

# **Exhibit A**

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

Friday, December 26, 2008

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OPINION | DECEMBER 26, 2008

# Donor Disclosure Has Its Downsides

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

By JOHN R. LOTT JR. and BRADLEY SMITH

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

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

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

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

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

Video

video

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

2008 Year in Review  
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These are just a few instances that have come to light, and the ramifications are still occurring over a month after the election. The larger point of this spectacle is its implications for the future: to intimidate people who donate to controversial campaigns.

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

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

Read Emailed Video Commented

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

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

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

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

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

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

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

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

Please add your comments to the Opinion Journal forum.

# **Exhibit B**



From the Los Angeles Times

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

Steve Lopez

December 17, 2008

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

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

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

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

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

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

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

So did I get it wrong?

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

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

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

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

My guess is yes.

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

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

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

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

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

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

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

A noble position.

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

Also a fair point.

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

of tears certainly outweigh hers."

Hard to argue.

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

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



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

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

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

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# **Exhibit C**



## Proposition 8 Death Threats

Last Update: 10/31 9:20 am

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

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

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



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

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

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

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

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

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

# **Exhibit D**

LOCAL

## Prop 8 Death Threats

Friday, October 31, 2008 | 10:18 AM

By Amanda Perez

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

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

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

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

*Story continues below*

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Thursday night, "No on 8" organizer Jason

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

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

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# **Exhibit E**

LOCAL

**Proposition 8 Email Threats**

Friday, November 07, 2008 | 7:52 PM

By John-Thomas Kobos

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

[Download the Life Threatening Email](#)

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

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

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

Story continues below

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

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

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

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

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

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

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

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

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

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

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

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

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Hey Bubba,

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

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

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

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

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

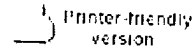
Anybody who has a YES ON PROP 8 sign or banner in fron of their house or bumper sticker on the car in Fresno is in danger of being shot or firebombed. Fresno is not safe for anyone who supports Prop 8. I've also got a little surprise for Pasor Franklin and his congregation of lowlife's in the coming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

# **Exhibit F**

# O'Reilly Alone Reports Gay Attack on Christians

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

By Colleen Raezler  
Culture and Media Institute  
November 19, 2008



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

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

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

We began to sing "Amazing Grace," and basically sang that song the whole night. (At some points we also sang "Nothing but the Blood of Jesus" and "Oh the Blood of Jesus.") At first, they just shouted at us, using crude, rude, and foul language and calling us names like "haters" and "bigots." Since it was a long night, I can't even begin to remember all of the things that were shouted and/or chanted at us. Then, they started throwing hot coffee, soda and alcohol on us and spitting (and maybe even peeing) on us.

Then, a group of guys surrounded us with whistles, and blasted them inches away from our ears continually. Then, they started getting violent and started shoving us. At one point a man tried to steal one of our Bibles. Christdene noticed, so she walked up to him and said, "Hey, that's not yours, can you please give it back?" He responded by hitting her on the head with the Bible, shoving her to the ground, and kicking her. I called the cops, and when they got there, they pulled her out of the circle and asked her if she wanted to press charges. She said, "No, tell him I forgive him." Afterwards, she didn't rejoin us in the circle, but she made friends with one of the people in the crowd, and really connected heart to heart.

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

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

KIRK CAMERON: Well, I say that it really comes down to who defines marriage. I certainly don't define marriage, and neither does anybody else. Marriage is not a new institution. It's been around for thousands of years, if not longer. And it's defined by God. None of us have the opportunity to redefine that without coming into -- up against serious consequences and unraveling the fabric of our society.

...

[W]e can make laws in our country based on what the majority of people say. And the majority of people in our country say that marriage is worth fighting for, and they did. And the definition of it stays.

...

For me, marriage is -- it's a theological issue. It's a moral issue. It's a family issue. And marriage is what it is. And we understand what it is. And when we start playing with that, there is going to be serious consequences for it.

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

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

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

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

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

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

A Nexis search revealed that the three broadcast networks – ABC, CBS, and NBC – and the three cable news channels – CNN, Fox News and MSNBC – collectively aired 75 stories on the Prop 8 protests between November 5 and November 17.

Incidents in which homosexuals attacked Prop. 8 backers were largely ignored by the television news.

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

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

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

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



# **Exhibit G**

**KTVU.com**

## **Anger Over Prop. 8 Erupts In San Francisco**

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

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

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

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

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

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

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

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

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

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

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

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

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

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
# **Exhibit H**



SAN DIEGO LOCAL NEWS

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

By David Markland

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

**Related Topics:** [Jose Nunez](#)



Gay marriage debate becomes violent

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

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

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

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

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


both sides”:

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

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# **Exhibit I**

Nation

## FBI investigating white powder mailed to Knights' headquarters

By Catholic News Service  
Posted: 11/14/2008

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

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

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

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

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

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

# **Exhibit J**

# Deseret News

## **Powder scares at 2 LDS temples, Catholic plant**

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

**By Ben Winslow**  
Deseret News

*Published: November 14, 2008*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\* \* \* \* \*

*E-mail: [bwinslow@desnews.com](mailto:bwinslow@desnews.com)*

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# **Exhibit K**





# Prop. 8 protest mostly peaceful despite 15 arrests

By Pamela Hale-Burns, Staff Writer

Posted: 11/08/2008 10:01:35 PMPST

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stretched from Redondo to Alamitos avenues and drew approximately 2,000 people.

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

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

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

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

Crowds began to disperse around 11 p.m.

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

» Prop. 8 protests spreading

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

Aside from the 10 men, three women, and two male juveniles who were arrested, problems were minimal at the protest along Broadway that

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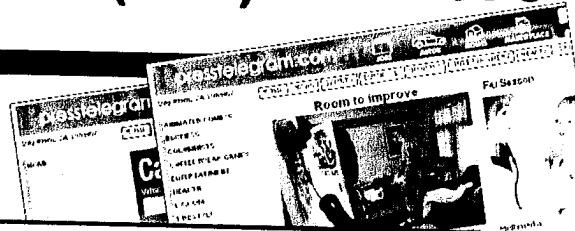
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# **Exhibit L**

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# Prop 8 Protesters March Into Night Protests continue into second day

By John Cadiz Klemack, Patrick Healy and Jon Lloyd

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

**Related Topics:** [Hollywood](#)

"Keep Your Magic Undies Off My Civil Rights"



Getty Images

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

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

Protestors March Outside Mormon Temple

[View Gallery](#)

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

[Watch Video](#)

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

[Prop 8 Opponents March at Mormon Temple](#)

[Watch Video](#)

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

[March at Temple Lasts Into Night](#)

[Watch Video](#)

A scuffle breaks out during a march in Westwood.

[Scuffle Breaks Out During Prop 8 March](#)

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

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

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

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

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

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

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

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

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

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

Jean announced the creation of a Web site at [www.InvalidProp8.org](http://www.InvalidProp8.org), where people can donate to the legal fight to overturn the proposition. For every donation of \$5 or more, the L.A. Gay & Lesbian Center will send a postcard to Monson.

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

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

Farah dismissed the tax-exemption issue.

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

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

The full text of the LDS Church's statement is available here: [www.newsroom.lds.org](http://www.newsroom.lds.org).

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

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

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

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

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

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


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

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

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

**Find this article at:**

[http://www.nbclosangeles.com/news/local/Protestors\\_Signal\\_Battle\\_over\\_Same\\_Sex\\_Marriage\\_Not\\_Over.html?corder=&pg=1](http://www.nbclosangeles.com/news/local/Protestors_Signal_Battle_over_Same_Sex_Marriage_Not_Over.html?corder=&pg=1)

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# **Exhibit M**

# Deseret News

## Hundreds protest over Prop. 8

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

**By Paul Elias**  
Associated Press

*Published: November 7, 2008*

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

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

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

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

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

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

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

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

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

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

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



pass the Legislature before going to the voters.

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

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

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

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

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

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

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

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

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

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

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

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

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