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4 ATTORNEY FOR DEFENDANT-INTERVENOR HAK-SHING WILLIAM TAM

5 **UNITED STATES DISTRICT COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**

7 KRISTIN M. PERRY, SANDRA B. STIER, PAUL
T. KATAMI, and JEFFREY J. ZARRILLO,

8 Plaintiffs,

9 CITY AND COUNTY OF SAN FRANCISCO,

10 Plaintiff-Intervenor,

11 v.

12
13 ARNOLD SCHWARZENEGGER, in his official
14 capacity as Governor of California; EDMUND G.
15 BROWN, JR., in his official capacity as Attorney
16 General of California; MARK B. HORTON, in his
17 official capacity as Director of the California
18 Department of Public Health and State Registrar of
19 Vital Statistics; LINETTE SCOTT, in her official
20 capacity as Deputy Director of Health Information
21 & Strategic Planning for the California Department
22 of Public Health; PATRICK O'CONNELL, in his
23 official capacity as Clerk-Recorder for the County
24 of Alameda; and DEAN C. LOGAN, in his official
25 capacity as Registrar-Recorder/County Clerk for
26 the County of Los Angeles,

27 Defendants,

28 PROPOSITION 8 OFFICIAL PROPONENTS
DENNIS HOLLINGSWORTH, GAIL J.
KNIGHT, MARTIN F. GUTIERREZ, HAK-
SHING WILLIAM TAM, and MARK A.
JANSSON; and PROTECTMARRIAGE.COM –
YES ON 8, A PROJECT OF CALIFORNIA
RENEWAL,

Defendant-Intervenors,

CASE NO. 09-CV-2292 VRW

**DECLARATION OF HAK-SHING
WILLIAM TAM IN SUPPORT OF
MOTION TO WITHDRAW**

Courtroom: 6, 17th Floor
Judge: Chief Judge Vaughn R. Walker
Trial Date: January 11, 2010
Action Filed: May 22, 2009

1 I, Hak-Shing William Tam, hereby declare:

- 2 1. I am one of the Proposition 8 Official Proponent Defendant-Intervenors in the subject case.
- 3 2. I have personal knowledge of the matters set forth herein and, if called on to testify, I could
4 and would competently testify thereto.
- 5 3. I voluntarily sought to intervene in the subject case along with the four other Official
6 Proponents of Proposition 8. Our motion to intervene was granted on June 30, 2009.
- 7 4. I want to voluntarily withdraw as a Defendant-Intervenor for several reasons. The first
8 reason is because I am fearful for my personal safety and the safety of my family. In the past
9 I have received threats on my life, had my property vandalized and am recognized on the
10 streets due to my association with Proposition 8. Now that the subject lawsuit is going to
11 trial, I fear that I will get more publicity, be more recognizable and that the risk of harm to
12 me and my family will increase. Some of the incidents that led me to this conclusion are in
13 the following paragraphs.
- 14 5. During the Proposition 8 campaign period my car was vandalized. It was parked along the
15 curb in front of my home and during the night the tire was punctured. My mechanic told me
16 it was deliberate vandalism since the puncture was on the side of the tire and not on the
17 bottom. I did not have a Proposition 8 bumper sticker on my car but I did have a Proposition
18 8 yard sign in my front yard. I am certain that those who oppose me know where I live and
19 that they could harm me and my family.
- 20 6. During the Proposition 8 campaign period a young woman tried to remove the Proposition 8
21 yard sign in my front yard. When I opened my door she ran. It is my belief that she knew
22 who I was and deliberately targeted me. She knows where I live.
- 23 7. On or about September 27, 2008, a video titled "Yes on Prop 8" was posted on *Youtube*,
24 (see http://www.youtube.com/results?search_query=L2CGY9jJ2E&search_type=&aq=f) It
25 was titled "Yes on Prop 8". I was one of the featured speakers in the video, which was
26 primarily addressed to the Asian community. Since posting the video online there have been
27 151 comments posted. One of the most frightening comments is as follows:
28

1 “I live in Cal. I have never been so ashamed of your likes, trying to recreate
2 discrimination. We’re not a theocracy and we’re not a direct democracy-we respect
3 minorities, regardless of what the majority religion believes. In short, FUCK YOU. I
4 will destroy your hatred. I will poison your wells. I will fuck your shit up for deciding
5 what you will permit me to do. FUCK YOU. I WILL FUCKING KILL YOU ALL. DIE
6 FASCIST SCUM.”

7 I do not know the person who posted this but, I take it very seriously and assume that he
8 means what he says.

- 9 8. Not only am I fearful that people may want to harm me because of my association with
10 Proposition 8 but this fear is exacerbated because of racial discrimination. I am a Chinese-
11 American and some people oppose me because of my race. On or about July 25, 2008, a
12 Chinese language video was posted on *Youtube*, titled “Yes on Prop 8”. (see
13 http://www.youtube.com/results?search_query=o0h7BphZ9qQ&search_type=&aq=f) I was
14 the speaker on that video. The following racially charged comments were posted regarding
15 that video. The first comment is as follows:

16 “Will someone please translate a good FUCK YOU to these Chinks who think that they
17 can tell other Chinese what to vote? Hmm, Chink, now that might be a nice word to add
18 to the California constitution. Why should they be treated like everyone else?”

19 Other comments on this video are:

20 “go back to your backward country.” and, “Wow! A Chinese person commenting on
21 human rights? They kill babies, they abuse dissidents, and poison consumers with toxic
22 chemicals in their baby formulas and other milk products. Get real.”

23 A comments on another Youtube video stated “don’t let the door hit you on the ass on your
24 way back to your homeland.”

- 25 9. I am concerned that people know me and could do me and my family harm. When I go
26 shopping people tap me on the back and say “You are Bill Tam.” Most know me from
27 Proposition 8 and are friendly but I am certain that people who are not friendly to me also
28 recognize me on the street. Therefore, I am reluctant to travel within San Francisco, outside
of certain areas, since I fear I will be recognized and harm will come to me and my family.
10. A second reason that I want to withdraw as a Defendant-Intervenor is that I do not like the
burden of complying with discovery requests. I do not like people questioning me on my

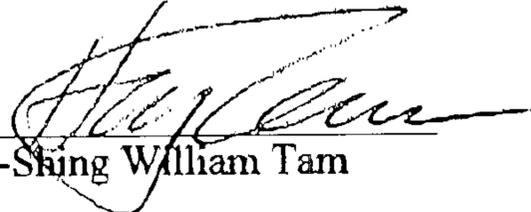
1 private personal beliefs. I do not like people questioning me regarding fourteen year old
2 articles I wrote in the Chinese language to my constituents. I don't like being quoted out of
3 context and find it very offensive. I don't like people focusing on a few articles I posted on
4 my website regarding homosexuality and disregarding the 50 or 60 other articles I posted
5 regarding family values subjects. I do not like the exposure of my history to people who are
6 antagonistic to me. In short, I do not like the burden of discovery and the privacy invasion
7 associated with being a Defendant-Intervenor.

8 11. The third reason I want to withdraw as a Defendant-Intervenor is because, I am tired and I
9 want peace. I want peace to carry on my ministry and I don't want to be indefinitely tied
10 down with this case. The case will likely go through the trial level, appeals level and
11 possibly the Supreme Court. This could take several years and I do not want to be tied down
12 for that period. I have work to do with my ministry and this case is interfering with that
13 work.

14 12. Lastly if I thought that my withdrawal would materially hurt the case I would not ask to
15 withdraw. I do not believe however, that my withdrawal will hurt the case since there are
16 four other well qualified and committed Defendant-Intervenors remaining.

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct.

19 Executed on January 8, 2010, at San Francisco, California.

20
21 
22 Hak-Shing William Tam