

**John Doe #54**

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**United States District Court  
 Eastern District of California  
 Sacramento Division**

<p>19 <b>ProtectMarriage.com, et al.,</b>          20          21 <i>Plaintiffs,</i>          22 v.          23 <b>Debra Bowen, et al.,</b>          24 <i>Defendants.</i>          25</p>	<p>Case No. 2:09-CV-00058-MCE-DAD  <b>DECLARATION OF REDACTED</b>  <b>IN SUPPORT OF</b>  <b>PLAINTIFFS' MOTION FOR SUMMARY</b>  <b>JUDGMENT</b>            Date: TBD          Time: TBD.          Judge England</p>
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 28 Declaration of REDACTED in  
 Support of Plaintiffs' Motion for  
 Summary Judgment

1 I, **REDACTED**, make the following declaration pursuant to 28 U.S.C. § 1746:

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

4 2. I am a professor at the law school of the University of **REDACTED**  
5 **REDACTED**. I have been a member of the law school faculty since **REDACTED**, with tenure since **REDACTED**.  
6 Prior to becoming an academic I served as a staff attorney at **REDACTED**  
7 **REDACTED**; **REDACTED** under then **REDACTED**  
8 **REDACTED**; and the **REDACTED** of the Fair Political Practices Commission **REDACTED**.

9 As an academic I have specialized in Election Law. I have also taught courses in Constitutional  
10 Law, Legislation, American Political Thought, and Law and Literature. I have been an active  
11 participant in various organizations, including service on the governing boards of Common  
12 Cause, Americans for Nonsmokers Rights, and the Interact Theatre Company of North  
13 Hollywood.

14 3. I am not a member of any church, synagogue, or other organized religion. Throughout  
15 my adult lifetime I have been opposed to laws criminalizing sodomy between consenting adults.  
16 Since first thinking about the subject I have supported the legal recognition of civil unions for  
17 gay couples. I have enjoyed warm relationships with colleagues and other friends and relations  
18 who are gay. I believe that marriage, by human nature, is a union between one man and one  
19 woman. Marriage, in my belief, is grounded in the biology of human beings as it relates to the  
20 creation and nurturing of children.

21 4. For that reason I supported Proposition 8 in the 2008 General Election. I contributed  
22 money to the campaign in favor of Proposition 8, including \$**XXX** in the period reportable in the  
23 post-election campaign statement.

24 5. On February 2, 2009, I received an e-mail entitled "To Prof. **REDACTED**" from the e-  
25 mail address "julia.wells2007@gmail.com". A true and correct copy of the text of that e-mail,  
26 together with the response that I sent the same day, is attached hereto as Exhibit A and

27  
28 **Declaration of **REDACTED** in  
Support of Plaintiffs' Motion for  
Summary Judgment**

1 incorporated herein by reference. Later that day I sent a copy of this correspondence to Brian  
2 Brown of National Organization for Marriage. The following day he asked me if I would consent  
3 to the correspondence being introduced in the present litigation, with a declaration from me. I  
4 agreed.

5 6. On February 7, 2008, I received a handwritten letter at my home address. In its  
6 entirety, the letter reads: "STUPID MOTHER FUCKER. MAKE A DONATION Like that AND  
7 YOU ARE LISTED." My wife opened the letter, and was concerned; she asked me if we are  
8 likely to be the targets of violence.

9 7. At the age of 65 I am a veteran of many political and other controversies and have been  
10 subject to considerable personal criticism, some of it quite uncivil in nature. I regard myself as  
11 pretty thick-skinned against all forms of political attack. I have contributed money to many  
12 candidates' campaigns and to many campaigns supporting or opposing ballot propositions. Until  
13 this incident I had never been personally criticized simply because I voted in a particular way or  
14 contributed money to a particular candidate or for or against a particular proposition. The e-mail  
15 from Ms. Wells gave me a feeling of sadness and distress that lasted for a few hours, but that did  
16 not debilitate me from engaging in other activities.

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

19  
20 Executed on:

REDACTED

REDACTED

REDACTED

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28 Declaration of REDACTED in  
Support of Plaintiffs' Motion for  
Summary Judgment

1 **CERTIFICATE OF SERVICE**

2 I, Scott F. Bieniek, am over the age of 18 years and not a party to the within action. My  
3 business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

4 On June 3, 2009, I electronically filed the foregoing document described as Declaration of  
5 John Doe #54 in Support of Plaintiffs' Motion for Summary Judgment, with the Clerk of Court  
6 using the CM/ECF system which will send notification of such filing to:

7 Zackery P. Morazzini  
8 zackery.morazzini@doj.ca.gov  
*Attorney for Defendants Debra Bowen and Edmund G. Brown, Jr.*

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15 Department of Elections - City and Count of San Francisco*

16 Lawrence T. Woodlock  
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*Attorney for Defendant Members of the Fair Political  
Practices Commission*

18 I declare under the penalty of perjury under the laws of the State of Indiana that the above is  
19 true and correct. Executed this 3rd day of June, 2009.

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21  
22 /s/ Scott F. Bieniek  
23 Scott F. Bieniek (Ill. State Bar No. 6295901)  
24 Counsel for All Plaintiffs  
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