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 10 CITY AND COUNTY OF SAN FRANCISCO

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

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

16 Plaintiffs,

17 vs.

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

27 Defendants.

Case No. 09-CV-2292 VRW

**DECLARATION OF MOLLIE M. LEE IN
 SUPPORT OF BRIEF OF AMICUS CURIAE
 CITY AND COUNTY OF SAN FRANCISCO IN
 SUPPORT OF PLAINTIFFS' MOTION FOR A
 PRELIMINARY INJUNCTION**

Hearing Date: July 2, 2009
 Time: 10:00 a.m.
 Place: Courtroom 6, 17th Fl.,
 450 Golden Gate Ave.

Trial Date: Not set

28 * Admission to the Northern District of California pending.

1 I, Mollie M. Lee, declare as follows:

2 1. I am an attorney at law licensed to practice in the State of California. I am an attorney
3 at the Office of the San Francisco City Attorney. My admission to the bar of the United States District
4 Court for the Northern District of California is pending. I have personal knowledge of the facts set
5 forth in this declaration, and if called as a witness, I can and would testify competently thereto.

6 2. This declaration is made in support of the Brief of Amicus Curiae City and County of
7 San Francisco in Support of Plaintiffs' Motion for a Preliminary Injunction.

8 3. A true and correct copy of the Declaration of George Chauncey In Support of City and
9 County of San Francisco's Constitutional Challenge to Marriage Statutes, filed September 2, 2004 in
10 *In re Marriage Cases*, Judicial Council Coordination Proceeding No. 4365, is attached hereto as
11 Exhibit A.

12 4. A true and correct copy of Lisa Mincieli, *et al.*, "The Relationship Context of Births
13 Outside Marriage: The Rise of Cohabitation," Child Trends Research Brief (May 2007), available at
14 http://www.childtrends.org/Files//Child_Trends-2007_05_14_RB_OutsideBirths.pdf, is attached
15 hereto as Exhibit B.

16 5. A true and correct copy of the ballot arguments regarding Proposition 8 printed in the
17 California Secretary of State's Official Voter Information Guide for the November 4, 2008 California
18 General Election, and available on-line at <http://voterguide.sos.ca.gov/past/2008/general/>, is attached
19 hereto as Exhibit C.

20 6. The articles and reader comments listed and quoted below and attached hereto as
21 Exhibits D – J are true and correct copies of articles and comments that I accessed on-line on June 17,
22 2009, each of which documents animus or moral disapproval of gays and lesbians arising during the
23 campaign for Proposition 8:

24 *Exhibit D:* John Blackstone, "Passions, Budgets Sky-High over Prop. 8," CBS News, October 31,
25 2008, available at [http://www.cbsnews.com/8601-100_162-4559476-](http://www.cbsnews.com/8601-100_162-4559476-1.html?assetTypeId=30&tag=contentMain;contentBody)
26 [1.html?assetTypeId=30&tag=contentMain;contentBody](http://www.cbsnews.com/8601-100_162-4559476-1.html?assetTypeId=30&tag=contentMain;contentBody) (reader comment by
27 ybotheratall 10/31/08 @ 12:14 p.m.) ("I do NOT want my children exposed to the filthy
28 world of homosexuality. My children learning about natural relationships (heterosexual
relationships only of course) is something that they NEED to know. Finding out that
two men like to insert things into where the other defecates is not something I want my

1 children to learn. I want them to learn that there is something very wrong with the
2 brains of g.a.y.s and that therapy and medication, just like any other brain disorder, is
what is needed, not acceptance.")

3 *Exhibit E:* Rogelio Labrador, Letter to Editor, "Vote Yes on Proposition 8," *North County Times*
4 Nov. 2, 2008, available at
5 [http://www.nctimes.com/articles/2008/11/02/opinion/letters/z606adcfe5f94a998882574](http://www.nctimes.com/articles/2008/11/02/opinion/letters/z606adcfe5f94a998882574f1006218b7.txt)
6 [f1006218b7.txt](http://www.nctimes.com/articles/2008/11/02/opinion/letters/z606adcfe5f94a998882574f1006218b7.txt) ("We cannot teach our children about gays and lesbians because there
cannot be a mother and a mother or a father and a father. We will be torturing and/or
misleading our children.")

7 *Exhibit F:* Bruce Lieberman, "School Board Kills Proposal to Back Prop. 8," *San Diego Union*
8 *Tribune*, Oct. 18, 2008, available at
9 http://www.signonsandiego.com/uniontrib/20081018/news_1mc18prop8.html
(Speaking in support of the Vista Unified School District Board President Jim Gibson's
10 resolution to endorse Prop. 8, "San Marcos resident Joseph Andrews said
11 'homosexuality is not normal' and 'we do not accept what they do is normal, nor do we
want our school district to teach that it is normal.'")

12 *Exhibit G:* OC Register, Rancho voices opinions on Proposition 8 (Oct. 24, 2008) available at
13 [http://www.ocregister.com/articles/proposition-rights-marriage-2205320-sex-](http://www.ocregister.com/articles/proposition-rights-marriage-2205320-sex-prop?orderby=TimeStampDescending&showRecommendedOnly=0&oncommentsPage=2#slComments)
14 [prop?orderby=TimeStampDescending&showRecommendedOnly=0&oncommentsPage](http://www.ocregister.com/articles/proposition-rights-marriage-2205320-sex-prop?orderby=TimeStampDescending&showRecommendedOnly=0&oncommentsPage=2#slComments)
15 [=2#slComments](http://www.ocregister.com/articles/proposition-rights-marriage-2205320-sex-prop?orderby=TimeStampDescending&showRecommendedOnly=0&oncommentsPage=2#slComments) ("[T]he concern is not that it will make the kids gay, it is that it will
teach innocent mind that practicing homosexuality is okay when it isn't. Please can
anyone tell me why Sodom and Gomorrah was destroyed for practicing homosexuality,
but our nation will not be judged for the very same thing?")

16 *Exhibit H:* Asian Group Rallies for Traditional Marriage, Union Tribune Newsblog, Oct. 19, 2008,
17 available at
18 http://weblog.signonsandiego.com/news/breaking/2008/10/asian_group_rally_for_traditio.html. This news story reports Catholic Bishop Salvatore Cordileone of San Diego as
19 supporting Propositions 8 because he perceived that gay marriage would "destroy[] the
integrity of family life," and that this was a "philosophically intrinsic evil[] . . ."

20 *Exhibit I:* "Hate Crime Charged in Prop. 8 Sign Attack," *San Francisco Chronicle*, Oct. 29, 2008,
21 available at [http://www.sfgate.com/cgi-](http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2008/10/29/state/n064853D35.DTL&feed=rss.news)
22 [bin/article.cgi?f=/n/a/2008/10/29/state/n064853D35.DTL&feed=rss.news](http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2008/10/29/state/n064853D35.DTL&feed=rss.news) ("A Torrance
23 man has been charged with a felony hate crime assault for allegedly using an anti-gay
marriage 'Yes on Prop. 8' lawn sign to attack a gay man wearing a 'No on 8'
24 button...[He] allegedly used the 'Yes on Prop. 8' lawn sign to knock down the victim,
who was then punched and choked while [the attacker] allegedly uttered a homosexual
slur.")

25 *Exhibit J:* Peter Hecht and Susan Ferriss, "Prop. 4, 8 campaigns battle fiercely for crucial Latino
26 vote," *Sacramento Bee*, Oct. 26, 2008 (reader comment by menotyoutoo, 10/16/08 @
5:55 a.m.), available at
27 [http://www.sacbee.com/capitolandcalifornia/story/1344048.html?pageNum=7&&mi_pl](http://www.sacbee.com/capitolandcalifornia/story/1344048.html?pageNum=7&&mi_pluck_action=page_nav#Comments_Container)
28 [uck_action=page_nav#Comments_Container](http://www.sacbee.com/capitolandcalifornia/story/1344048.html?pageNum=7&&mi_pluck_action=page_nav#Comments_Container) ("Homosexual "marriage" is not about

rights - it's about making their immorality acceptable. Look back at our country's history and you'll find that in some states homosexuals received the death penalty. This is not "homophobic" but a rational [sic] based upon morality.").

7. The websites listed below are websites that I accessed on June 17 or 18, 2009, each of which contained on that date the video footage or text quoted and described below:

Protectmarriage.com

- First Yes on 8 TV ad: Whether You Like It Or Not, ProtectMarriage.com (Sept. 29, 2008), available at <http://www.protectmarriage.com/video/view/2>, ("Four judges ignored 4 million voters and imposed same-sex marriage on California. It's no longer about tolerance. Acceptance of gay marriage is now mandatory. . . We don't have to accept this. Yes on 8.")
- Robb and Robin Wirthlin's Story, ProtectMarriage.com (Oct. 20, 2008), available at <http://www.protectmarriage.com/video/view/6>, ("Protect marriage, protect children," "Some of the most profound consequences, are for children.")
- Everything to do with Schools, ProtectMarriage.com (Oct. 24, 2008), available at <http://www.protectmarriage.com/video/view/7>, ("Gay marriage will be taught in our schools, unless we vote yes on Proposition 8.")
- Why Proposition 8, ProtectMarriage.com, available at <http://www.protectmarriage.com/about/why> ("schools will now be required to teach students that gay marriage is the same as traditional marriage, starting with kindergartners")
- Questions & Answers About Proposition 8, ProtectMarriage.com, available at <http://protectmarriage.com/files/faq.pdf> ("[Proposition 8] protects our children from being taught in public schools that "same-sex marriage" is the same as traditional marriage.")

<http://www.youtube.com>

- GOD HATES FAGS!!! (YouTube 2008, posted June 16, 2008), available at <http://www.youtube.com/watch?v=dEQUW2v6U2o>. This video shows protestors at the San Francisco Civic Center holding signs that state: "HOMO SEX IS A THREAT TO NATIONAL SECURITY," "THE BIBLE SAYS: 'THOU SHALT NOT LIE WITH A MAN AS WITH A WOMAN; IT IS AN ABOMINATION.' LEV. 18:22," "FAGS WED," "DYKES WED," "GOD IS YOUR ENEMY," AND "GOD HATES FAG ENABLERS." A woman shouts that homosexuals are "feces-eating brute beasts," "God hates you," "Fags are worthy of death," and "God hates fags." In response to the question, "Do you think gay people should be put to death?" she says yes, because it is "the standard of God." A man says that he "loves these people," after calling them "perverts," and stating that they do "not a healthy lifestyle," but rather a "filthy lifestyle" that will "doom" them.

- Yes on Proposition 8 Supporters Share Views - Santa Clarita Ca - Join the Impact (YouTube 2008, posted October 23, 2008), available at <http://www.youtube.com/watch?v=gtcZnLXhiJo>. This video shows interviews at a Yes on 8 rally in Santa Clarita. One interviewee states that if Prop 8 does not pass her children will be "taught that this is a normal thing that's OK, and that's not what we believe. God did not intend people to be with people of the same sex."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: June 18, 2009

DENNIS J. HERRERA
 City Attorney
 THERESE M. STEWART
 Chief Deputy City Attorney
 DANNY CHOU
 Chief of Complex & Special Litigation
 CHRISTINE VAN AKEN
 MOLLIE M. LEE
 Deputy City Attorneys

By: _____ /s/
 MOLLY M. LEE

Attorneys for *Amicus Curiae*
 CITY AND COUNTY OF SAN FRANCISCO