com and posted a “Yes on 8”  
28 bumpersticker on his car. Subsequently, in November 2008, someone distributed a flyer, in the

1 town of his residence, labeling him a bigot. Additionally, the flyer listed his religious affiliation and  
2 the dollar amount of his contributions. According to John Doe #2, no one but his family was aware  
3 of his financial contribution, so he believes the information must have derived from  
4 public disclosure by the State. John Doe #2 also claims that he will be unlikely to contribute to  
5 similar causes in the future. (Decl. of John Doe 2.)

6 **Declaration of John Doe #3**

7 **145.** John Doe #3 is a pastor at a Lutheran Church. Prior to the passage of Proposition 8,  
8 he informed his congregation that the Bible supports marriage between one man and one woman.  
9 He further stated that the congregation should vote accordingly.

10 Also prior to the passage of Proposition 8, an individual placed a "Yes on 8" sign on church  
11 property. In November 2008, someone used the sign and a heavy object to break a large window  
12 in the church building. (Decl. of John Doe 3.)

13 **Declaration of John Doe #4**

14 **146.** John Doe #4, an attorney who is the sole shareholder in his firm, donated funds to  
15 NOMCalifornia. In support of Proposition 8, John Doe #4 wrote articles supporting Proposition 8  
16 and conducted lectures to local groups in support of the initiative.

17 He also held a fundraiser at his home to support the ProtectMarriage.com - Yes on 8 campaign.  
18 A group of protesters conducted a demonstration at the entrance to his community and attempted  
19 to hand flyers to guests as they passed through the gate to the neighborhood.

20 Over the course of November 13-16, John Doe #4 received approximately 15-20 harassing  
21 emails. One email stated, "hello propogators & litigators burn in hell." Exh. B. Another stated,  
22 "Congratulations. For your support of prop 8, you have won our tampon of the year award. Please  
23 contact us if you would like to pick up your prize." Id. At least one message referenced the amount  
24 of John Doe #4's contributions and the amount of an additional short-term loan John Doe #4 had  
25 provided to ProtectMarriage.com.

26 Finally, John Doe #4's name, business and the amount he donated were posted on the website  
27 www.californiansagainsthate.org. (Decl. of John Doe 4.)  
28

1 **Declaration of John Doe #5**

2 **147.** John Doe #5 contributed funds to ProtectMarriage.com. In November 2008, John Doe  
3 #5 received an email suggesting that his company’s image would be damaged as a result of his  
4 support of Proposition 8. John Doe #5 now feels threatened and uneasy knowing that his company  
5 could be targeted. (Decl. of John Doe 5.)

6 **Declaration of John Doe #6**

7 **148.** John Doe #6 donated funds to ProtectMarriage.com. He did not engage in any other  
8 public support of the initiative. His name and the amount of his donation was listed on  
9 www.californiansagainsthate.com. At the end of November 2008, he received a postcard allegedly  
10 insulting him for supporting the ballot measure. The postcard was typed and stated in part, “We  
11 just hope you are proud of your participation in this Great Crusade. Just think of how you have  
12 contributed to the economy with the money you donated! It doesn’t matter that there are thousands  
13 of worthwhile charities that could have used those funds to feed starving people, clothe the  
14 homeless, and find cures for cancer and other life-threatening diseases. You must be so proud!”  
15 (Decl. of John Doe 6.)

16 **Declaration of John Doe #7**

17 **149.** John Doe #7 is the senior pastor of a church and donated funds to  
18 ProtectMarriage.com. His family members displayed bumper stickers on their cars and displayed  
19 yard signs in front of their house. John Doe #7's church served as a distribution center for the  
20 petitions initially circulated in support of the Proposition. The church also distributed yard signs  
21 and bumper stickers. Additionally, members of the church telephoned approximately 275 people  
22 on behalf of ProtectMarriage.com.

23 John Doe #7 received one phone call at the church stating that if he was against gay marriage,  
24 he should equally be against divorce. Twice, the “Yes on 8” bumper stickers were ripped off of his  
25 wife’s car at her place of employment. One of these times, an anti-Proposition 8 note was left on  
26 the windshield. The typed note stated, “Why would you want to deprive others of fundamental  
27 human rights? What if a close friend, family member or co-worker was gay and wanted to get  
28 married? Wouldn’t you want to support the love they have for their partner and want them to have

1 the same rights as you and others? Please re-think your position. There are so many more important  
2 issues in this world that need our attention rather than gay marriage. We need to learn tolerance,  
3 acceptance and love of each other. PLEASE VOTE NO ON PROP. 8.” Exh. A. Thereafter, he  
4 placed bumper stickers inside of the car windows with tape so that they could not be removed.  
5 (Decl. of John Doe 7.)

6 **Declaration of John Doe #8**

7 **150.** John Doe #8 contributed funds to ProtectMarriage.com, displayed a bumper sticker  
8 on his car, and placed a yard sign in his front yard. John Doe #8 also attended numerous rallies,  
9 three press conferences, and spoke at a number of churches in Los Angeles, Orange County, and  
10 San Diego in support of Proposition 8. Additionally, he participated in panel discussions involving  
11 same-sex marriage. Finally, John Doe #8 attended an election night gathering at which he was  
12 photographed. That photograph was published in at least one periodical and possibly in numerous  
13 others.

14 John Doe #8's yard sign was twice stolen and destroyed. After his photograph was published,  
15 he began receiving harassing letters, e-mails and at least one phone call at his workplace. One such  
16 message stated, “Jesus doesn’t love you! He will punish you in hell for voting to deny a minority  
17 the same equal rights the rest of us have. You’re as bad as the racist white people who used to enjoy  
18 banning black people the same rights as them. The rest of the world is disgusted by your actions.  
19 Best start rethinking your position NOW!” Exh. B. He has also received harassing messages on his  
20 MySpace and Facebook accounts.

21 As a result, John Doe #8 will be reluctant to contribute to similar causes in the future. (Decl.  
22 of John Doe 8.)

23 **Declaration of John Doe #9**

24 **151.** John Doe #9 attended an election night gathering for supporters of Proposition 8. A  
25 photograph taken of him that night was published in at least one periodical and may have appeared  
26 in numerous others.

27 Since publication of this picture, John Doe #9 began receiving harassing messages on his  
28 MySpace and Facebook accounts. Many of these contained profanity and one threatened him with

1 assault.

2 In November 2008, John Doe #9 arrived home to a harassing message on his answering  
3 machine. A man, in a mocking tone, stated that the people in the picture with him were “Nazis” and  
4 against human rights. Additionally, he stated, “I certainly hope that someday somebody takes away  
5 something from you and then you’ll realize what a [expletive] [expletive] you are.”

6 John Doe #9 also received several harassing emails and phone calls at work. Some of the  
7 messages stated that the individuals knew where he worked and that they were going to attempt to  
8 have him fired. Additionally, other departments and employees received an email stating that he  
9 came “from a long line of bigots and racists.”

10 In November 2008, in response to the above incidents, John Doe #9 filed a police report, began  
11 coordinating with security to ensure his safety at work, and changed his home phone number.

12 As a result, John Doe #9 would think carefully about the possible consequences of donating  
13 to or publicly supporting a similar cause in the future. (Decl. of John Doe 9.)

14 **Declaration of John Doe #10**

15 **152.** John Doe #10 made several donations to NOMCalifornia. Her only other support of  
16 Proposition 8 was talking to acquaintances. On February 2, 2009, John Doe #10 received an email  
17 that referenced one of her donations and called her a “rotton” person. In a subsequent email to her  
18 husband, the emailer stated that she was going to contact the parents of the students at the school  
19 where John Doe #10 works, which John Doe #10 found to be chilling and very upsetting. (Decl.  
20 of John Doe 10.)

21 **Declaration of John Doe #11**

22 **153.** John Doe #11 placed a “Yes on 8” yard sign on her lawn, which is on a quiet  
23 residential street. She also placed a bumper sticker on her car. John Doe #11 believes that, because  
24 of her support for Proposition 8, someone smashed the back window of her car in while it was  
25 parked in the street in front of her house. John Doe #11 could not work for two days and had to pay  
26 the insurance deductible to have the window replaced. John Doe #11 could not use her car for a  
27 week while it was in the shop having its window replaced. This incident was a financial hardship  
28 to John Doe #11, who is a senior citizen on a small income. (Decl. of John Doe 11.)

1 **Declaration of John Doe #12**

2 **154.** John Doe #12 supported Proposition 8 with a donation. She also attended a  
3 Proposition 8 rally in San Diego, a meeting where pastors spoke in support of Proposition 8, and  
4 had a “One Man, One Woman” bumper sticker on her car. John Doe #12 also placed a “Prop. 8  
5 = Religious Freedom” sign on her balcony.

6 While she was in a grocery store, someone keyed John Doe #12’s car and let the air out of her  
7 car’s tires. Because of this incident, John Doe #12 was intimidated and worried that something else  
8 could happen if she kept the bumper sticker on her car, so she took it off.

9 About a week after the November election, the staircase leading downstairs from her home was  
10 covered in urine, and there was a puddle of urine at the bottom of the stairs.

11 As a result, John Doe #12 is unsure if she will support a similar cause at her home or through  
12 a bumper sticker. (Decl. of John Doe 12.)

13 **Declaration of John Doe #13**

14 **155.** John Doe #13 contributed funds to ProtectMarriage.com, registered voters,  
15 volunteered 6-7 times at sign raising events, delivered yard signs, forwarded emails to friends, and  
16 wrote blog updates in support of Proposition 8. John Doe #13 also placed two bumper stickers on  
17 her car, and placed yard signs in her yard supporting Proposition 8. John Doe #13 lives in a city  
18 she considers very safe, family-oriented, and education-focused.

19 Every time that John Doe #13 participated in a sign waving event, people would shout  
20 obscenities, make obscene gestures, and argue with supporters of Proposition 8. At some events,  
21 opponents of Proposition 8 would block the signs of the Proposition 8 supporters. John Doe #13  
22 felt nervous and scared at every sign waving event, because she wondered if someone would come  
23 by and yell at her or hurt her. She would not bring her children to the sign waving events because  
24 of these incidents.

25 Sometime during the fall, a person keyed the left side of John Doe #13's car, leaving a 27 inch  
26 long gash. John Doe #13 believes that her car was keyed because of the bumper stickers on it  
27 supporting Proposition 8.

28 John Doe #13 placed two “Yes on 8” signs in her front yard, but when she saw that most of the



1 “Yes on 8” signs on public streets were stolen almost as soon as they were put out, she brought one  
2 of the two signs indoors and kept it in her front window, out of fear that it would be stolen if she  
3 kept it outside. John Doe #13 brought the one sign kept outdoors inside at night, to keep it from  
4 being stolen or defaced. Despite living in a gated community and bringing in the signs at night,  
5 someone slashed the one sign that was outside at the end of October.

6 John Doe #13 repaired the sign and replaced it in her yard. This time, she placed it inside a  
7 low wall, so that a person would have to go out of his or her way to reach it. Despite these efforts,  
8 on Halloween, someone ripped it out, and threw it about ten feet outside of John Doe #13’s  
9 property. John Doe #13 also saw that her neighbor’s “Yes on 8” sign was slashed on Halloween.

10 On Halloween, teenagers came to John Doe #13’s door for trick or treating. The teenagers told  
11 John Doe #13 that support for Proposition 8 was “stupid and wrong.” Some parents of children  
12 who were trick or treating also pointed and whispered to one another in disapproval of John Doe  
13 #13’s support for Proposition 8.

14 As a result, John Doe #13 will be hesitant about donating to or supporting a cause similar to  
15 Proposition 8 in the future. She is worried about harassment, violence, and discrimination against  
16 her family and fear of damage to her property. (Decl. of John Doe 13.)

17 **Declaration of John Doe #14**

18 **156.** John Doe #14 contributed money to his church and placed yard signs in his front yard  
19 in support of Proposition 8, as well as placing bumper stickers on his car and his motorbike. He  
20 also assisted in the clean up of graffiti that had been spray painted at his Temple.

21 At least once a week after he put them up, John Doe #14’s yard signs were ripped out of his  
22 yard and off of his balcony.

23 On September 23, 2008, someone egged and floured John Doe #14’s home. In October 2008,  
24 his home was egged and floured a second time. On the day before the November 2008 election,  
25 John Doe #14’s home was egged and floured a third time.

26 On November 1, 2008, John Doe #14’s cars were egged and floured. They were also covered  
27 with honey, which destroys the car’s finish. On November 3, 2008, his cars were egged, floured  
28 and honeyed a second time.

1 In August and September 2008, the bumper stickers John Doe #14 had on his cars were scraped  
2 off of the back glass windows during the day, while the cars were parked in the street. While John  
3 Doe #14 was at work, someone scraped the bumper sticker off of his motorbike while it was parked  
4 in the work parking lot. On November 5, 2008, someone pushed over John Doe #14's motorbike.  
5 (Decl. of John Doe 14.)

6 **Declaration of John Doe #15**

7 **157.** John Doe #15 supported Proposition 8. She has a brother who is openly gay. John  
8 Doe #15 never discussed the issue of Proposition 8 with her gay brother, but during one of their  
9 conversations, he pressed John Doe #15 on how she was going to vote. John Doe #15 told her  
10 brother that she could vote "yes" or "no" like any other person; her brother interpreted this as a  
11 suggestion that he should vote "yes" on Proposition 8. John Doe #15 received an email from her  
12 brother's partner. Her brother no longer speaks to her as a result of her support for Proposition 8,  
13 and John Doe #15 fears that her family dynamics have changed forever because of her support for  
14 Proposition 8. (Decl. of John Doe 15.)

15 **Declaration of John Doe #16**

16 **158.** John Doe #16 supported Proposition 8 through a contribution, and by placing a "Yes  
17 on 8" sign in her front yard and the front yard of a cousin. The yard sign that John Doe #16 placed  
18 in her cousin's front yard disappeared within a week of it being placed in the yard, as did all of the  
19 other "Yes on 8" signs on her cousin's street.

20 John Doe #16 stood with a "Yes on 8" sign on a corner the Saturday before the election. A  
21 number of people yelled "No on 8," shook their fists at her, called out "shame," and gave her a  
22 thumbs down sign. One man shouted "You despicable filthy bag of shit" at John Doe #16, while  
23 other cars drove around the block and yelled things like "You bitch" each time they drove by her.  
24 One car with several men in it stopped, and a man in the back seat opened the door and threw  
25 something at John Doe #16. Another woman stopped her car and yelled, "Get the hell out of here.  
26 Who do you think you are, bringing that hate into my neighborhood?"

27 In January 2009, a letter John Doe #16 wrote a letter published by the paper of her employer,  
28 a university. The letter was signed with her first initial and last name only. On the day after the

1 letter was published, John Doe #16 overheard one of her bosses and a co-worker discussing her in  
2 a non-complimentary manner. John Doe #16 worried that her job might be in jeopardy. In  
3 February 2009, the department head spoke with John Doe #16 and told her that he could not  
4 guarantee her job beyond the current year. John Doe #16 suspects that her support for Proposition  
5 8 has caused her job to be put in jeopardy. (Decl. of John Doe 16.)

6 **Declaration of John Doe #17**

7 **159.** John Doe #17 supported Proposition 8 with a donation to ProtectMarriage.com, which  
8 led to his name being listed on the “List of Shame” website of Californians Against Hate. After  
9 his name appeared on the “List of Shame,” John Doe #17 was contacted by a local television station  
10 to do an interview. In September 2008, the interview appeared on television as part of a larger  
11 piece on Proposition 8. On the evening after the interview appeared, John Doe #17 received a hate  
12 call, where a female caller left a sarcastic message on his answering machine stated that John Doe  
13 #17 must be proud of his decision to donate to Proposition 8.

14 Someone at John Doe #17’s workplace saw his name and donation posted online, and told the  
15 human resources department about the donation. Several days after the November 2008 election,  
16 John Doe’s business partner and the human resources director at his workplace told him that  
17 someone had pointed out that his name appeared online as part of the blacklists of people who had  
18 supported Proposition 8.

19 John Doe #17 also received a postcard at work from an anonymous gay couple opposed to  
20 Proposition 8. His name is listed on the eightmaps.com website. (Decl. of John Doe 17.)

21 **Declaration of John Doe #18**

22 **160.** John Doe #18 was a coordinator for Proposition 8 at his parish, which required him  
23 to obtain inserts for his weekly church bulletins, and to distribute those inserts to other churches  
24 (including those of different faiths from his own). On the Sunday before the November 2008  
25 election, John Doe #18 was on his way to a pancake breakfast at his church when he noticed that  
26 several signs supporting Proposition 8 near the church had been removed. John Doe #18 replaced  
27 the signs with signs that he had in his car. After John Doe #18 replaced the signs, a woman and her  
28 daughter told him that they did not like John Doe #18 putting up the signs supporting Proposition

1 8.

2 John Doe #18 also distributed signs supporting Proposition 8. On five occasions in the weeks  
3 leading up to the November 2008 election, John Doe #18 put up “Yes on 8” signs. Each time, the  
4 signs were removed. On one of these occasions, the signs were gone within two or three hours of  
5 the signs being put out.

6 John Doe #18 states that these incidents shook him to the core. (Decl. of John Doe 18.)

7 **Declaration of John Doe #19**

8 **161.** John Doe #19 lives in Louisiana, and supported Proposition 8 with a donation to  
9 NOMCalifornia. Shortly after the passage of Proposition 8, a few of John Doe #19’s colleagues  
10 informed her that an email had been sent her colleagues and the alumni director of her employer  
11 from a Georgia alumna, regarding the alumna’s decision not to contribute to John Doe #19’s  
12 employer, because he had read the name of John Doe #19 on a list of donors to Proposition 8. John  
13 Doe #19 has had political opponents in other causes, but has never seen opponents act so out of  
14 bounds as the opponents of Proposition 8.

15 As a result, John Doe #19 will think twice before supporting a cause similar to Proposition 8  
16 in the future. She has a son who lives in California with her two granddaughters, and she worries  
17 that someone could go after them. (Decl. of John Doe 19.)

18 **Declaration of John Doe #20**

19 **162.** John Doe #20 supported Proposition 8 with a donation to ProtectMarriage.com,  
20 organized and hosted wave parties, participated in phone banks, and placed a “Yes on 8” sign in  
21 her front yard. The “Yes on 8” sign disappeared from John Doe #20’s front yard sometime in  
22 October.

23 John Doe #20 lives near a lesbian couple who have been customers of her business for several  
24 years. John Doe #20 has also helped the couple with yard work in the past. When the couple saw  
25 John Doe #20’s sign in her front yard, they told her that they would no longer patronize John Doe  
26 #20’s business. The couple has not patronized her business since seeing the sign.

27

28

1 John Doe #20's business is listed on YellowPages.com, a website that allows customers of a  
2 business to post reviews of the services provided by the business. A review posted on  
3 YellowPages.com about John Doe #20's business states: "This company was a donor to the  
4 California 'Yes on 8' campaign, which took away existing equal rights for same-gender couples."  
5 The review also lists John Doe #20's name and the Secretary of State's website, where John Doe  
6 #20's donation in support of Proposition 8 is listed.

7 In the future, John Doe #20 would not host a wave party without a man present, because she  
8 wants to ensure the protection and safety of the teenagers participating. (Decl. of John Doe 20.)

9 **Declaration of John Doe #21**

10 **163.** John Doe #21 is a member of a group who supported Proposition 8 with a seven-  
11 figure donation. He also spoke to many individuals about Proposition 8, and was successful in  
12 convincing several people to vote "yes" on Proposition 8. He also placed a "Yes on 8" sign in his  
13 front yard on the main street of a private country club. One of John Doe #21's neighbors, who is  
14 an attorney, stopped John Doe #21 about the sign and called John Doe #21 a "bigot" and an  
15 "enabler." Many of the members of John Doe #21's country club have made rude comments to him  
16 about his sign, and the openly gay members of the club have changed their attitudes toward John  
17 Doe #21. Where the openly gay members of the country club used to greet John Doe #21 warmly,  
18 they now give him looks of disdain and do not greet him as he passes.

19 A well-known Hollywood person placed a "No on 8" sign on John Doe #21's lawn. After John  
20 Doe #21 took down this sign, the person put up another "No on 8" sign. John Doe #21 continued  
21 taking down the "No on 8" sign, and the other person kept replacing it with another "No on 8" sign.  
22 John Doe #21 continued taking down the "No on 8" signs that the other person continued putting  
23 up for approximately two weeks after the election. (Decl. of John Doe 21.)

24 **Declaration of John Doe #22**

25 **164.** John Doe #22 supported Proposition 8 by making phone calls to remind citizens to  
26 vote for Proposition 8, and obtained signs for others to put on their property, in addition to having  
27  
28

1 two signs in her own yard on a well-traveled residential street. On the second night that the signs  
2 were in her yard, someone removed them. After having the signs stolen, John Doe #22 began  
3 bringing in the replacement signs at night, so they would not be stolen again.

4 In mid-October 2008, someone left a note under the doormat of John Doe #22. The note had  
5 a drawing on it, and a message that said Yeshua loves me (presumably a homosexual person), and  
6 does not love those who hate. (Decl. of John Doe 22.)

7 **Declaration of John Doe #23**

8 **165.** John Doe #23 donated to ProtectMarriage.com and placed a bumper sticker on his car  
9 in support of Proposition 8. Because of his support for Proposition 8, John Doe #23 was placed on  
10 a “blacklist” of donors to Proposition 8. This made John Doe #23 concerned for the safety of his  
11 children, and he instructed the principal at their school that only John Doe #23 or his wife was to  
12 pick up the boys. John Doe #23 remains very concerned about eightmaps.com, where people can  
13 obtain maps directing them to the homes of people who supported Proposition 8.

14 On the night of the election, someone painted the face of the statute of Mary, the Mother of  
15 Jesus, outside his church orange.

16 About a week after the November 2008 election, John Doe #23 received a book containing the  
17 greatest homosexual love stories of all time from Amazon. Amazon would not divulge the name  
18 of the sender to John Doe #23.

19 As a result, if John Doe #23 donates to a cause similar to Proposition 8 in the future, he will  
20 donate a lesser amount under the disclosure threshold, or donate to an organization in a way that  
21 will not require the disclosure of his name. (Decl. of John Doe 23.)

22 **Declaration of John Doe #24**

23 **166.** John Doe #24 called and emailed her friends and family to urge them to support  
24 Proposition 8, contacted her representatives to tell them to support Proposition 8, and placed a “Yes  
25 on 8” yard sign in her yard. Before the November 2008, John Doe #24 was walking her dogs with  
26 her daughters when she noticed that someone had crossed of the word “yes” on her “Yes on 8” yard  
27  
28

1 sign, and written “no” in its place.

2 John Doe #24 also placed a bumper sticker on her car supporting Proposition 8. Long before  
3 the election, someone ripped the bumper sticker off of her car while she was parked in a shopping  
4 area. When she replaced it, John Doe #24 replaced it with a bumper sticker on the inside of her car  
5 window. (Decl. of John Doe 24.)

6 **Declaration of John Doe #25**

7 **167.** John Doe #25 is a Pastor who made donations to Proposition 8 through purchasing  
8 signs and the American Family Association. John Doe #25’s church family participated in a  
9 peaceful demonstration at a major intersection by holding signs and praying with other  
10 demonstrators. During the demonstration, some people driving by made obscene gestures and  
11 yelled obscenities. Because of the behavior of the motorists, in the future, John Doe #25 would not  
12 bring children to any demonstrations.

13 John Doe #25 also placed a yard sign in his front yard and a bumper sticker on his wife’s car.  
14 At the end of October 2008, the sign was removed from John Doe #25’s yard. This happened at  
15 night, on a cul-de-sac with almost no traffic. At approximately the same time, someone ripped the  
16 bumper sticker off of his wife’s car while it was parked at school. (Decl. of John Doe 25.)

17 **Declaration of John Doe #26**

18 **168.** John Doe #26 donated money toward signs and bumper stickers, placed flyers in his  
19 church bulletins, and placed “Yes on 8” signs in his yard as well as in areas designated by the city  
20 for the posting of signs. During October 2008, John Doe #26 had four signs stolen off of his  
21 property. To steal the signs, the thief had to climb a brick retaining wall that is approximately 5.5  
22 to 6 feet tall. The signs were stolen at night and during the day. At least four signs John Doe #26  
23 placed in city-approved areas were also stolen.

24 While placing flyers on people’s care, a man yelled at John Doe #26, became angry and called  
25 him a “bigot.” (Decl. of John Doe 26.)

26 **Declaration of John Doe #27**

27 **169.** John Doe #27 is a resident of Michigan who donated money to NOMCalifornia. The  
28 only public support of Proposition 8 that John Doe #27 made was this donation, and the only way

1 that John Doe #27 could have been publicly identified as a supporter of Proposition 8 was through  
2 the public disclosure of personal information through this donation. John Doe #27 had intended  
3 to remain anonymous, and had no idea that her name would be made public. Had she known that  
4 her name would be posted online, she probably would not have made the donation.

5 John Doe #27 is an author, and regularly checks the internet to see what sort of information  
6 is being published about her. In December 2008, she performed one of these regular searches, and  
7 found that her name had been posted on a “Boycott H8ers List” and listed as an intolerant “H8er”  
8 for supporting Proposition 8 in California. After being listed as a “H8er,” John Doe #27 sent an  
9 email to the Christian Legal Crew and told them that she wished she would have known that her  
10 name would be posted on the internet if she made a donation.

11 As a result, John Doe #27 would be much less likely to get involved in a cause similar to  
12 Proposition 8 that does not assure her confidentiality. (Decl. of John Doe 27.)

13 **Declaration fo John Doe #28**

14 **170.** John Doe #28 made two donations to ProtectMarriage.com, and did not engage in any  
15 other public support of Proposition 8. The only way that John Doe #28 could be identified as a  
16 supporter of Proposition 8 was through public disclosure of his personal information through his  
17 donation. On November 11, 2008, at 11:55, John Doe #28 received a voice mail message from an  
18 unknown male that stated “Hey, it’s really disheartening to know that one of my neighbors  
19 supported Proposition 8 so heavily. What a scum-fuck!” Because the caller blocked his phone  
20 number, John Doe #28 was unable to obtain the caller’s name or phone number. John Doe #28  
21 filed a police report about this harassing phone call. (Decl. of John Doe 28.)

22 **Declaration of John Doe #29**

23 **171.** John Doe #29 is a resident of New York, who donated to NOMCalifornia. Prior to  
24 the election, John Doe #29’s name was available on SFGate.com, the website of the San Francisco  
25 Chronicle. After her name appeared on the SFGate.com website, John Doe #29 received several  
26 harassing emails, which she deleted from her email account.

27 On February 2, 2009, John Doe #29 returned to her home to find two men standing outside the  
28 house waiting for her. These men were reporters for the New York Daily News. The presence of



1 the reporters at her house angered John Doe #29. Her husband recently had a heart attack, and she  
2 worries that the stress of people showing up at her house without warning could cause aggravation  
3 of his heart or other heart problems.

4 On February 3, 2009, an article about John Doe #29's donation to Proposition 8 appeared in  
5 the New York Daily News. After the article appeared, John Doe #29 received approximately 45  
6 emails at her gmail account, and another 10-12 at her personal email account. The emails John Doe  
7 #29 received included threats, harassment, and reprisals. At least one email threatened a boycott  
8 of her work, another advocated destruction of her art work, and another warned her not to show her  
9 face at any gathering with homosexuals. John Doe #29 also had a former editor forward her  
10 correspondence about her donation and support of Proposition 8. (Decl. of John Doe 29.)

11 **Declaration of John Doe #30**

12 **172.** John Doe #30 made a donation to support Proposition 8, and his name was revealed  
13 as a supporter. He also supported Proposition 8 by walking the precincts in San Mateo and San  
14 Francisco, as well as working phone banks. Because of his support for Proposition 8, John Doe #30  
15 has received numerous harassing and threatening emails and inquiries at his website. One email  
16 stated: "I tolerate you because I don't come to where you are and slaughter you. . . . I will actively  
17 pursue your financial ruin through legal means." Another email stated: "Your company is now on  
18 a list I am producing of those that will be boycotted and shut down soon."

19 As a result, John Doe #30 states that he will fight harder for causes similar to Proposition 8.  
20 However, from this point forward, he will be very careful about what he does in support of similar  
21 causes. He will try to donate anonymously, and he will not speak out publicly because he fears for  
22 the safety of his children if he does so. (Decl. of John Doe 30.)

23 **Declaration of John Doe #31**

24 **173.** John Doe #31 supported Proposition 8 by placing a bumper sticker on his vehicle and  
25 a yard sign in his front yard. During the two weeks leading up to the election, the sign was stolen  
26 from his front yard on five separate occasions. Each theft occurred during the evening. The  
27 bumper sticker on John Doe #31's car was also defaced while the vehicle was parked in his  
28 driveway. Someone changed the "Yes on 8" to "No on 8." John Doe #31 was forced to replace

1 the bumper sticker. (Decl. of John Doe 31.)

2 **Declaration of John Doe #32**

3 **174.** John Doe #32 is a resident of Ohio who made three donations to NOMCalifornia. He  
4 has supported causes similar to Proposition 8 in the past, and he has never experienced any sort of  
5 retribution because of his support. However, because of his donations to support Proposition 8, at  
6 least one website has singled John Doe #32 out as a “homophobe” and a “wingnut.”

7 John Doe #32 has a son who shares his name and is a practicing attorney in California.  
8 Because John Doe #32 shares his name with his son, he feels that the attacks on him are also an  
9 indirect attack on his son, even though his son is not involved in supporting Proposition 8. John  
10 Doe #32 does not want his support of Proposition 8 to compromise his son’s professional identity,  
11 but he fears that the sort of harassment he experienced on the internet will do so. (Decl. of John Doe  
12 32.)

13 **Declaration of John Doe #33**

14 **175.** John Doe #33 supported Proposition 8 with a donation to NOMCalifornia. John Doe  
15 #33 proactively spoke to his congregation about the sanctity of marriage as a sacramental union  
16 between a man and a woman, and the need to safeguard this through a yes vote on Proposition 8.  
17 He also stressed the importance of ensuring the mission of the church not being jeopardized through  
18 the passage of laws that would force the church to operate against its moral teachings.

19 John Doe #33 placed yard signs in his yard on a fairly busy street. During September and  
20 October 2008, John Doe #33 had ten signs removed from his property during the night. The signs  
21 were not easily accessible; whoever removed them had to climb up the property’s slope to remove  
22 them. John Doe #33 purposely secured several of the signs to branches of trees in his yard, and  
23 those signs were also ripped down. (Decl. of John Doe 33.)

24 **Declaration of John Doe #34**

25 **176.** John Doe #34 supported Proposition 8 and placed a “Yes on 8” yard sign in his yard  
26 on October 25, 2008. Sometime between sundown on October 31 and noon on November 1, the  
27 sign was stolen. (Decl. of John Doe 34.)

28

1 **Declaration of John Doe #35**

2 **177.** John Doe #35 donated to NOMCalifornia and purchased two yard signs to support  
3 Proposition 8. John Doe #35 placed the yard signs on each side of his yard near the street, which  
4 is a busy four lane frontage road beside the freeway. Approximately ten days after he placed the  
5 signs in his yard, someone uprooted the signs and threw them down. The signs were dirty and John  
6 Doe #35 replaced them in their original location. The next days, the signs were once again  
7 removed. However, this time, the signs were also ripped. John Doe #35 repaired the signs with  
8 clear tape and replaced them in their original locations. Approximately two days before the  
9 election, someone stole the signs during the evening hours. (Decl. of John Doe 35.)

10 **Declaration of John Doe #36**

11 **178.** John Doe #36 supported Proposition 8 by making a donation to ProtectMarriage.com,  
12 as well as placing a “Yes on 8” sign outside her home at the end of October 2008. John Doe #36’s  
13 home is located on a busy street and has a streetcar stop in front of it. This flower box is about 10-  
14 12 feet from the sidewalk. After Halloween, and about three or four days after putting out the sign,  
15 the sign (but not its metal stand) was taken from the flower box. About a week later, John Doe #36  
16 placed a second “Yes on 8” sign in the flower box. Within a day or two, this sign and its metal  
17 stand had also been taken. (Decl. of John Doe 36.)

18 **Declaration of John Doe #37**

19 **179.** John Doe #37 supported Proposition 8 by placing a “Yes on 8” sign in her front yard,  
20 which is on a back street. She also placed two “Yes on 8” signs on her back fence, which faces a  
21 main street. John Doe #37’s husband warned her about putting up the signs, as he was concerned  
22 that people might damage their property because of them. However, because she felt so strongly  
23 about Proposition 8, John Doe #37’s husband agreed to let her put up the signs supporting  
24 Proposition 8. About a month before the election, someone tore up the sign in John Doe #37’s front  
25 yard. John Doe #37 replaced the one sign with two new ones. Someone then stole one of the signs  
26 and shredded the other “Yes on 8” sign that had been stapled onto its metal post.

27 John Doe #37 lives in a small group of homes which, until this incident, she thought was very  
28 neighborly. The incident shocked her. (Decl. of John Doe 37.)

1 **Declaration of John Doe #38**

2 **180.** John Doe #38 donated to Focus on the Family Action as well as ProtectMarriage.com.  
3 He also emailed state officials, placed a bumper sticker on his car, and had signs supporting  
4 Proposition 8 at his place of business. John Doe #38 also installed 12 “Yes on 8” yard signs along  
5 the busy highway in front of his home on the Saturday before the November 2008 elections. The  
6 next day, between noon and 2:00 p.m., someone removed all 12 “Yes on 8” yard signs. In their  
7 place, he found a lone “No on 8” sign.

8 John Doe #38 also saw evidence of stolen and damaged “Yes on 8” yard signs on his daily  
9 drive to and from work. He started seeing this in October. (Decl. of John Doe 38.)

10 **Declaration of John Doe #39**

11 **181.** John Doe #39 donated to NOMCalifornia, signed the petition to have Proposition 8  
12 placed on the ballot, and placed a yard sign in her yard. John Doe #39 lives in a residential  
13 neighborhood, and her home is on a street that dead ends in a cul-de-sac shortly after her residence.  
14 On approximately October 24, 2008, the sign in her yard was stolen. John Doe #39 noticed that  
15 three other homes on her street also had their signs supporting Proposition 8 removed, as well as  
16 many others on adjoining streets.

17 John Doe #39 is ashamed to admit that, although she would have liked to have placed a bumper  
18 sticker on her car supporting Proposition 8, she did not do so because of the aggression directed  
19 towards family and friends that resulted from their support of Proposition 8. (Decl. of John Doe 39.)

20 **Declaration of John Doe #40**

21 **182.** John Doe #40 made a donation to ProtectMarriage.com. John Doe #40 also placed  
22 a bumper sticker on his car and placed a “Yes on 8” yard sign in his yard to support Proposition 8.  
23 One person made an obscene gesture at John Doe #40 because of this bumper sticker. During  
24 October 2008, John Doe #40 had his “Yes on 8” yard sign stolen four times. John Doe #40’s also  
25 saw that his next door neighbor also had his “Yes on 8” yard sign stolen four times. (Decl. of John  
26 Doe 40.)

27 **Declaration of John Doe #41**

28 **183.** John Doe #41 donated to ProtectMarriage.com, walked precincts/neighborhoods

1 campaigning for Proposition 8, made several hundred phone calls weekly before the election, and  
2 placed a bumper sticker in on his car, all in support of Proposition 8. John Doe #41 also placed two  
3 yard signs supporting Proposition 8 in his front yard. John Doe lives on a street that is not too busy,  
4 and he placed one yard sign on each side of his driveway. The yard signs were clearly on his  
5 property, and were closer to his home than they were to the street. During the month of October  
6 2008, John Doe #41 had a total of six “Yes on 8” yard signs stolen from his lawn during the night.  
7 Because of the location of the signs, anyone who stole the signs would have had to trespass on his  
8 property. (Decl. of John Doe 41.)

9 **Declaration of John Doe #42**

10 **184.** John Doe #42 supported Proposition 8 with a donation through his church,  
11 participating in a Yes on 8 rally in Euclid, writing several commentaries for both his local  
12 newspaper and online blogs, attending his church’s Yes on 8 presentation, and visiting numerous  
13 websites that supported Proposition 8. In support of Proposition 8, John Doe #42 also placed yard  
14 signs in his yard. On three separate occasions, the signs were stolen or vandalized during the night.  
15 John Doe #42 reported these incidents to his local police department, but he received no response  
16 from them.

17 One morning following the disappearance of his signs, John Doe #42 walked up and down his  
18 street and saw that all of the Proposition 8 signs were tagged with the words “hate speech” or  
19 “hater.” John Doe #42 walked over to his neighbor’s house to talk about what had happened, and  
20 John Doe #42 noticed that his stolen sign was in his neighbor’s yard, along with several other signs.  
21 John Doe #42 knew that this was his sign, because he purchased it from his church and the graphics  
22 were different than most “Yes on 8” yard signs. On this morning, John Doe #42 also took  
23 photographs of the vandalized “Yes on 8” yard signs, which he sent to the police. John Doe #42  
24 reported the vandalism as hate speech. John Doe never received a response from the police  
25 department about the vandalism. (Decl. of John Doe 42.)

26 **Declaration of John Doe #43**

27 **185.** John Doe #43’s family donated to various groups supporting Proposition 8. John Doe  
28 #43 and his wife were very involved in supporting Proposition 8. They called people on the phone

1 to discuss the vote for Proposition 8, passed out voting reminders shortly before the election, went  
2 door-to-door talking to people about the vote and passing out literature, joined online groups, and  
3 discussed Proposition 8 with people on Facebook, blogs, and chat rooms. His wife started a blog  
4 (which she still maintains), they called people on the day of the election to remind them to vote,  
5 and John Doe #43 went to a local precinct to see whether people who had earlier indicated that they  
6 were going to vote had done so.

7 John Doe #43 placed a large, 4 x 8 hand-painted sign on his fence. On Halloween night,  
8 someone vandalized the sign. John Doe #43 filed a police report about this incident. Prior to the  
9 vandalism of the large sign, John Doe #43 had smaller “Yes on 8” signs stolen and defaced. One  
10 of these yard signs was stolen from his front yard, and another was ripped in half with some anti-  
11 Proposition 8 literature placed beside it. John Doe #43 also filed police reports after these  
12 incidents.

13 As a result, if John Doe #43 was asked to support a cause similar to Proposition 8 in the future,  
14 he would be more careful about any donation made by his family, so that they would not be  
15 identified. (Decl. of John Doe 43.)

16 **Declaration of John Doe #44**

17 **186.** John Doe #44 supported Proposition 8 by placing a “Yes on 8” yard sign on her front  
18 lawn. She lives in a quiet residential neighborhood, and the sign was placed approximately twenty  
19 feet from the street. On the night of October 27, 2008, someone stole the yard sign from her front  
20 lawn. Two signs opposing Proposition 8 were visible from her front yard, and they were not  
21 removed for the entirety of the campaign.

22 Having the signs removed from her yard will negatively affect John Doe #44’s support of a  
23 cause similar to Proposition 8 in the future. The person who removed the sign knows where John  
24 Doe #44 lives, her political position, and yet felt “empowered” to come onto John Doe #44’s  
25 property and remove this sign. She believes that people in her neighborhood are not open to free  
26 speech, unless it agrees with their own speech. (Decl. of John Doe 44.)

27 **Declaration of John Doe #45**

28 **187.** John Doe #45 supported Proposition 8 with a donation to NOMCalifornia. She also

1 put out “Yes on 8” yard signs to support Proposition 8. Approximately two weeks before the  
2 November 2008 election, someone ripped down the “Yes on 8” sign in her front yard on a quiet  
3 street. John Doe #45 works the 3:00 p.m. to 11:30 p.m. shift, and she usually gets home between  
4 midnight and 12:30 a.m. On the evening that the first sign was destroyed, John Doe #45 went into  
5 the garage to put her recyclables in the recycle bin and heard male voices in her front yard. By the  
6 time she went back inside and out her front door, they had already pulled up the sign, and ripped  
7 it apart into several pieces. When she stepped outside, she saw two teenaged boys running away,  
8 and believes that a third boy ran the other way.

9 About a week later, the signs John Doe #45 had replaced the original signs with were also  
10 stolen. Other signs that John Doe #45 had placed around the neighborhood were also stolen  
11 repeatedly, particularly in the two weeks leading up to the November 2008 election.

12 John Doe #45 was nervous about putting out these signs in the first place, because the last thing  
13 that she wanted to do was offend anyone. However, because she wants to support what she  
14 believes is right, she put out the signs. She thought it was very disrespectful for people to steal and  
15 vandalize her property. Although John Doe #45 hopes that she would support a good cause  
16 whatever the persecution that might happen to her, she will have to seriously consider her  
17 livelihood and the safety of her family in the future when supporting a cause similar to Proposition  
18 8. (Decl. of John Doe 45.)

19 **Declaration of John Doe #46**

20 **188.** John Doe #46 donated to various groups who supported the passage of Proposition  
21 8, including ProtectMarriage.com and NOMCalifornia, as well as other groups. She also donated  
22 to other groups who supported Proposition 8, and spent money purchasing “Yes on 8” signs as well  
23 as spending money to copy handouts and a personal letter supporting Proposition 8. John Doe #46  
24 wrote this personal letter supporting Proposition 8, then handed it out to at least 300 of her  
25 neighbors.

26 John Doe #46 had five “Yes on 8” signs destroyed or stolen from her yard. She lives on a  
27 corner in a residential area, but the street beside her house is somewhat busy. One sign that was  
28 stolen was a large, handmade sign that she had placed in the yard after the previous signs had been

1 stolen. This sign was stolen even though John Doe #46 had wired it to two trees on her property  
2 and had placed a light on it.

3 John Doe #46 lives a few blocks from a Catholic church that displayed “Yes on 8” signs on  
4 its property. She saw that every sign the church placed along or anywhere near the street during  
5 the campaign was stolen or destroyed. Despite the constant theft and destruction, the church would  
6 replace the signs. At the end of the campaign, the only signs that remained were a few that had  
7 been torn up by vandals and later repaired. At her own expense, John Doe #46 made a banner  
8 supporting Proposition 8, and she and a friend hung this banner on two trees on church property  
9 in such a way that it could not be torn down or destroyed. John Doe #46 also had a large “Yes on  
10 8” sign that she would place on church property during the day, but take down at night so that it  
11 would not be stolen or destroyed.

12 John Doe #46 spoke to a police dispatcher about the sign theft. Although she was sympathetic,  
13 the dispatcher could only give John Doe #46 another number to report the sign theft when it  
14 happened. John Doe #46 never reported any sign theft, because the theft of signs was constant, and  
15 she did not believe that reporting it would have prevented any such theft. (Decl. of John Doe 46.)

16 **Declaration of John Doe #47**

17 **189.** John Doe #47 donated to ProtectMarriage.com, placed a yard sign in his front yard  
18 on a very busy main street, put a bumper sticker on his car, and attended meetings about the ballot  
19 measure. On October 14 or 15, 2008, someone stole the yard sign supporting Proposition 8 that  
20 John Doe #47 had placed in his yard. To replace this stolen sign, John Doe #47 made his own  
21 substitute sign. On October 19, 2008, John Doe #47 obtained two more “Yes on 8” signs. He  
22 intended to keep one for himself and give one to someone else. John Doe #47 displayed the yard  
23 sign he intended to keep in his front yard that afternoon. Sometime late on October 21, 2008 or  
24 early on October 22, 2008, the second sign was also stolen. John Doe #47 replaced the stolen sign  
25 with the one he had intended to give to someone else. He also made a second, handmade sign  
26 protesting the thefts. He displayed this handmade sign together with the replacement sign for  
27 several days. After the second sign supporting Proposition 8 was stolen, John Doe #47 began  
28 bringing in the signs at night, so as to prevent any further theft.



1 Even though after October 22, 2008, John Doe #47 only had the sign supporting Proposition  
2 8 out during the day, on approximately October 25, 2008, a man in his car pulled up near the sign  
3 in the early evening, before John Doe #47 had brought the sign in. It is easy for John Doe #47 to  
4 notice when a car stops in front of his house, because he lives on a busy street without a parking  
5 lane, and people never stop in front of the house unless they have a reason to do so. After pulling  
6 up in front of John Doe #47's house, the man started to get out of his car. As he did so, John Doe  
7 #47's wife looked at him from inside their front window, and the man got back in his car and sped  
8 away.

9 John Doe #47 also noticed that several people on his street who had "Yes on 8" signs in front  
10 of their homes had taped strongly worded warnings against stealing those signs to the signs.

11 The stealing of his yard signs made John Doe #47 very upset. While he does not agree with  
12 the other side, he would never stop them from presenting their views on this issue. John Doe #47  
13 is self-employed, so he is not too worried that his support of Proposition 8 will hurt him financially,  
14 although he does have some worries that if his clients hear of his support for Proposition 8 that they  
15 would stop sending him work. However, if he was employed by someone else or in a more public  
16 position, John Doe #47 would be worried that his support for Proposition 8 or a similar cause could  
17 financially harm him. If the reprisals against people who support Proposition 8 rise to the level  
18 where people are physically harmed or have their property destroyed, John Doe #47 would be very  
19 worried about supporting a cause similar to Proposition 8 in the future. (Decl. of John Doe 47.)

20 **Declaration of John Doe #48**

21 **190.** John Doe #48 donated to the Proposition 8 campaign, participated in five or six phone  
22 banks, and placed a yard sign in his yard on a quiet, residential street. In approximately mid-  
23 October 2008, someone took John Doe #48's yard sign. The next day, he replaced the "Yes on 8"  
24 yard sign, but that same night, someone took this second "Yes on 8" sign. John Doe #48 replaced  
25 the second sign with a third "Yes on 8" sign. After having his first two signs taken, John Doe #48  
26 brought in his third sign every night. (Decl. of John Doe 48.)

27 **Declaration of John Doe #49**

28 **191.** John Doe #49 handed out approximately 200 "Yes on 8" yard signs. She passed some

1 of these out at church. At her church, John Doe #49 urged her pastor to make an announcement  
2 regarding Proposition 8, because both the Los Angeles Diocese and the Roman Catholic Church  
3 were supporting the ballot measure. Despite the strong statements of many Bishops in support of  
4 Proposition 8, her pastor privately told John Doe #49, and parishioners at Mass, that he was not  
5 going to tell them how to vote.

6 Because of her involvement in supporting Proposition 8 and her attempts to promote it at  
7 church, John Doe #49's pastor told her that she should find another church. John Doe #49 was  
8 shocked that he would say this; she did not think that he had any right to say this to her.

9 Because of the threats and harassment associated with Proposition 8, John Doe #49 would not  
10 place a bumper sticker supporting Proposition 8 on her car.

11 John Doe #49 placed a "Yes on 8" yard sign in her front yard. The sign was not disturbed for  
12 approximately a month and a half, but about a week to ten days before the election, someone  
13 removed the sign itself. The metal support for the sign was bent out of shape and thrown on the  
14 ground. On the day this happened, the "No on 8" signs at the homes on either side of John Doe  
15 #49's home remained intact.

16 John Doe #49 believes that her friendship with a long-time friend was risked when the friend  
17 saw John Doe #49's "Yes on 8" sign and said she was hurt by John Doe #49's support of the  
18 initiative. John Doe #49's friend was visibly upset and angry with John Doe #49, though her friend  
19 has always known that John Doe #49 is on the other side of most of the social issues that the friend  
20 espouses. At the time, John Doe #49 believed that her friendship might have been compromised  
21 by her public support for Proposition 8, although it now appears that they have both moved beyond  
22 their differences. (Decl. of John Doe 49.)

23 **Declaration of John Doe #50**

24 **192.** John Doe #50 supported Proposition 8 by attending a rally in Fresno, passing out  
25 literature and lawn signs, and making presentations at both the English and Spanish language  
26 Masses at a church. He also attended some of the meetings with the local committee formed to  
27 support Proposition 8. In support of Proposition 8, John Doe #50 placed a "Yes on 8" sign outside  
28 of his business address, on a very busy street. Within 48 hours of posting the "Yes on 8" sign,

1 someone removed it and threw it somewhere down the street during the night. (Decl. of John Doe  
2 50.)

3 **Declaration of John Doe #51**

4 **193.** John Doe #51 supported Proposition 8 with a donation to NOMCalifornia. Because  
5 of this support, he received many emails from people who were angry with his support. Mostly,  
6 the emails referred to John Doe #51 as a “bigot” and a “gay hater.” Many mocked Christianity.  
7 John Doe #51 deleted these emails from his computer. His support for Proposition 8 also caused  
8 many websites to begin slandering him as a “bigot,” “gay hater,” or “racist.” At some point in  
9 December 2008, there were 30 web sites slandering John Doe #51 in this way. Because he does  
10 a lot of public speaking, when people searching for him on the internet search for John Doe #51’s  
11 name, these websites come up.

12 John Doe #51’s son is an actor. Because of the harassment that he received for his support of  
13 Proposition 8, he has had to change the name under which he acts.

14 If John Doe #51 was asked to support a cause similar to Proposition 8 in the future, these  
15 incidents would definitely affect his support. As a father who saw how support of Proposition 8  
16 affected his son, John Doe #51 would hesitate to donate to a similar cause if there was not a way  
17 to keep his giving confidential. (Decl. of John Doe 51.)

18 **Declaration of John Doe #52**

19 **194.** John Doe #52’s public relations firm was retained in mid-October 2008 by the Yes  
20 on Proposition 8 campaign. John Doe #52 handled the public relations, to assist the Deputy  
21 Communications Director for ProtectMarriage.com, with the overwhelming international news  
22 interest in the case. During the campaign leading up to the November 2008 election, John Doe  
23 #52’s public relations firm received approximately one to three telephone calls per day from angry  
24 callers who swore or threatened her and her firm because of their representation of the Yes on 8  
25 campaign. The day after Proposition 8 passed, the amount of telephone calls and emails of this  
26 nature that the firm received increased, and became significantly more threatening. John Doe #52  
27 also received a number of emails.

28 Early on November 5, 2008, John Doe #52’s firm received a telephone call from a man who

1 wanted the address of Sonja Brown, so that he could send her a “gift.” John Doe #52 referred the  
2 caller to the Yes on 8 website, but he wanted her home or office address. John Doe #52 refused  
3 to give the caller her address, and the caller became very angry. He made numerous personal  
4 threats against John Doe #52, and threats against her business. This caller continued calling, and  
5 re-calling, John Doe #52’s firm all day. The man began calling the firm so often that they could  
6 not use the telephone to conduct business. At this point, John Doe #52 called the sheriff’s office  
7 to report this behavior. The Sheriff identified the man because he had caller i.d. The Sheriff called  
8 the man, and said that if the behavior continued, he would be arrested.

9 John Doe #52’s firm regularly handles public relations for controversial issues. For example,  
10 several years ago, the firm was retained to help handle media pertaining to the Catholic priest  
11 molestation issues. The harassment that John Doe #52 personally endured as a result of her work  
12 on the Yes on 8 campaign was much worse than during the molestation issues or any other issue  
13 that she has dealt with.

14 Because of these incidents, John Doe #52 was afraid for her own safety and the safety of her  
15 daughters. The internet has a large amount of information about people, and it would be easy for  
16 someone to find her business and home addresses. (Decl. of John Doe 52.)

17 **Declaration of John Doe #53**

18 **195.** John Doe #53 made multiple donations to Proposition 8, as well as walking door-to-  
19 door, making phone calls, and putting out “Yes on 8” signs. Due to the timing of his donations,  
20 John Doe #53’s personal information was not released to the public until February 2009. Once his  
21 personal information was released to the public in February 2009, John Doe #53 began to receive  
22 harassing phone calls at work. One man who called John Doe #53 at work told him that his  
23 company would be boycotted because of his support for Proposition 8. After speaking to this man,  
24 John Doe #53 wished him a good day. The man responded in a disturbing voice to “Have a good  
25 life!” John Doe #53’s co-workers received similar phone calls at work about John Doe #53’s  
26 support of Proposition 8.

27 Although John Doe #53 would support a cause similar to Proposition 8 in the future, the  
28 experience that he had supporting Proposition 8 will make him think about how he donates to any

1 similar campaign in the future. He will look for alternative ways to contribute his money without  
2 putting his family or profession in jeopardy. These alternative methods might involve figuring out  
3 a way to donate anonymously, or through an organization that will allow him to keep his personal  
4 information and support from becoming public. (Decl. of John Doe 53.)

5 **Declaration of John Doe #54**

6 **196.** John Doe #54 is a professor. He is not a member of any church, synagogue, or other  
7 organized religion. Throughout his adult lifetime he has been opposed to laws criminalizing  
8 sodomy between consenting adults. Since first thinking about the subject he has supported the legal  
9 recognition of civil unions for gay couples. He has enjoyed warm relationships with colleagues and  
10 other friends and relations who are gay. He believes that marriage, by human nature, is a union  
11 between one man and one woman. Marriage, in his belief, is grounded in the biology of human  
12 beings as it relates to the creation and nurturing of children. For that reason, he supported  
13 Proposition 8 in the November 2008 election. He contributed money to the campaign in favor of  
14 Proposition 8, during the period reportable in the post-election campaign statement.

15 On February 2, 2009, John Doe #54 received a harassing e-mail. On February 7, 2008, he  
16 received a handwritten letter at his home address. In its entirety, the letter read: “STUPID  
17 MOTHER FUCKER. MAKE A DONATION Like that AND YOU ARE LISTED.” John Doe  
18 #54’s wife opened the letter, and was concerned; she asked John Doe #54 if they were likely to be  
19 the targets of violence.

20 At the age of 65, John Doe #54 is a veteran of many political and other controversies and has  
21 been subject to considerable personal criticism, some of it quite uncivil in nature. He regards  
22 himself as pretty thick-skinned against all forms of political attack. He has contributed money to  
23 many candidates’ campaigns and to many campaigns supporting or opposing ballot propositions.  
24 Until this incident, John Doe #54 had never been personally criticized simply because he voted in  
25 a particular way or contributed money to a particular candidate or for or against a particular  
26 proposition. The e-mail he received gave John Doe #54 a feeling of sadness and distress that lasted  
27 for a few hours, but that did not debilitate me from engaging in other activities. (Decl. of John Doe  
28 54.)

1 **Declaration of John Doe #55**

2 **197.** John Doe #55 supported Proposition 8 by placing a “Yes on 8” yard sign in front of  
3 his house. Within hours of placing the sign in front of his house, someone removed it. John Doe  
4 #55 replaced the sign with a homemade sign that the thought would be less likely to be removed,  
5 because it was less obviously a “Yes on 8” yard sign. (Decl. of John Doe 55.)

6 **Declaration of John Doe #56**

7 **198.** John Doe #56 supported Proposition 8 with a donation to ProtectMarriage.com. After  
8 making this donation, a man called John Doe #56’s office and left him a voice mail message that  
9 called him a “bigot” and told him that he should be “ashamed.” After listening to the message,  
10 John Doe #56 had the impression that the man who called him had a list of people he was calling  
11 and saying similar things to.

12 In support of Proposition 8, John Doe #56 also participated in “wave parties” where he stood  
13 on a sidewalk and waved to passing motorists. While waving, people would regularly make  
14 obscene gestures to and yell at the people waving. He also had a bumper sticker taped to the front  
15 window of his car, canvassed his neighborhood to find supporters of Proposition 8, worked the  
16 telephones on election day, worked with ProtectMarriage.com and spoke at churches to encourage  
17 the support of Proposition 8. John Doe #56 also produced a video to support Proposition 8.

18 John Doe #56 also placed a sign supporting Proposition 8 in his yard. Someone took down this  
19 sign in the middle of the day.

20 After these incidents, John Doe #56 took the address of his business - which is also his home  
21 address - off of his business’s website, leaving only his name and telephone number on the website  
22 as his contact information. Although the incidents would not prevent John Doe #56 from  
23 supporting a cause similar to Proposition 8 in the future, he finds these incidents very upsetting.  
24 (Decl. of John Doe 56.)

25 **Declaration of John Doe #57**

26 **199.** John Doe #57 supported Proposition 8 by contributing several hundred dollars to  
27 groups that supported Proposition 8, including NOM-California, Focus on the Family, Allicance  
28 Defense Fund, and several other less familiar organizations. John Doe #57 also placed bumper

1 stickers on his car.

2 John Doe #57 also placed yard signs in his front yard. On several occasions, these signs were  
3 stolen, both during the day and night. At one point, John Doe #57's neighbor (an off-duty police  
4 officer) followed one of the cars suspected of stealing the signs. When the neighbor caught up with  
5 the car, the driver and young passenger had dozens of "Yes on 8" signs in the car. (Decl. of John  
6 Doe 57.)

7 **Declaration of John Doe #58**

8 **200.** John Doe #58 supported Prop. 8 by making a contribution of less than \$100 to  
9 ProtectMarriage.com. John Doe #58 also spent approximately 12-14 hours knocking on doors and  
10 making phone calls to encourage support of Prop. 8. John Doe #58 also placed a "Yes on 8" sign  
11 in his yard. This sign was stolen approximately two weeks before the election. (Decl. of John Doe  
12 58.)

13  
14 Dated this 25th day of August, 2011.

15  
16  
17 Respectfully submitted,

18 /s/Jared Haynie

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**Certificate of Service**

I, Jared Haynie, 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 August 25, 2011, I electronically filed the foregoing document described as Plaintiffs' Statement of Undisputed Facts, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed on August 25, 2011.

/s/ Jared Haynie  
Jared Haynie (Colo. Bar No. 41751)\*  
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