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# Exhibit 2

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8 **United States District Court**  
9 **Western District of Washington**  
10 **Tacoma Division**

11 **John Doe #1, et al.,**

12 Plaintiffs,

13 vs.

14 **Sam Reed, et al.,**

15 Defendants.

No. 3:09-CV-05456-BHS

The Honorable Benjamin H. Settle

**Second Declaration of [REDACTED] in  
Support of Plaintiffs' Motion for Summary  
Judgment**

17 **Second Declaration of [REDACTED]**  
18

19 I, [REDACTED], make the following declaration pursuant to 28 U.S.C. § 1746:

20 1. I am a resident of Washington State, am over eighteen years of age, and my statements  
21 herein are based on personal knowledge.

22 2. In 2009, I publicly opposed Referendum 71 because I believed that Senate Bill 5688  
23 would have a harmful impact on the institution of marriage between a man and a woman.

24 3. In November 2009, the voters of Washington voted to sustain Referendum 71.  
25  
26  
27  
28

**Second Declaration of [REDACTED]  
[REDACTED] in Support of Pls.' Mot. for  
Summ. J. (No. 3:09-CV-05456-BHS)**

Exhibit 2, Page 1

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(812) 232-2434**

## **Experience at Fosbre Academy of Hair Design**

4. Twice in the early summer of 2009 I was a client of Fosbre Academy of Hair Design in downtown Olympia. The first time was to have my hair colored and the second time was for a haircut.

5. My first time at Fosbre, a student cut and colored my hair, while Noah Fosbre oversaw and approved the student's work. During my second visit, a student started the cut but Noah finished it. While he cut my hair, we engaged in general conversation. I had asked about the school and salon.

6. To the best of my knowledge, Noah is an owner, stylist, and instructor at Fosbre Academy of Hair Design. Noah runs Fosbre with his "partner." It was my impression, based on my conversation with Noah that he was a homosexual and by "partner" he meant his boyfriend.

7. Noah charges \$60.00 for a hair cut and informed me, when I inquired, that he charges \$2.00 to trim a client's bangs between haircuts.

8. On July 29, 2009, I became one of the "lead" observers at the Elections Office in downtown Olympia. At the Elections Office, signatures on petitions were verified in order to determine whether enough signatures had been collected for the issue to qualify for placement on the ballot. Fosbre hair salon is also located in downtown Olympia. During the month it took to verify the signatures, the process got extreme public exposure and my image was included in this publicity.

9. One time, the local news aired an enlarged up-close picture of my face and a far-away shot of me standing behind a signature checker. These news clips were aired on both the 5:00 p.m. and the 11:00 p.m. local news.

10. Additionally, a Seattle Times reporter interviewed my husband as well as opponents of R-71 who were also observing the signature verification process.

11. Further, a picture of me during the observation process at the Elections office appeared on the front page of the Olympian newspaper.

12. I also recall Teresa Glidden, the Elections Office's day supervisor, who was in charge of the paid computer checkers, told me personally that she heard Anderson Cooper of CNN

**Second Declaration of [REDACTED]  
[REDACTED] in Support of Pls.' Mot. for  
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1 might be coming to the department. My husband was standing near me when Teresa said this and  
2 overheard the conversation with me. She said she hopes they show up as she is a fan of Anderson  
3 Cooper and would really like to meet him. When we heard this, I felt that her main concern was  
4 the publicity and that the substance of the petition was of no import. This made me feel disgusted  
5 that she was more interested in being on television and meeting Anderson Cooper than ensuring  
6 the integrity of the verification process.

7       **13.** After the month long process was over and we had succeeded in winning the required  
8 signatures, my husband and I went to Oregon for a weekend vacation. On our return, while  
9 driving through Olympia, I asked my husband to stop by Noah's salon so that I could get a quick  
10 bang trim. These bang trims generally do not require an appointment, so my husband dropped  
11 me off at the door and waited in the car.

12       **14.** When I entered the salon, there were a few customers receiving hair cuts. Noah was  
13 cutting a woman's hair in a seat near the front door of the salon and saw me when I entered.

14       **15.** When I asked Noah if he could trim my bangs and what the cost would be, he told me  
15 the charge was going to be \$60.00.

16       **16.** Unsure that he had understood me, I asked again. This time Noah stopped cutting the  
17 client's hair, looked directly at me and repeated "\$60.00." His demeanor was harsh. Stunned that  
18 he was serious about this price for a simple bang trim, I walked out. The female client in Noah's  
19 chair heard the entire conversation.

20       **17.** Frustrated, I went to the car and relayed the conversation to my husband. I was  
21 bewildered that Noah would deliberately charge such a ridiculous and unreasonable price for a  
22 one-minute bang trim.

23       **18.** It is my opinion, that the reason Noah would have charged me \$60.00 for a \$2.00 bang  
24 trim was because of my public involvement in the R-71 campaign. When I went to the salon in  
25 2009 to get my bangs trimmed, my picture had been on the front page of the Olympian  
26 newspaper and on the local television news. And from my conversation and interactions with  
27 Noah, it is my understanding that he is homosexual and was aware of my public involvement  
28 with Referendum 71. It was for this reason that he was going to charge me \$60.00 when other

**Second Declaration of [REDACTED]**  
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1 customers would have been charged \$2.00.

2       **19.** Because I had not had a bang trim the entire month—31 days, 15 hours a day, non-  
3 stop—we were at the Elections Office, I spotted a salon a couple of doors from Noah’s salon  
4 called Jamie Lee and Company. I walked in and asked if they had time to do a bang time and  
5 inquired as to the charge. They said their bang trims are free. I got my bangs cut in less than two  
6 minutes and left a \$2.00 tip.

7       **20.** On Friday, May 27, 2011, I returned to Noah’s salon and entered the salon at  
8 approximately 10:00 a.m. There were several clients sitting in chairs getting haircuts by students.  
9 As I entered the premises, one of the stylists, who was located toward the back, pleasantly  
10 acknowledged me and said she would be with me in a moment. I thanked her and walked to the  
11 counter near the front entrance to wait for her.

12       **21.** As I thanked her and walked to the counter, I saw through the glass window to the  
13 break room, what appeared to be Noah, with a cell phone in his hand, lift his head up and look  
14 directly at me during my exchange with the welcoming stylist.

15       **22.** Since my last encounter with him was two years ago, I was not certain he would  
16 remember me or recall the charge he quoted two years prior. At first glance I wasn’t sure if this  
17 was Noah. Two years ago his hair was spiked and dyed whitish blond. This morning it was dyed  
18 a medium dark brown and was not spiked. When I walked toward the front counter near the front  
19 entryway to wait for the warm stylist, I saw Noah exit the break room and come walking through  
20 the main area directly towards me.

21       **23.** When he came up to me, I asked, “Are you Noah?” He said, “yes.” I then asked, “Do  
22 you remember me?” He said, “yes.” Uncertain that he could remember me from two years ago, I  
23 mentioned that he had cut my hair and that he quoted me a \$60.00 charge for a bang trim. He  
24 said he remembered and nodded his head yes at the same time. When he did this I was taken  
25 aback at his reaction.

26       **24.** So trying to be cordial and to clarify, I reminded him that he had charged \$60.00 for a  
27 full haircut and style, but that I had only wanted a bang trim when he quoted the \$60.00 charge.  
28 Still not smiling, he said abruptly, “That’s what I charge.” I then said, “Why would you charge

1 that much for a bang trim?" He didn't answer.

2 25. So I asked him again how he could charge so much. He wouldn't answer and then said,  
3 "That is my fee and that's what I am going to charge."

4 26. When I again tried to explain to him that his full service haircuts and styles are \$60.00  
5 (thinking he might not have heard me correctly), he put both his hands behind his back, leaned  
6 down within 12-14 inches of my face, and said, "I can charge any price I want." And then he  
7 said, "I can deny service to anyone I want." I am five-foot-three; he is between six-foot-one or  
8 two inches tall. Noah's posturing by getting in my face was a deliberate act of intimidation and  
9 hostility that was totally unjustified.

10 27. After he told me he could deny service to anyone he wanted, he started toward the back  
11 of the room, and in front of all the students and clients, loudly told me to "leave his business."

12 28. Stunned, frustrated, and embarrassed by this unprofessional and untoward response in  
13 front of everyone in his business. I pointed my finger at Noah, as he walked back toward the  
14 break room, and said, "You are a liar, Noah." I then left the premises.

15 29. When I had been to the salon in 2009 and when I called to confirm the price charged for  
16 a bang trim, in May 2011, I was quoted \$2.00 not \$60.00 both times.

## 18 **Defaced Reject Referendum 71 Sign**

19 30. Among other things, my name and photograph appeared in a front-page news story in  
20 *The Olympian* on October 18, 2009. The story related, correctly, that my husband and I opposed  
21 Referendum 71 and that our yard sign in our front yard had been defaced. (*See Ex. 1.*)

22 31. The morning of Friday, October 16, 2009, I discovered that sometime during the night  
23 of October 15, 2009 or morning of October 16, 2009 the R-71 yard sign in our yard had been  
24 defaced.

25 32. The sign was located on our private property. So, in order for the perpetrator to have  
26 vandalized the R-71 sign, he or she would have had to enter our private property. This made me  
27 feel very alarmed and uncomfortable. I feared the vandalism could escalate and that our home  
28 could be the next target.

**Second Declaration of [REDACTED]**  
**[REDACTED] in Support of Pls.' Mot. for**  
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1           33. My husband or I contacted the local police department to report the vandalism of our  
2 sign and entry onto our private property in order to commit the vandalism. The police came to  
3 our home to investigate.

4           34. As a result of the vandalized sign along with a letter addressing us as “Christian  
5 Bigots,” we asked the police to patrol our home more frequently, especially during the night. We  
6 showed the letter to the police officer when he examined our defaced yard sign. We also told him  
7 about the phone calls and threats we had received at our church. It is my belief that the letter,  
8 threats and phone calls, and the vandalized sign were because of our standing up for traditional  
9 marriage as one man and one woman.

10          35. As a result of these events, I was fearful that additional acts of trespass would occur.  
11

### 12 **Attempt to Volunteer at SafePlace**

13          36. In or around April 2010, I applied to serve as a volunteer at SafePlace, which is located  
14 in downtown Olympia, Washington. SafePlace is an organization dedicated to helping victims of  
15 domestic violence and sexual assault. I applied as a volunteer because I wanted to help. I wanted  
16 to offer compassion and strength to these victims.

17          37. My primary contact at SafePlace was Sandi Thompson-Royer, SafePlace’s education  
18 and training coordinator. On or about Tuesday, April 27, 2010, I had an in-person interview with  
19 Ms. Thompson-Royer that lasted approximately ninety minutes. During the interview, Ms.  
20 Thompson-Royer was **upbeat** about my desire to volunteer at SafePlace in large part because I,  
21 myself, was a victim of domestic violence and sexual abuse and had lived for one month at a  
22 domestic violence shelter. Ms. Thompson-Royer expressed her belief that my background and  
23 experience would be **an asset to their organization**. She also told me that volunteers are  
24 sometimes able to become paid staff members, which I hoped to do.

25          38. At the interview, Ms. Thompson-Royer explained to me that all SafePlace volunteers  
26 must undergo a mandatory two-week (80-hour) training; that the training was to begin in six  
27 days, on Monday, May 3, 2010; and that before I could begin the training, SafePlace would need  
28 to check two personal references (which I would need to provide) and also perform a state

1 background check on me. She indicated that to complete those tasks before the training began,  
2 we would need to act quickly. I left the interview with the understanding that SafePlace was  
3 excited to have me as a volunteer, and that I needed to provide references and fill out a form for  
4 the background check right away so that I could begin the two-week training in four days—the  
5 following Monday.

6 39. Later that week, on April 29 or April 30, 2010, Ms. Thompson-Royer called and left a  
7 voice message, asking me to return her call. She indicated that “something ha[d] come up,” that  
8 some “concerns” had been raised in the office relative to my application to serve as a volunteer.

9 40. When I returned Ms. Thompson-Royer’s call, she informed me that several staff  
10 members and/or volunteers were upset when they heard my name as one of the applicants for a  
11 volunteer position. I asked her how this came up. She said, sarcastically, “Well, you were very  
12 vocal in your anti-gay stand in Olympia, weren’t you?” I responded that my stand was not anti-  
13 gay, but rather about preserving marriage between a man and a woman. In reply, Ms. Thompson-  
14 Royer said that “many” of the staff members and/or volunteers at SafePlace were lesbians and  
15 transgenders, and that because of my “very vocal” stand on homosexuality, a number of them  
16 were “not comfortable” with me working there. She told me that Olympia has a strong  
17 homosexual community, and then added that she was concerned about the working environment  
18 of the team cohesive. I then said that I had a brother that was a homosexual that died of AIDS  
19 and that I could help a self-described homosexual just as well as I could help anyone else.

20 41. I told Ms. Thompson-Royer that my involvement in Referendum 71 and standing up for  
21 traditional marriage should not have had any bearing at all (as it pertained to my application as a  
22 volunteer) on my ability to help victims of domestic violence and/or sexual abuse. I added that I  
23 thought Safeplace—and Ms. Thompson-Royer as SafePlace’s agent—had acted in an  
24 unprofessional and “intolerable” manner by even bringing this up and making it an issue.

25 42. I perceived Ms. Thompson-Royer’s “concerns” as a message of discrimination and  
26 animosity. Based on my conversation with Ms. Thompson-Royer, I got the message that  
27 SafePlace would not be a positive and healthy work environment for someone with my views;  
28 that the other volunteers and staff members would make it difficult for me to volunteer there; and



1 that they would, at best, grudgingly tolerate my efforts to volunteer, and would even try to  
2 undermine my work there. I expressed these thoughts to Ms. Thompson-Royer and told her that  
3 this felt like reverse discrimination, and specifically that SafePlace was being intolerant of  
4 fundamental Bible-believing Christians.

5 43. Therefore, because I no longer felt that my volunteer efforts were welcomed by  
6 SafePlace, I felt compelled to withdraw my application to serve as a volunteer. Accordingly, I  
7 withdrew my application.

8 44. When the events described above occurred (i.e., my application to SafePlace and my  
9 conversation with Ms. Thompson-Royer), it had been nearly six months since Washingtonians  
10 had voted on Referendum 71 (the election was November 3, 2009). It was **disconcerting** to me  
11 that so many months after the election was over, my name was still a recognized target in the  
12 minds of some people, including, apparently, some who worked or volunteered at SafePlace. It  
13 seemed apparent to me that those SafePlace workers or volunteers who disagreed with my  
14 political views on Referendum 71, and who voiced their **"concerns"** to Ms. Thompson-Royer  
15 regarding the same, saw my application to SafePlace as an opportunity to retaliate against me,  
16 and that they did just that.

### 17 18 **Voice Mail Messages Received**

19 45. On July 30, 2009, my husband and I began received voice mail messages on our church  
20 phone. A true and correct transcription of the voice mail messages we received is attached. (Ex.  
21 2.) A detailed account of these phone calls and messages is set forth in *Declaration of John Doe*  
22 *#5 in Support of Motion for Preliminary Injunction*. (Doc. 45.)

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

Executed: June 23, 2011.



Second Declaration of [REDACTED]  
[REDACTED] in Support of Pls.' Mot. for  
Summ. J. (No. 3:09-CV-05456-BHS)

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# Exhibit 2-1

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Published October 18, 2009

## Vote on partners divides county

BRAD SHANNON; The Olympian

Will Washington state extend or roll back the civil rights of same-sex partners that were granted by the Legislature this year? That is the question Referendum 71 asks voters in the Nov. 3 election.

It's a question that is stirring activists on both sides of this emotional political issue.

On one side are committed, same-sex couples like Lynn Grotzky and Lisa Brodoff of Lacey, who say an expansion of rights is needed to protect families like theirs in medical emergencies. R-71 would allow those on the state's domestic partner registry to take unpaid leave from a job to care for a critically ill partner or to receive death benefits and survivor benefits from public pensions.

On the other side are religious conservatives like Pastor [REDACTED] couple who leads the [REDACTED] Church [REDACTED] They have moral objections to homosexuality and fear R-71 will open the door to same-sex marriage in Washington.

State lawmakers approved an "everything but marriage" law early this year, and Gov. Chris Gregoire signed it into law. Religious conservatives led by Larry Stickney of Arlington launched a petition campaign to force Senate Bill 5688 onto the Nov. 3 ballot as R-71.

R-71 asks voters simply whether they want to approve the Legislature's work. A yes vote is in favor of extending rights to same-sex couples and to unmarried opposite-sex couples older than 62; a no vote would reject the Legislature's work.

Anne Levinson, chair of the Approve 71 campaign and its Washington Families Standing Together committee, calls R-71 a "safety net" for families that are not able to legally marry, and she says it would allow same-sex couples and opposite-sex couples older than 62 to receive a partner's death benefits, public pension benefits and to take family leave to care for the other.

The Washington Poll last year showed growing, majority support for giving recognition to same-sex relationships with a clear majority favoring such support. But opponents of R-71 have said the measure is too much like same-sex marriage, which has less than majority support, and many like Stickney, leader of Protect Marriage Washington, consider it a moral issue and a last chance for Washington voters to block same-sex marriage.

"Marriage has been under pressure for a long time. It continues to get worse, the influence of the culture," Stickney said. "This next step is not necessarily worse than the last step we took toward a society in decline. We're further into it. We're at the stage where I think we are a sick society when this is being bantered about."

It should be a no-brainer that people recognize for what it is. It's not the end of the world but it's a step in the wrong direction. ..."

The issue has been divisive, and opponents say they have received harassing phone calls, even threats, and had their campaign signs defaced.

## **LESBIAN COUPLE WANTS LEGAL PROTECTIONS**

Grotsky and Brodoff have lived together for almost 29 years. Like many traditional families, the suburban professionals have given birth to two children, raised them to adulthood, and lived in the same ranch-style home for most of that time on a one-acre lot with an orchard.

They did it all without the hospital visitation rights enshrined in the 2007 domestic partner law or the inheritance protections in the 2008 law.

"We saw what it was like. We went through having our children and raising them, and being a family when we didn't have any of these rights," Brodoff said last week, recalling a 21/2-year legal fight to secure a "second-parent adoption" in the late 1980s for their first child, daughter Evan, and other travails. "We did it. It was not easy and it takes a lot of time, energy to try to protect ourselves and we were still not able to fully protect ourselves."

Referendum 71, if it passes Nov. 3, would give Brodoff and Grotsky all of the remaining state rights granted to married couples, including the right to take sick leave to care for a stricken partner, to receive death benefits and survivor benefits from a public pension, and about 200 other rights. Although they would eventually like to see full marriage rights extended to couples like theirs, they are enthusiastic supporters of the state's domestic partnership law, which they signed up for the first day it was available in 2007.

Grotsky, a clinical social worker in private practice, estimates they spent an extra \$80,000 to \$100,000 over the years on health insurance because Grotsky could not qualify for spousal coverage on Brodoff's policy from Seattle University, where the latter teaches law, until a couple of years ago.

Grotsky also recalled a time Brodoff was hospitalized for a miscarriage, and she was denied admission to see Brodoff, because she was not the legal next of kin. When Grotsky did barge in to the emergency room, she found Brodoff cold and alone.

## **LOCAL PASTOR, WIFE SEE ASSAULT ON MARRIAGE**

On the other side of the cultural divide are couples like the [REDACTED]. They have raised six children, and they believe they should live their lives according to God's dictates. They say their reading of the Bible tells them homosexuality is an abomination and they do not understand why some Christian pastors and leaders endorse R-71.

"Homosexuals have been around since the beginning of time. Now they are trying to push their behavior as a norm in our society. We totally reject that," [REDACTED] said. "They want to change the traditional definition of marriage."

But "as far as homosexual couples, a lesbian couple raising a kid by themselves ... what they do in their home is of no concern to us as Christians. We would prefer a healthier family structure, but what they do is between them and God," [REDACTED] added.

He and his wife say they are concerned that passage of R-71 will further establish the normalcy of same-sex relationships, and [REDACTED] contends it is already leading to changes in portrayals of homosexuality in school curriculum.

██████████ says he doesn't hate gays, but has become the victim of intolerant acts — including threatening phone calls in August and more recently a defaced campaign sign in their yard.

In an e-mail, he described how his wife's younger brother, whom he described as a "gay impersonator" in Las Vegas shows, died of AIDS in 1994. "I told him I didn't hate him; I love him. But I can't condone what he is doing," ██████████ wrote.

The ██████████ church has given the Protect Marriage Washington campaign \$2,000, and the couple warn that passage of R-71 is just one stop on the way to enactment of full marriage rights for same-sex couples.

Despite donations from supporters such as the ██████████ the Protect Marriage campaign is being heavily outspent by the Approve 71 campaign. The battle has drawn some of the region's biggest businesses into the fray, helping two pro-gay groups collect roughly \$1.6 million in contributions; this dwarfs the roughly \$410,000 collected by two groups opposed to granting additional rights to same-sex couples.

### **APPROVE 71 COLLECTS BUSINESS, FINANCIAL SUPPORT**

Boeing, Microsoft, Puget Sound Energy and Vulcan are among the companies backing R-71, and Microsoft has donated \$100,000, backed up by smaller donations from the company's founder, Microsoft founder Bill Gates, and executive Steve Ballmer. The Approve 71 campaign appears to have built a much larger coalition of support from civil rights, labor and even legal groups such as the state bar association, and its list of supporters includes religious figures such as the Rev. George Anne Boyle of St. Benedict Episcopal Church in Lacey.

Boyle was among 85 religious leaders who released a statement during the summer in support of the domestic partnership law.

Among opponents, the conservative Family Policy Institute has given the largest amount, about \$200,000, to a second opposition committee, Vote Reject on R-71. The region's five Catholic bishops also have come out against R-71, and Stickney says fear of retaliation is keeping some donors in the business community from chipping in on his side.

One of the biggest arguments in the campaign is what will happen if R-71 passes. Approve 71 spokesman Josh Friedes says it will merely give same-sex couples the same protections that couples in California and Oregon already enjoy, while falling well short of the full marriage recognition available in British Columbia.

On its face, the measure simply provides the remaining 200 state rights of marriage left out by the Legislature when it approved the domestic partnership registry in 2007, then added more rights in 2008. The first rounds of rights included hospital visitations, inheritance, community property and other rights that also were granted to opposite-sex couples with at least one partner age 62 or older.

But R-71 does not allow marriage licenses and does not include any of the more than 1,100 federal rights of marriage that deal with tax laws, pensions and other issues, Friedes said.

### **SAME-SEX MARRIAGE IS SEPARATE ISSUE**

Even so, Republican state Rep. Matt Shea of Spokane Valley and Stickney contend R-71 opens the way to an easier second challenge of the state's marriage law. The state's controversial Defense of Marriage Act, which limits marriage to a relationship between a man and woman, was upheld by the state Supreme Court in a 5-to-4 ruling on July 26, 2006.

"Any time you have a situation where you have all the same kind of protections and rights of another class, so

to speak, you have a potential argument for equal protection” under the law, Shea said in July at the R-71 signature turn-in. “That’s it in a nutshell.”

Shea said he is a constitutional attorney and has consulted similar specialists in the law from around the country who share his view.

“I would even say the statewide media is perpetrating the biggest fraud in history by denying this is marriage. This is ultimately marriage. This is marriage,” Stickney added.

Two University of Washington law school professors expert in constitutional law say Shea’s and Stickney’s claims are not true. Peter Nicolas, a gay man who teaches a course about gay rights and the Constitution, said the state Supreme Court has made clear that the standard for considering issues of discrimination against gays and lesbians is of the lowest level in the law — something he called a “rational basis review.”

That means Washington courts are more likely to tolerate unequal treatment of gays and lesbians on marital or other issues — unlike states such as Connecticut and California where courts apply a “heightened scrutiny” and have objected to one-man, one-woman marriage laws, Nicolas said.

If R-71 passes, Nicolas said, courts could see it as further evidence that gays and lesbians have political clout. This in turn would hurt gays’ chances of winning a level of judicial review using the equal protection guarantees of the state and federal constitutions, he said.

Stewart Jay, a senior constitutional law professor at UW, said Nicolas is exactly right in his analysis. Jay said the state Supreme Court already cited gays’ success in passing an anti-discrimination law in 2006 as evidence of their growing political power, which is an argument against treating gays as a “suspect class” deserving of additional constitutional protections.

“Surely, legislative passage and popular approval of an ‘all but marriage’ law would be the icing on the cake of this argument,” Jay said. “On the other hand, rejection of R-71 could be interpreted as evidence of political weakness on the part of gays and lesbians, and thus provide a basis for questioning the rationale of” the Supreme Court decision upholding the Defense of Marriage Act.

As for the argument that R-71 is a political steppingstone, Stickney and the [REDACTED] are correct.

Sen. Ed Murray, a Seattle Democrat and one of several gay lawmakers pushing the rights agenda, has all along sought an incremental political strategy. He and Democratic Rep. Jamie Pedersen have often said their goal is to gradually educate the public that many of their neighbors, like Grotsky and Brodoff, are gay or lesbian, and deserving of rights to protect their families.

Murray also has made no secret that he regards the same-sex marriage as the real political prize.

The inclusion of opposite-sex couples age 62 or older on the partnership registry has been less controversial. But it is starting to get more attention as R-71 backers advertise the benefits of the measure.

Some R-71 critics question the way seniors are included. Steve O’Ban, a lawyer who fought in the Supreme Court to retain the state’s one-man, one-woman definition of marriage several years ago, told The Olympian’s editorial board last month he thinks lawmakers should have allowed the hospital visitation and end-of-life rights in the 2007 bill but then stopped adding rights.

O’Ban said he would have opened the health-care and end-of-life partnership rights to all people in significant relationships where marriage is not an option — such as his sisters-in-law who never married but have shared lives in common.

The Washington fight is one of a handful around the country this year, including a ballot measure in Maine that asks voters whether to uphold that state's legalization of same-sex marriage. Voters in Kalamazoo, Mich., also are weighing an ordinance that would bar discrimination against sexual minorities.

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# Exhibit 2-2

**Transcript of Phone Messages**

1. Call Krystale Mountaine, (425)  
387-7751. **(Monday, 5:32 p.m.)**

2. Yeah, this is Krystale Mountaine.  
(425) 387-7755. Thanks. **(Friday, 1:34 p.m.)**

3. This is for the gentleman I was just  
talking to. I will be coming to your church  
and I hope we have a wonderful time, sir.  
**(Saturday, 10:08 a.m.)**

4. Hello, this message is for that  
gentleman I was speaking to earlier. I'm just  
calling to let you know that myself and many  
of my friends will be attending your church  
service. I've already made several phone  
calls and we'll have quite a big group there,  
you know, to come hear the good news from you  
guys and all, because you guys are so  
welcoming of all people.

Secondly, for the gentleman I was talking  
to earlier, you made this extremely personal

1           to me when you continued to insult me with my  
2           name and gender. So therefore I will not stop  
3           from dealing with you, sir, from here until  
4           the day I croak.

5           So I hope you have a really nice time, and  
6           I hope your church does really good, because  
7           something tells me you're going to have a  
8           tough time finding members given that half of  
9           your membership will be there and they'll be  
10          representing the gay community, the ones you  
11          despise so much, as well as the transgender  
12          community, as well as the fact that we won't  
13          be contributing to your stupid little donation  
14          plate.

15          So you have a wonderful day. And I'm  
16          going to really enjoy coming. Don't worry, we  
17          won't cause any disturbance. I'm just there  
18          to hear the good news from you wonderful  
19          pastors. We'll have a nice day.

20          If you have the courage, call me back and  
21          maybe we can discuss this like civil people,  
22          but unfortunately given the fact that your  
23          only notion is to insult my gender, you have a  
24          wonderful time. Thank you.

25          **(Saturday, 10:19 a.m.)**

1           5. Yeah, it's kind of interesting your  
2 all's voice message says something to the  
3 effect about all people are welcome, yet the  
4 fact that the actual pastor herself, or in her  
5 case himself, who is actually a bigot, doesn't  
6 -- would not welcome the transgender person  
7 into her site because that would be damaging  
8 to children and all.

9           Anyways, I just called to make sure you  
10 guys have plenty of seating. We've got a lot  
11 of people coming. You all have a nice day.  
12 Bye. (Saturday, 12:25 p.m.)

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20 *Valerie Fillenwarth*

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22 Transcribed by:  
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