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FILED
 JUN 26 2009
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

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

Case No. 09-CV 02292 VRW

Plaintiffs

v.

**DECLARATION OF RANDY
 THOMASSON IN SUPPORT OF
 CAMPAIGN FOR CALIFORNIA
 FAMILIES' MOTION FOR
 INTERVENTION**

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
 Department of Public Health and State Registrar
 of Vital Statistics; LINETTE SCOTT, in her
 18 official capacity as Deputy Director of Health
 Information & Strategic Planning for the
 19 California Department of Public Health;
 PATRICK O'CONNELL, in his official capacity)
 20 as Clerk-Recorder for the County of Alameda; and
 DEAN C. LOGAN, in his official capacity as)
 21 Registrar-Recorder/ County Clerk for the County
 of Los Angeles,

Date: September 3, 2009

Time: 10:00 a.m.

Courtroom: 6

Judge: Hon. Vaughn R. Walker

Defendants.

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1 I, Randy Thomasson, declare as follows:

2 1. I am over the age of 18 and a resident of Yolo County, California. I am Founder and
3 Executive Director of Campaign for California Families (“The Campaign”), the proposed Intervenor
4 in this action. I have actual knowledge of the following facts and if called upon to testify to them
5 could and would do so competently. This Declaration is being offered in support of the Motion to
6 Intervene.

7 2. The Campaign is a nonprofit, nonpartisan lobbying organization the represents
8 fathers, mothers, grandparents and concerned individuals who believe the sacred institutions of life,
9 marriage and family deserve utmost protection and respect by government and society.

10 3 The Campaign works to educate, equip and activate concerned citizens to promote
11 family-friendly values in their homes and communities. Both individually and in my capacity as
12 Founder and Executive Director of the Campaign, I have been actively campaigning for these basic
13 values, especially in the efforts to preserve and protect the institution of marriage, since 1994.

14 4. The Campaign’s and my efforts aimed at protecting the institution of marriage have
15 included active participation in both Proposition 22 and in supporting and activating voters to pass
16 Proposition 8.

17 5. Once Proposition 22 qualified for the ballot, the Campaign, its constituents and I
18 actively and extensively campaigned for and voted for Proposition 22, which was approved by 61.4
19 percent of the electorate, or more than 4.6 million voters, on March 7, 2000.

20 6. Once Proposition 22 qualified for the ballot the Campaign for California Families,
21 its constituents and I actively and extensively campaigned for and voted for Proposition 22, which
22 was approved by 61.4 percent of the electorate, or more than 4.6 million voters, on March 7, 2000.

23 7. When Governor Gray Davis signed AB 205 into law on September 19, 2003, I
24 immediately sought to challenge the law, which granted the rights of marriage to domestic partners
25 without first seeking the approval of the voters who had enacted Proposition 22.

26 8. On September 23, 2003, four days after Governor Davis signed AB 205, I, along with
27 the Campaign and other California voters, filed a lawsuit in Los Angeles Superior Court against
28 Governor Davis and other state officials, asking that the court declare AB 205 and the earlier enacted

1 AB 25 invalid.

2 9. Our action was partially consolidated with another action brought by the proponents
3 of Proposition 22, the same proponents who are also seeking intervention in this case, in Sacramento
4 Superior Court. We briefed and presented oral argument at the trial court and at the California Court
5 of Appeal, which affirmed the trial court's in favor of the administration.

6 10. The Campaign's members were among the 7,001,084 voters who approved
7 Proposition 8 and whose rights are now threatened by this action.

8 11. The Campaign also filed a lawsuit against San Francisco Mayor Gavin Newsom in
9 February 2004 to halt his illegal actions in granting marriage licenses to same-sex couples in San
10 Francisco. The Campaign participated in briefing and oral argument at the trial court, California
11 Court of Appeal and California Supreme Court, including participating in oral argument before the
12 Supreme Court in March 2008. Its action became part of the *In re Marriage Cases* decided by the
13 California Supreme Court in May 2008. *In re Marriage Cases*, 43 Cal.4th 757 (2008). The
14 Campaign's case was consolidated along with a case brought by the Proposition 22 proponents,
15 which includes some of the same parties who are the Official Proponents of Proposition 8, which
16 has applied to intervene in this case.

17 12. The Campaign also participated in briefing and oral argument as an intervenor, along
18 with the Proposition 22 proponents, in a case challenging Proposition 22 and the federal Defense of
19 Marriage Act. *Smelt v. County of Orange*, 374 F.Supp.2d (CD Cal. 2005). When the plaintiffs
20 appealed, first to the Ninth Circuit and then via a petition for a writ of certiorari to the United States
21 Supreme Court, the Campaign also participated in briefing and, in the case of the Ninth Circuit case,
22 in oral argument. *Smelt v. County of Orange*, 447 F.3d 673 (9th Cir. 2006), *cert. denied* 549 U.S. 959
23 (2006). After the case was remanded to the District Court following the California Supreme Court
24 ruling in the *Marriage Cases*, the Campaign participated in the final hearing that resulted in a
25 dismissal of the action in 2008.

26 13. After the California Supreme Court overturned Proposition 22 in May 2008, the
27 Campaign continued to work on behalf of supporters of traditional marriage in California by asking
28 the Supreme Court to stay the issuance of marriage licenses to same-sex couples pending the vote

1 on Proposition 8 in November 2008.

2 14. When the California Supreme Court denied the request for a stay, I decried the
3 decision as an attempt to trump the will of the voters, who, by enacting Proposition 22 in 2000 and
4 petitioning to put Proposition 8 on the ballot in 2008, clearly communicated that they, not the courts,
5 have the right to decide whether marriage should remain a union between one man and one woman.

6 15. I also urged county officials to stand with the California Constitution and statutes,
7 which had not been altered by the Legislature, and refuse to issue same-sex “marriage licenses” or
8 perform marriage ceremonies for anyone other than a man and a woman.

9 16. During this time, the Campaign sought from the Court of Appeal, asking it to stay
10 the issuance of any marriage licenses to same-sex couples.

11 17. As part of my organization’s efforts to uphold the will of the people of California, I
12 drafted a Marriage Protection Ordinance, which could be used by county supervisors to prohibit any
13 marriages except for natural marriages between a man and a woman within their respective counties.
14 The Ordinance was based upon counties’ rights to enact ordinances under Art. XI §7 of the
15 California Constitution. I sent faxes and called two-thirds of California’s 58 county clerks. I did
16 numerous media appearances and traveled to Bakersfield to speak with county supervisors about
17 enacting the ordinance in Kern County.

18 18. My organization also sought to protect the institution of marriage and the rights of
19 pro-traditional marriage Californians by helping the United States Justice Foundation and five county
20 supervisors to seek an injunction against the state Department of Public Health and Office of Vital
21 Records’s action of changing the official marriage license forms to state “Party A” and “Party B”
22 instead of “bride” and “groom.”

23 19. After Proposition 8 qualified for the ballot, some same-sex marriage proponents
24 petitioned the California Supreme Court to have the measure removed from the ballot. *Bennett v.*
25 *Bowen*, California Supreme Court Case No. S164520. The Campaign, Larry Bowler and I sought to
26 intervene in this action to help defend the rights of California voters to amend the Constitution. The
27 Supreme Court refused to grant that petition.

28 20. When several groups of same-sex “marriage” proponents challenged Proposition 8

1 as an unconstitutional revision after it was enacted, the Campaign submitted an Amicus Curiae brief.

2 21. The Campaign participated as an intervenor, alongside the Official Proposition 8
3 Proponents, at all three levels of the state and federal courts of California in defense of traditional
4 marriage and of the voters' right to amend the state Constitution by initiative.

5 22. When the Supreme Court agreed to hear the challenge to Proposition 8, I publicly
6 disapproved of the decision as disrespecting the people's reserved right to amend the Constitution.
7 I disagreed with others who were pleased that the Court was going to review the issue because I saw
8 that even giving credence to the unsubstantiated claims raised by the same-sex "marriage"
9 proponents was damaging to the integrity of the people's right to amend the Constitution. I pointed
10 out that the California Constitution clearly says that the voters have the right to alter the Constitution
11 and that their right should not be undermined by arguments such as those raised by the same-sex
12 "marriage" proponents.

13 23. When the California Supreme Court issued its decision in *Strauss v. Horton, et. al*,
14 207 P.3d 28 (CA 2009), I noted that Proposition 8 was only partially upheld since the justices
15 determined that same-sex "marriages" performed between June and November 2008 would be valid.
16 I pointed out that the ruling frustrated and disappointed pro-family citizens who voted for the true
17 protection of marriage licenses between a man and a woman. I acknowledged that the Supreme
18 Court did not strike down Proposition 8, which was a positive development, but also explained how
19 the express will of the people was nonetheless frustrated by permitting the same-sex "marriages"
20 performed prior to November 5, 2008 to remain valid.

21 24. These activities reflect my organization's overall mission to educate Californians
22 about the foundational importance of marriage to society, and the widespread adverse effects that
23 result if natural marriage is not protected. These efforts extend beyond the passage of Proposition
24 8, or any other statute or amendment, to the overall well-being of California's children and families,
25 which necessitates the preservation of natural marriage. In addition, our interests are not only to
26 protect the integrity of Proposition 8, but to protect the integrity of the institution of marriage and
27 the people's right to amend the Constitution to preserve this very important and unique institution.

28 25. The present lawsuit threatens the rights of the people of California to determine how

1 marriage is to be defined in this state and seeks to undermine the very foundation of the marriage
2 institution. The ramifications of this lawsuit extend far beyond merely upholding Proposition 8 to
3 protecting the integrity of the family unit, and particularly the children of California who depend
4 upon it. These are the precise issues that the Campaign and I have been fighting for since 1994.

5 26. The Campaign and I believe that the integrity of the family, the institution of
6 marriage, religious freedom, parental rights, and taxpayer rights – including voter rights – must be
7 respected, esteemed, and protected by law, which will not occur if Plaintiffs' claims succeed.

8 27. The Attorney General has made it clear that he does not support Proposition 8, and
9 that he believes it violates the United States Constitution. In the *Strauss* case and in this case,
10 Attorney General Brown has argued that Proposition 8 is unconstitutional and should be invalidated.
11 The Department of Justice cannot be counted on to uphold the will of the people in this regard,
12 which makes it imperative that the Campaign be permitted to intervene to provide a voice for the
13 people and the overarching concerns about preserving marriage as the union of one man and one
14 woman.

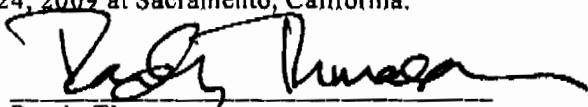
15 30. The Campaign and its constituents do not trust the Attorney General to adequately
16 protect the rights of the people of California to pass a constitutional amendment, which the
17 California Supreme Court upheld. The Campaign will fight to preserve the integrity of the initiative
18 process and the integrity of the traditional family in this case, if this Court will grant the intervention
19 request.

20 31. Similarly, the Administration Defendants (Gov. Schwarzenegger, Director Horton
21 and Deputy Director Scott) have indicated that they will be less than zealous in protecting the right
22 of the people of California to amend the Constitution. (See The Administration's Answer to the
23 Complaint, Doc # 46, p. 2, lines 4-10).

24 32. The Official Proponents of Proposition 8 have sought intervention in this action.
25 While they clearly have an important and currently unrepresented interest in this matter, their interest
26 is not as far-reaching as is the Campaign's. The Campaign has emphasized not merely the validity
27 and integrity of Proposition 8, but the potential negative social and cultural ramifications that would
28 result if marriage is redefined. Determination of Plaintiffs' claims will affect much more than

1 merely the validity of a constitutional amendment. It is critical that this Court have a complete picture
2 of the potential effects of Plaintiffs' action, a picture that will not be provided by any of the
3 governmental defendants. The Campaign will provide this Court with the information necessary to
4 make the fully informed decision that Plaintiffs' claims require. Therefore, the Campaign respectfully
5 requests that this Court grant its request to intervene as a Defendant.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing
7 is true and correct. Executed on June 24, 2009 at Sacramento, California.

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9 Randy Thomasson

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PROOF OF SERVICE

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2 I am employed at the law firm of Liberty Counsel. I am over the age of 18 and not a party
3 to the within action. My business address is 100 Mountain View Road, Suite 2775, Lynchburg
4 Virginia 24502.

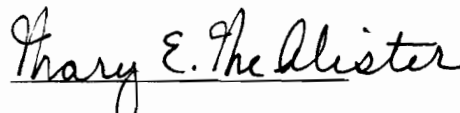
5 On June 25 , 2009 I served the foregoing document described as:

6 Declaration of Randy Thomasson In Support of Motion to Intervene
7 on the below-listed parties in this action by the method stated.

8 **US MAIL:** By placing the documents in a sealed enveloped, with postage thereon fully
9 prepaid in the United States mail at Lynchburg, Virginia, addressed as shown on the attached
10 **SERVICE LIST.**

11 Executed on June 25, 2009, at Lynchburg, Virginia.

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13 I declare under penalty of perjury under the laws of the United States of America and State
14 of California that the above is true and correct.

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18 Mary E. McAlister

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