

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK; *
ALVIN WILLIAMS & NIGEL SIMON; *
TAKIA FOSKEY & JOANNE RABB; *
JODI KELBER-KAYE & STACEY KARGMAN-KAYE; *
DONNA MYERS & MARIA BARQUERO; *
JOHN LESTITIAN; *
CHARLES BLACKBURN & GLEN DEHN; *
STEVEN PALMER & RYAN KILLOUGH; *
PATRICK WOJAHN & DAVID KOLESAR; and *
MIKKOLE MOZELLE & PHELICIA KEBREAU, *

Plaintiffs, *

v. *

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as *
Baltimore City Circuit Court Clerk; *
ROSALYN PUGH, in her official capacity as *
Prince George's County Circuit Court Clerk; *
EVELYN ARNOLD, in her official capacity as *
St. Mary's County Circuit Court Clerk; *
DENNIS WEAVER, in his official capacity as *
Washington County Circuit Court Clerk; and *
MICHAEL BAKER, in his official capacity as *
Dorchester County Circuit Court Clerk, *

Defendants. *

* * * * *

PLAINTIFFS' EXHIBITS IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

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EXHIBIT

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IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK;
ALVIN WILLIAMS & NIGEL SIMON;
TAKIA FOSKEY & JOANNE RABB;
JODI KELBER-KAYE & STACEY KARGMAN-KAYE;
DONNA MYERS & MARIA BARQUERO;
JOHN LESTITIAN;
CHARLES BLACKBURN & GLEN DEHN;
STEVEN PALMER & RYAN KILLOUGH;
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MIKKOLE MOZELLE & PHELICIA KEBREAU,

Plaintiffs,

v.

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St. Mary's County Circuit Court Clerk;
DENNIS WEAVER, in his official capacity as
Washington County Circuit Court Clerk; and
MICHAEL BAKER, in his official capacity as
Dorchester County Circuit Court Clerk,

Defendants.

* * * * *

DECLARATION OF GITANJALI DEANE

I, GITANJALI DEANE, am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.
2. My life partner Lisa Polyak and I reside in Baltimore City, Maryland.

3. Lisa and I are a lesbian couple. Each of us identifies as lesbian. Neither of us believes that she can change her sexual orientation.

4. Lisa and I love each other and wish to be married to each other. But for the fact that we are a same-sex couple, Maryland law would permit us to marry each other. We are not related to each other by blood or marriage. Neither of us is married to another person. Each of us is over the age of 17. Each of us has the capacity to consent to marry, and each of us consents to marry the other.

5. On July 1, 2004, Lisa and I properly tendered to the office of the Baltimore City Circuit Court Clerk all of the paperwork and fees necessary to obtain a marriage license. The office of the Baltimore City Circuit Court Clerk refused to issue a marriage license to us, and indicated that its sole reason for doing so was the fact that we are a same-sex couple.

6. I am 43 years old, and the learning specialist for a local college. Lisa is 44 years old, and a civilian engineer for the United States Army Medical Department. We are raising two daughters, ages 9 and 6, and attend a Presbyterian church.

7. Lisa and I met as college classmates in 1979 and committed to a lifelong relationship in 1981. We moved to Maryland in 1983 to pursue our graduate degrees.

8. In the mid-1980s, I was a citizen of India and faced the prospect of deportation upon expiration of my student and practical training visas. Because Lisa and I were not recognized as spouses, we worried about whether we would be able to remain together as a couple. We consulted with three different immigration lawyers at a cost of thousands of dollars without meaningful progress toward any assurance that I could remain permanently in the United States.

9. In 1987, I received a deportation notice that allowed me only 30 days in which to leave the country. Lisa and I were terrified, realizing how little control we had over our future together. At the eleventh hour, I found an employer to sponsor me, allowing me to remain in the country on a work visa.

10. In 1989, the United States Embassy in India granted me an interview for a permanent resident visa. Lisa and I said goodbye at the airport without knowing whether I would be able to return home. A few tense weeks later, I was issued a permanent resident visa.

11. In 1994, I finally became a citizen of the United States. The ordeal had cost Lisa and me over \$10,000 and 6 years of our lives, an ordeal that we would have been largely spared had we been recognized as spouses – a citizen of the United States, such as Lisa, can sponsor a spouse who is a foreign national for permanent residency in the United States.

12. Lisa and I decided to have children together. Lisa became pregnant through donor insemination and gave birth to our first daughter in 1996. Subsequently, I became pregnant by the same means and gave birth to our second daughter in 1999.

13. In 1999, by order of a Maryland court, Lisa and I secured second-parent adoptions of our daughters respectively. Copies of the orders are attached as Exhibit A. Subsequently, our daughters were issued birth certificates, listing both of us as their parents, by the Maryland Department of Health and Mental Hygiene. Copies of the birth certificates are attached as Exhibit B.

14. In September of 2003, I cut back to part-time employment to care for our daughters. As a part-time employee, I no longer had employer-sponsored health benefits.

As a same-sex partner, I am ineligible to enroll in Lisa's employer-sponsored health plan, even though she pays for family coverage. Until my employer began to offer employer-sponsored health benefits to part-time employees in January of 2005, we had to pay for expensive private health insurance to ensure that my health needs were covered.

15. Lisa and I and our daughters have experienced humiliation and inconvenience because we cannot marry and thereby assure that we and our daughters are recognized as a family unit. In April of 2004, we and our daughters returned to the country from an overseas family reunion. Upon re-entry, we were not permitted to complete a single customs forms for our entire family because we are not a married couple. Lisa completed one customs form listing herself and our daughters, while I completed another customs form listing only myself. Lisa and our elder daughter proceeded through the checkpoint without incident. Our younger daughter and I, however, were stopped and questioned, and I was forbidden from proceeding through the checkpoint with my own daughter. Eventually, a customs official recognized that we and our daughters are a family unit. We and our daughters would not have experienced such humiliation and inconvenience had we been permitted to complete a single customs form, as married couples are permitted to do.

16. The legal sanction of our relationship through the institution of civil marriage would greatly diminish the stigma that our daughters will otherwise bear, simply because their parents are a same-sex couple. It would also afford our daughters important protections, rights, and benefits that they will otherwise be denied, simply because their parents are a same-sex couple.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

6-6-05
Date

Gitanjali Deane
Gitanjali Deane

EXHIBIT

2

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK;
ALVIN WILLIAMS & NIGEL SIMON;
TAKIA FOSKEY & JOANNE RABB;
JODI KELBER-KAYE & STACEY KARGMAN-KAYE;
DONNA MYERS & MARIA BARQUERO;
JOHN LESTITIAN;
CHARLES BLACKBURN & GLEN DEHN;
STEVEN PALMER & RYAN KILLOUGH;
PATRICK WOJAHN & DAVID KOLESAR; and
MIKKOLE MOZELLE & PHELICIA KEBREAU,

Plaintiffs,

v.

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as
Baltimore City Circuit Court Clerk;
ROSALYN PUGH, in her official capacity as
Prince George's County Circuit Court Clerk;
EVELYN ARNOLD, in her official capacity as
St. Mary's County Circuit Court Clerk;
DENNIS WEAVER, in his official capacity as
Washington County Circuit Court Clerk; and
MICHAEL BAKER, in his official capacity as
Dorchester County Circuit Court Clerk,

Defendants.

* * * * *

DECLARATION OF ALVIN WILLIAMS

I, ALVIN WILLIAMS, am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.

2. My life partner Nigel Simon and I reside in Upper Marlboro in Prince George's County, Maryland.

3. Nigel and I are a gay couple. Each of us identifies as gay. Neither of us believes that he can change his sexual orientation.

4. Nigel and I love each other and wish to be married to each other. But for the fact that we are a same-sex couple, Maryland law would permit us to marry each other. We are not related to each other by blood or marriage. Neither of us is married to another person. Each of us is over the age of 17. Each of us has the capacity to consent to marry, and each of us consents to marry the other.

5. On July 2, 2004, Nigel and I properly tendered to the office of the Prince George's County Circuit Court Clerk all of the paperwork and fees necessary to obtain a marriage license. The office of the Prince George's County Circuit Court Clerk refused to issue a marriage license to us, and indicated that its sole reason for doing so was the fact that we are a same-sex couple.

6. I am 50 years old, and a dentist in private practice. I am retired from the United States Army Medical and Research Development Command, where I served as a research dental officer. Nigel is 36 years old, and a program manager for the United States Environmental Protection Agency, which is located across the state line in the District of Columbia. Previously, he was a military police specialist in the United States Army National Guard and a personnel technician for the United States Virgin Islands Water and Power Authority.

7. Nigel and I are active in our community. We attend a Baptist church oriented to the African-American community. In addition, I am the chairperson of the board of directors of a community-based HIV services organization that is committed to

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reducing HIV infection in the African-American community. Nigel is a member of the board of directors.

8. Nigel and I met in a discussion group for African-American gay men in 1997, and it was love at first sight. We discovered many common bonds and, soon thereafter, Nigel moved in with me, a resident of Maryland since 1987.

9. Nigel and I have explored our shared religious faith together and that faith is a vital part of our family life. In 2000, we celebrated our love for each other with a holy union ceremony in the presence of 300 family members and friends.

10. Nigel and I decided that our strong commitment to each other would provide a solid foundation for a family. In September of 2002, Nigel adopted our son, now age 7, by order of a Maryland court. In August of 2003, I secured a second-parent adoption of our son by order of a Maryland court. A copy of the order is attached as Exhibit A. Subsequently, our son was issued a birth certificate, listing both of us as his parents, by the Maryland Department of Health and Mental Hygiene. A copy of the birth certificate is attached as Exhibit B. Nigel and I are currently working toward the adoption of two more children, siblings ages 9 and 7. Because we are unable to marry, we may not adopt them jointly, as we would like to do. Instead, we must incur the expense and suffer the inconvenience of an adoption followed by a second-parent adoption, a two-step process that will delay the establishment of a legal parent-child relationship between each of them and each of us, a source of concern for us.

11. Because Nigel and I have been unable to marry, we have had to create alternative legal protections to try to ensure our family's security. We recognize that

these alternative legal protections are no substitute for all of protections that marriage would afford.

12. Nigel and I have long felt as married as anyone who loves and lives with his or her spouse for over 8 years, and shares with him or her in the joys and responsibilities of raising a child and creating a home. But we recognize that feeling married and actually being secure on account of the protections that married couples and their children enjoy are two different things. We want our family to have the sense of security that comes with the knowledge that our relationship is recognized by our community and by the laws of our state.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

6-1-05
Date

Alvin Williams
Alvin Williams

EXHIBIT

3

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK;
ALVIN WILLIAMS & NIGEL SIMON;
TAKIA FOSKEY & JOANNE RABB;
JODI KELBER-KAYE & STACEY KARGMAN-KAYE;
DONNA MYERS & MARIA BARQUERO;
JOHN LESTITIAN;
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STEVEN PALMER & RYAN KILLOUGH;
PATRICK WOJAHN & DAVID KOLESAR; and
MIKKOLE MOZELLE & PHELICIA KEBREAU,

Plaintiffs,

v.

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as
Baltimore City Circuit Court Clerk;
ROSALYN PUGH, in her official capacity as
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EVELYN ARNOLD, in her official capacity as
St. Mary's County Circuit Court Clerk;
DENNIS WEAVER, in his official capacity as
Washington County Circuit Court Clerk; and
MICHAEL BAKER, in his official capacity as
Dorchester County Circuit Court Clerk,

Defendants.

* * * * *

DECLARATION OF TAKIA FOSKEY

I, TAKIA FOSKEY, am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.
2. My life partner Joanne (Jo) Rabb and I reside in Baltimore City, Maryland.

3. Jo and I are a lesbian couple. Each of us identifies as lesbian. Neither of us believes that she can change her sexual orientation.

4. Jo and I love each other and wish to be married to each other. But for the fact that we are a same-sex couple, Maryland law would permit us to marry each other. We are not related to each other by blood or marriage. Neither of us is married to another person. Each of us is over the age of 17. Each of us has the capacity to consent to marry, and each of us consents to marry the other.

5. On June 28, 2004, Jo and I properly tendered to the office of the Baltimore City Circuit Court Clerk all of the paperwork and fees necessary to obtain a marriage license. The office of the Baltimore City Circuit Court Clerk refused to issue a marriage license to us, and indicated that its sole reason for doing so was the fact that we are a same-sex couple.

6. I am 30 years old, and an administrative assistant for a hospital laundry services company. Jo is 38 years old, and a Maryland Transit Administration bus driver in Baltimore City. We are raising my daughter and son from previous relationships, who are 12 years old and 7 years old respectively, and who consider both of us to be their parents. I have resided in Maryland since 1999, while Jo has done so since 1998. We are Baptist.

7. Jo and I met in March of 2003 while my children and I were boarding the bus that she was driving. I was immediately taken with the kindness that she demonstrated toward my children. We began dating and, soon thereafter, moved in together. On June 26, 2004, we celebrated our love for each other with a commitment ceremony.

8. For a period of ten months, my children and I did not have health insurance, which caused great anxiety for Jo and me.

9. Until September of 2003, my children and I qualified for Medicaid coverage. Thereafter, we no longer qualified for Medicaid coverage because I earned too much. At the same time, Jo and I earned too little to afford private health insurance for my children and me.

10. I did not have health benefits through Jo's state employer because it does not offer domestic partner health benefits. Because Maryland law does not permit Jo and me to marry, my children were also ineligible to enroll in Jo's state employer-sponsored health plan.

11. Until July of 2004, my children and I did not have health benefits through my employer because, until then, I worked only part-time. Although we now have such benefits, they are costlier than and inferior to the benefits that we would have if we were enrolled in Jo's state employer-sponsored health plan.

12. I suffer from adenomyosis, a medical condition involving the reproductive system, and, in August of 2003, underwent surgery related to that condition. Medicaid covered the cost of the surgery itself, but, soon after the surgery, I lost my Medicaid coverage. While I was uninsured, Jo and I incurred out-of-pocket post-surgical medical expenses, and I forewent follow-up medical care.

13. My son suffers from asthma. While he was uninsured, Jo and I incurred out-of-pocket medical expenses related to his medical condition.

14. In September of 2003, Jo was rushed to a local private hospital for emergency gallbladder surgery. I sought to participate in discussions with hospital staff

about her medical care, and simply to be by her side. Hospital staff, however, instructed me to sit in the waiting room because, according to hospital staff, I am not a member of her family. Hospital staff refused to inform me of the medical procedures that they were performing on her, or even to tell me whether she would be okay. This caused great anxiety for me, especially because I knew that she was heavily medicated and therefore unable to make informed decisions for herself.

15. Jo and I have decided to have a child together but cannot afford the costs of donor insemination. If we were a married couple, Jo's state employer-sponsored health plan would cover such costs.

16. Jo and I live with the possibility of a vehicular accident while she is performing her duties as a bus driver. If she were killed in such an accident, the death benefits that are available to stabilize the surviving families of Maryland Transit Administration employees who are killed on the job would not be available to my children and me because she and I are not permitted to marry.

17. Jo and I seek for ourselves and our children the same sense of security that married couples and their children enjoy.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

10/3/05.
Date

Takia Foskey
Takia Foskey

EXHIBIT
4

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK;
ALVIN WILLIAMS & NIGEL SIMON;
TAKIA FOSKEY & JOANNE RABB;
JODI KELBER-KAYE & STACEY KARGMAN-KAYE;
DONNA MYERS & MARIA BARQUERO;
JOHN LESTITIAN;
CHARLES BLACKBURN & GLEN DEHN;
STEVEN PALMER & RYAN KILLOUGH;
PATRICK WOJAHN & DAVID KOLESAR; and
MIKKOLE MOZELLE & PHELICIA KEBREAU,

Plaintiffs,

v.

Case No. 24-C-04-005390

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Prince George's County Circuit Court Clerk;
EVELYN ARNOLD, in her official capacity as
St. Mary's County Circuit Court Clerk;
DENNIS WEAVER, in his official capacity as
Washington County Circuit Court Clerk; and
MICHAEL BAKER, in his official capacity as
Dorchester County Circuit Court Clerk,

Defendants.

* * * * *

DECLARATION OF JODI KELBER-KAYE

I, JODI KELBER-KAYE, am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.

2. My life partner Stacey Kargman-Kaye and I reside in Baltimore City, Maryland.

3. Stacey and I are a lesbian couple. Each of us identifies as lesbian. Neither of us believes that she can change her sexual orientation.

4. Stacey and I love each other and wish to be married to each other. But for the fact that we are a same-sex couple, Maryland law would permit us to marry each other. We are not related to each other by blood or marriage. Neither of us is married to another person. Each of us is over the age of 17. Each of us has the capacity to consent to marry, and each of us consents to marry the other.

5. On June 29, 2004, Stacey and I properly tendered to the office of the Baltimore City Circuit Court Clerk all of the paperwork and fees necessary to obtain a marriage license. The office of the Baltimore City Circuit Court Clerk refused to issue a marriage license to us, and indicated that its sole reason for doing so was the fact that we are a same-sex couple.

6. I am 40 years old, and a professor at the University of Maryland Baltimore County. Stacey is 37 years old, and a naturopathic doctor and acupuncturist in private practice. We are raising two sons, ages 7 and 2, and are Jewish.

7. Stacey and I met in an airport in 1993. We discovered many common bonds and, soon thereafter, committed to a lifelong relationship.

8. Stacey and I decided to have a child together. Through donor insemination, I became pregnant and, in 1998, gave birth to our first son.

9. Stacey and I moved to Maryland in 2000 to be closer to our extended family and to allow Stacey to secure a second-parent adoption of our first son by order of a Maryland court, which she did in January of 2001. A copy of the order is attached as Exhibit A.

10. In January of 2001, Stacey was unexpectedly admitted to a local private hospital for 10 days. As she was returning from surgery, a nurse physically pushed me out of the room despite my repeated protests that Stacey is my partner and that she would want me to be there to comfort her in her time of need.

11. Stacey and I seek to ensure that we can care for and advocate for each other when we need each other the most. We do not want to find ourselves arguing with hospital staff or rushing home to dig up our health care proxies when we should be by each other's side. We want to be certain that the medical decisions that we make for each other in medical emergencies will be respected and implemented.

12. Stacey and I decided to have another child together. Through donor insemination, I became pregnant again and, at a state hospital in May of 2003, gave birth to our second son 6 weeks premature.

13. Stacey and I again experienced discrimination by a nurse who did not recognize our relationship. This time, it threatened the well-being of our second son. While I was in post-delivery recovery, our second son was whisked away to a nursery for premature infants. Stacey, a naturopathic doctor, followed to advocate on his behalf. A nurse attempted to shut her out of discussions about his care, repeatedly and hostilely asking, "Just who are you?" and failing to understand that she is a family member. The nurse stood down only when I was compelled to join them in order to confirm what Stacey had said. Our realization of the ease with which our ability to protect our sons could be compromised detracted from what was otherwise one of most joyous occasions of our shared life.

14. Stacey and I are fearful about our family's vulnerability during medical crises. If we were permitted to marry, we would be much more likely to be recognized as medical decision makers for each other and our sons.

15. In December of 2003, by order of a Maryland court, Stacey secured a second-parent adoption of our second son. A copy of the order is attached as Exhibit B. Subsequently, our second son was issued a birth certificate, listing both of us as his parents, by the Maryland Department of Health and Mental Hygiene. A copy of the birth certificate is attached as Exhibit C.

16. Stacey is self-employed. As a same-sex partner, she is ineligible to enroll in my state employer-sponsored health plan. Thus, my state employer-sponsored health plan is not an option for us in ensuring that her health needs are covered.

17. During the summer of 2004, Stacey and I purchased a house together. In doing so, we learned that the law affords married couples greater security as joint homeowners than it affords unmarried couples, such as ourselves, because only married couples can establish a tenancy by the entirety.

18. Stacey and I are concerned that, because we cannot marry, we and our sons are at constant risk that we will not be recognized as a family unit.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

5/31/05
Date

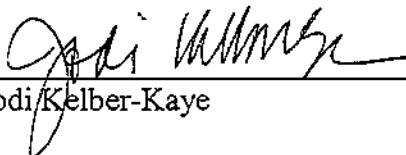

Jodi Kelber-Kaye

EXHIBIT
5

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK;
ALVIN WILLIAMS & NIGEL SIMON;
TAKIA FOSKEY & JOANNE RABB;
JODI KELBER-KAYE & STACEY KARGMAN-KAYE;
DONNA MYERS & MARIA BARQUERO;
JOHN LESTITIAN;
CHARLES BLACKBURN & GLEN DEHN;
STEVEN PALMER & RYAN KILLOUGH;
PATRICK WOJAHN & DAVID KOLESAR; and
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EVELYN ARNOLD, in her official capacity as
St. Mary's County Circuit Court Clerk;
DENNIS WEAVER, in his official capacity as
Washington County Circuit Court Clerk; and
MICHAEL BAKER, in his official capacity as
Dorchester County Circuit Court Clerk,

Defendants.

* * * * *

DECLARATION OF DONNA MYERS

I, DONNA MYERS, am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.

2. I reside in Hollywood in St. Mary's County, Maryland. My life partner Maria Barquero resides in Costa Rica.

3. Maria and I are a lesbian couple. Each of us identifies as lesbian. Neither of us believes that she can change her sexual orientation.

4. Maria and I love each other and wish to be married to each other. But for the fact that we are a same-sex couple, Maryland law would permit us to marry each other. We are not related to each other by blood or marriage. Neither of us is married to another person. Each of us is over the age of 17. Each of us has the capacity to consent to marry, and each of us consents to marry the other.

5. On June 30, 2004, Maria and I properly tendered to the office of the St. Mary's County Circuit Court Clerk all of the paperwork and fees necessary to obtain a marriage license. The office of the St. Mary's County Circuit Court Clerk refused to issue a marriage license to us, and indicated that its sole reason for doing so was the fact that we are a same-sex couple.

6. I am 30 years old and, as of April of 2005, a civilian occupational health and safety specialist for the United States Navy. I am also a freelance writer for www.about.com. I used to work as a compliance officer for the United States Food and Drug Administration. Maria is 35 years old, and works for a travel agency in Costa Rica. She used to work for an investment firm in the United States.

7. With limited exception, I have resided in Maryland since the age of 3. I currently reside on the family farm in Southern Maryland on which I was raised. From February of 2003 to January of 2005, however, I spent much of my time in Costa Rica.

8. In 1990, Maria obtained a student visa that permitted her to study in the United States. After completing her college and graduate studies, she remained in the United States on a work visa until February of 2003.

9. Maria and I met playing roller hockey in 1999 and struck up a close friendship. In June of 2002, we began dating and, soon thereafter, moved in together. We intend to spend the rest of our lives together.

10. Because I am unable to marry Maria and sponsor her for permanent residency in the United States, Maria had to return to Costa Rica upon expiration of her work visa. Since then, our lives have been completely uprooted. In order to be together with my life partner, I gave up my job at the United States Food and Drug Administration and, until January of 2005, spent much of my time with Maria in Costa Rica on a series of tourist visas. Maria occasionally visits me in the United States on a tourist visa. We face tremendous uncertainty about our future together, not for lack of love or commitment, but rather because there is currently no place in the world where we may permanently and legally reside together. In light of this uncertainty, we cannot start a family together, although we would like to do so. We would not face this uncertainty if we were recognized as spouses.

11. Maria and I incur significant costs traveling to visit each other and communicating with each other while we are apart.

12. To be together with my life partner, I gave up a steady income, employer-sponsored health benefits, and an opportunity to pursue a master's degree in public health. The fact that I was uninsured was of particular concern to me as a survivor of both a spinal tumor and a broken neck. Moreover, both my decreased earnings and my uncertain future led me to give up an opportunity to purchase at a discount a parcel of the family farm in Southern Maryland on which I was raised. In doing so, I gave up an

opportunity to ensure that, in the future, my own family will be able to live on the family farm along with my parents and my sisters and their families.

13. Although I now have a steady income and employer-sponsored health benefits again, I have them at the price of no longer spending much of my time in Costa Rica with Maria.

14. I suffer dignitary harm on account of the fact that the law effectively requires me to choose between my life in Maryland and my relationship with Maria, simply because we are not recognized as spouses.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

June 1, 2005
Date

Donna Myers
Donna Myers

))

EXHIBIT

6

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK;
ALVIN WILLIAMS & NIGEL SIMON;
TAKIA FOSKEY & JOANNE RABB;
JODI KELBER-KAYE & STACEY KARGMAN-KAYE;
DONNA MYERS & MARIA BARQUERO;
JOHN LESTITIAN;
CHARLES BLACKBURN & GLEN DEHN;
STEVEN PALMER & RYAN KILLOUGH;
PATRICK WOJAHN & DAVID KOLESAR; and
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v.

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as
Baltimore City Circuit Court Clerk;
ROSALYN PUGH, in her official capacity as
Prince George's County Circuit Court Clerk;
EVELYN ARNOLD, in her official capacity as
St. Mary's County Circuit Court Clerk;
DENNIS WEAVER, in his official capacity as
Washington County Circuit Court Clerk; and
MICHAEL BAKER, in his official capacity as
Dorchester County Circuit Court Clerk,

Defendants.

* * * * *

DECLARATION OF JOHN LESTITIAN

I, JOHN LESTITIAN, am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.
2. I reside in Hagerstown in Washington County, Maryland.
3. I identify as gay. I do not believe that I can change my sexual orientation.

4. I am not married to another person. I am over the age of 17. I have the capacity to consent to marry.

5. I am 39 years old, and have devoted my professional life to law enforcement. I am now the Chief Inspector of the Office of Code Compliance for the City of Hagerstown. Previously, I was a police officer.

6. I am Catholic, and at one point studied at seminary. My now-deceased partner James (Jim) Bradley was also Catholic.

7. Jim and I spent 13 years in a loving, committed relationship. We began dating in 1990. Soon thereafter, I proposed a lifelong commitment to him, and he accepted. We planned a holy union ceremony for the following year. We planned a Catholic service, selecting scripture and music for the occasion. We arranged for a Catholic priest to perform the service. We encountered difficulty when a print shop refused to print our invitations, but, in the end, our holy union ceremony before 80 guests was everything that we wanted it to be.

8. In 1993, Jim and I moved to Maryland, and I purchased our first house. In 2000, we relocated to Hagerstown so that I could pursue my graduate studies. This time, Jim purchased our house.

9. Jim suffered from depression. In July of 2003, he committed suicide.

10. After Jim's death, I discovered that his will, which attempted to leave me his estate upon his death, was invalid for lack of the signature of a second witness. I was terrified, recognizing that the law provides no failsafes for surviving same-sex partners, as it does for surviving spouses by virtue of intestate succession law.

11. When I notified Jim's family of his death, they stated that his body was to be sent to them for a funeral and burial out of state. Jim's wish, however, was for a funeral and cremation in Maryland, as memorialized in detail in his invalid will. I felt duty-bound to fulfill his wishes. Because he was not my spouse, however, I was not legally empowered to do so. Even as I was grieving, I had to negotiate a compromise with Jim's family, which largely allowed his wishes to be fulfilled.

12. In light of Jim's invalid will, I was also not legally empowered to fulfill his wish that I serve as executor of his estate. Again, I had to negotiate with Jim's family to allow me to serve in this capacity.

13. I cannot afford to purchase from Jim's estate the house that we shared because, as executor of his estate, I have a fiduciary duty to sell the house for as much as the market can bear. I have had to move out of my own house as a result.

14. Perhaps the most crushing moment for me was the moment when I observed legal documents related to the administration of Jim's estate that characterized my relationship to him merely as "friend."

15. Unlike a surviving spouse, I had to pay state and federal taxes on half of the balance of the joint bank accounts that I had shared with Jim since 1991.

16. Jim designated me as the beneficiary of his retirement account. Unlike a surviving spouse, I was precluded from rolling over the funds into my own retirement account. Instead, I was required to take a lump sum distribution, for which I was then penalized.

17. The government has exacerbated the pain that I have suffered over the past year by reminding me at every turn of the fact that it does not deem my 13-year relationship with Jim to be worthy of recognition.

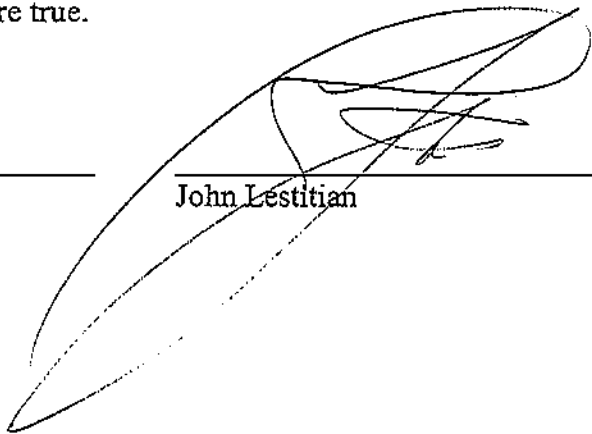
18. I seek the right to marry because, when I enter into a new relationship with a same-sex partner, I want for myself and that partner the security that comes with the failsafes that are built into marriage.

19. In fact, at this time, nearly two years into the healing process following Jim's death, I have begun to date another person of the same sex. Especially as I begin this new relationship, I remain concerned that the State does not provide the failsafe of marriage for same-sex partners, as it does for opposite-sex partners.

20. I also seek the right to marry because I risk discrimination fostered by the stigmatizing message about the worth of lesbian and gay people that my government sends to my community by excluding them from the right to marry.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

6-2-05
Date



John Lestitian

EXHIBIT
7

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK; *
ALVIN WILLIAMS & NIGEL SIMON; *
TAKIA FOSKEY & JOANNE RABB; *
JODI KELBER-KAYE & STACEY KARGMAN-KAYE; *
DONNA MYERS & MARIA BARQUERO; *
JOHN LESTITIAN; *
CHARLES BLACKBURN & GLEN DEHN; *
STEVEN PALMER & RYAN KILLOUGH; *
PATRICK WOJAHN & DAVID KOLESAR; and *
MIKKOLE MOZELLE & PHELICIA KEBREAU, *

Plaintiffs, *

v. *

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as *
Baltimore City Circuit Court Clerk; *
ROSALYN PUGH, in her official capacity as *
Prince George's County Circuit Court Clerk; *
EVELYN ARNOLD, in her official capacity as *
St. Mary's County Circuit Court Clerk; *
DENNIS WEAVER, in his official capacity as *
Washington County Circuit Court Clerk; and *
MICHAEL BAKER, in his official capacity as *
Dorchester County Circuit Court Clerk, *

Defendants. *

* * * * *

DECLARATION OF CHARLES BLACKBURN

I, CHARLES BLACKBURN, am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.
2. My life partner Glen Dehn and I reside in Baltimore City, Maryland.

3. Glen and I are a gay couple. Each of us identifies as gay. Neither of us believes that he can change his sexual orientation.

4. Glen and I love each other and wish to be married to each other. But for the fact that we are a same-sex couple, Maryland law would permit us to marry each other. We are not related to each other by blood or marriage. Neither of us is married to another person. Each of us is over the age of 17. Each of us has the capacity to consent to marry, and each of us consents to marry the other.

5. On June 29, 2004, Glen and I properly tendered to the office of the Baltimore City Circuit Court Clerk all of the paperwork and fees necessary to obtain a marriage license. The office of the Baltimore City Circuit Court Clerk refused to issue a marriage license to us, and indicated that its sole reason for doing so was the fact that we are a same-sex couple.

6. I am 72 years old. I retired in 1995 after a 25-year career as a fundraiser for the Baltimore Symphony Orchestra, a University of Maryland environmental laboratory, and The Johns Hopkins School of Medicine. During the 1960s, prior to my career as a fundraiser, I was active in the civil rights movement in the South, first as a Unitarian minister and then as a field director for the American Civil Liberties Union.

7. Glen is 67 years old. He retired in 1995 after a 31-year career as a legislative affairs specialist for the United States Social Security Administration.

8. Now that Glen and I are retired, we spend a significant amount of time traveling out of state.

9. I have resided in Maryland since 1975, while Glen has done so since 1966.

10. Glen and I are active in our community. Since our retirement, we have become even more active in our respective Lutheran and Unitarian churches. In addition, I have chaired the Architectural Review Committee of the Bolton Hill Historic District.

11. Glen and I met in 1978 and recognized almost immediately the potential for a meaningful relationship in light of our intellectual and cultural compatibility, complementary personalities, similar tastes, and shared interests. Soon thereafter, I moved in with Glen, and we created a home together. Our love for each other has only deepened after almost 27 years of companionship and shared experiences. We intend to spend the rest of our lives together.

12. As Glen and I have grown older, we have become increasingly aware that, despite the alternative legal arrangements that we have made for ourselves, we cannot procure for ourselves all of the protections that come with marriage. If we were recognized as spouses, we would enjoy parity in health, pension, and Social Security benefits as well as inheritance and other tax equity, both state and federal. Each of us is concerned about his right to visit the other in the hospital as well as his authority to fulfill the other's medical and burial wishes. We are fearful that, despite our commitment to remain together until the end, we will be separated in a retirement community or a nursing home because we are not recognized as spouses.

13. Glen and I believe that anything short of civil marriage for same-sex couples would perpetuate second-class citizenship for lesbian and gay families. While we respect the freedom of religious organizations to decline to perform religious wedding ceremonies for same-sex couples, we believe that such religious freedom cannot prevent our state from recognizing our relationship. We believe that, rather than undermining the

institution of marriage, a commitment such as our honors it. We believe that we, too, are entitled to the dignity and respect that marriage bestows.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

May 31, 2005
Date

Charles Blackburn
Charles Blackburn

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EXHIBIT

8

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK; *
ALVIN WILLIAMS & NIGEL SIMON; *
TAKIA FOSKEY & JOANNE RABB; *
JODI KELBER-KAYE & STACEY KARGMAN-KAYE; *
DONNA MYERS & MARIA BARQUERO; *
JOHN LESTITIAN; *
CHARLES BLACKBURN & GLEN DEHN; *
STEVEN PALMER & RYAN KILLOUGH; *
PATRICK WOJAHN & DAVID KOLESAR; and *
MIKKOLE MOZELLE & PHELICIA KEBREAU, *

Plaintiffs, *

v. *

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as *
Baltimore City Circuit Court Clerk; *
ROSALYN PUGH, in her official capacity as *
Prince George's County Circuit Court Clerk; *
EVELYN ARNOLD, in her official capacity as *
St. Mary's County Circuit Court Clerk; *
DENNIS WEAVER, in his official capacity as *
Washington County Circuit Court Clerk; and *
MICHAEL BAKER, in his official capacity as *
Dorchester County Circuit Court Clerk, *

Defendants. *

* * * * *

DECLARATION OF STEVEN PALMER

I, STEVEN PALMER, am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.

2. My life partner Ryan Killough and I reside in East New Market in Dorchester County, Maryland.

3. Ryan and I are a gay couple. Each of us identifies as gay. Neither of us believes that he can change his sexual orientation.

4. Ryan and I love each other and wish to be married to each other. But for the fact that we are a same-sex couple, Maryland law would permit us to marry each other. We are not related to each other by blood or marriage. Neither of us is married to another person. Each of us is over the age of 17. Each of us has the capacity to consent to marry, and each of us consents to marry the other.

5. On June 29, 2004, Ryan and I properly tendered to the office of the Dorchester County Circuit Court Clerk all of the paperwork and fees necessary to obtain a marriage license. The office of the Dorchester County Circuit Court Clerk refused to issue a marriage license to us, and indicated that its sole reason for doing so was the fact that we are a same-sex couple.

6. I am 33 years old, and a nurse in the intensive care unit of a local private hospital. I also work part-time as a paramedic for the City of Cambridge's Emergency Medical Services. Ryan is 31 years old, and the public relations coordinator and a paramedic for the City of Cambridge's Emergency Medical Services. He also works part-time for other emergency medical services. He previously served in the United States Navy. We are lifelong Marylanders.

7. Ryan and I met in the workplace in 1995. At that time, I was the manager of an ambulance company, and Ryan was a part-time paramedic at one of its bases. Each of us did not know that the other was gay. Living in small Eastern Shore communities and working with volunteer fire departments, each of us safeguarded his sexual orientation from public disclosure. In 1998, we spotted each other at a gay nightclub and

began dating that very evening. Soon thereafter, we fell in love and moved in together. We intend to spend the rest of our lives together.

8. Ryan and I have since disclosed our relationship to the firefighters with whom we work. The firefighters have proven themselves to be more concerned with our paramedic skills than with our relationship. Notwithstanding the acceptance that we have enjoyed among our colleagues, we recognize that we still risk discrimination fostered by the stigmatizing message about the worth of our relationship that our government sends to our community by excluding us from marriage.

9. Ryan and I designed and constructed our home together. We purchased our trucks and our boat, on which we enjoy the Chesapeake Bay, together. Our lives, financial and otherwise, are completely entwined.

10. In the summer of 2000, I enrolled in nursing school. In doing so, I left full-time employment as a paramedic and, as a result, lost my health benefits. As a same-sex partner, I was ineligible to enroll in Ryan's employer-sponsored health plan throughout the course of my studies. We had to pay for expensive private health insurance to ensure that my health needs were covered. I have since completed my course of studies and am now employed as a nurse.

11. In May of 2003, Ryan was admitted to the emergency room of a local private hospital where an electrocardiogram revealed an abnormality. I sought to see him so that I could comfort him in his time of need. The emergency room physician, however, told me that I could not see him because I was not "family." This caused great anxiety for me. Ultimately, a nurse whom I happened to know interceded on my behalf.

12. Today, if, in a medical emergency, Ryan or I were rushed to the very hospital for which I now work, neither of us would be assured the right to visit the other or to make medical decisions on behalf of the other because we are not married.

13. Our Methodist minister wishes to solemnize our civil marriage. Ryan and I seek the license that would allow us to be civilly as well as religiously married by our minister.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

6/1/05
Date

Steven Palmer
Steven Palmer

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EXHIBIT

9

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK;
ALVIN WILLIAMS & NIGEL SIMON;
TAKIA FOSKEY & JOANNE RABB;
JODI KELBER-KAYE & STACEY KARGMAN-KAYE;
DONNA MYERS & MARIA BARQUERO;
JOHN LESTITIAN;
CHARLES BLACKBURN & GLEN DEHN;
STEVEN PALMER & RYAN KILLOUGH;
PATRICK WOJAHN & DAVID KOLESAR; and
MIKKOLE MOZELLE & PHELICIA KEBREAU,

Plaintiffs,

v.

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as
Baltimore City Circuit Court Clerk;
ROSALYN PUGH, in her official capacity as
Prince George's County Circuit Court Clerk;
EVELYN ARNOLD, in her official capacity as
St. Mary's County Circuit Court Clerk;
DENNIS WEAVER, in his official capacity as
Washington County Circuit Court Clerk; and
MICHAEL BAKER, in his official capacity as
Dorchester County Circuit Court Clerk,

Defendants.

* * * * *

DECLARATION OF PATRICK WOJAHN

I, PATRICK WOJAHN, am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.

2. My life partner David (Dave) Kolesar and I reside in College Park in Prince George's County, Maryland.

3. Dave and I are a gay couple. Each of us identifies as gay. Neither of us believes that he can change his sexual orientation.

4. Dave and I love each other and wish to be married to each other. But for the fact that we are a same-sex couple, Maryland law would permit us to marry each other. We are not related to each other by blood or marriage. Neither of us is married to another person. Each of us is over the age of 17. Each of us has the capacity to consent to marry, and each of us consents to marry the other.

5. On July 2, 2004, Dave and I properly tendered to the office of the Prince George's County Circuit Court Clerk all of the paperwork and fees necessary to obtain a marriage license. The office of the Prince George's County Circuit Court Clerk refused to issue a marriage license to us, and indicated that its sole reason for doing so was the fact that we are a same-sex couple.

6. I am 29 years old, and an attorney for a disability rights organization located across the state line in the District of Columbia. Dave, a lifelong Marylander, is 27 years old, and a civilian engineer for the United States Naval Research Laboratory, which is located across the state line in the District of Columbia.

7. Dave and I met in a coffee shop in January of 2001 and, soon thereafter, began dating. On the second anniversary of our meeting, I proposed a lifelong commitment to him, and he accepted. We agreed to declare our love for and devotion to each other before our families, friends, community, and God.

8. Dave and I are religious. We attend a Catholic mass oriented toward members of the lesbian, gay, bisexual, and transgender community. On June 25, 2005, we will celebrate our love for each other with a religious ceremony.

9. Dave and I believe that marriage is an important religious and social commitment. We also recognize that marriage is an important legal commitment that brings with it numerous protections that serve to foster stable households. Because Maryland law does not permit us to marry each other, we are denied these protections and their salutary effect.

10. One protection that comes with marriage is the right of one spouse to oversee the medical care of the other when he or she is incapacitated. This is a benefit of particular importance to Dave and me. In 1996, Dave nearly died as the result of a strep infection in his sinuses that spread to his brain, coupled with meningitis. Doctors at The Johns Hopkins Hospital gave him a 5 percent chance of survival, but he miraculously survived experimental medical procedures without any long-term impairment. Due to the rareness of his case, however, doctors have been unable to predict whether he will suffer any ill effect later in his life. As a result, Dave and I live in fear that there will be a recurrence of the condition or an emergence of some latent consequence. Compounding our anxiety, we are fearful that my relationship to Dave will not be recognized in this time of need, depriving me of the ability to care for and visit with him. If we were married, we would automatically enjoy the rights to medical decision making and hospital visitation under such circumstances.

11. Marriage also brings with it access to legal arrangements that better protect co-ownership of property. Dave and I co-own a house without the additional security of a tenancy by the entirety. In addition, we have had to bear the expense of establishing inheritance rights through wills.

12. Most of all, Dave and I wish for our relationship to enjoy the same social recognition as well as legal recognition as the relationships of our heterosexual peers.

Our relationship can attain this level of respect only through the institution of marriage.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

June 2, 2005
Date

Patrick S. Wojahn
Patrick Wojahn

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EXHIBIT

10

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK;
ALVIN WILLIAMS & NIGEL SIMON;
TAKIA FOSKEY & JOANNE RABB;
JODI KELBER-KAYE & STACEY KARGMAN-KAYE;
DONNA MYERS & MARIA BARQUERO;
JOHN LESTITIAN;
CHARLES BLACKBURN & GLEN DEHN;
STEVEN PALMER & RYAN KILLOUGH;
PATRICK WOJAHN & DAVID KOLESAR; and
MIKKOLE MOZELLE & PHELICIA KEBREAU,

Plaintiffs,

v.

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as
Baltimore City Circuit Court Clerk;
ROSALYN PUGH, in her official capacity as
Prince George's County Circuit Court Clerk;
EVELYN ARNOLD, in her official capacity as
St. Mary's County Circuit Court Clerk;
DENNIS WEAVER, in his official capacity as
Washington County Circuit Court Clerk; and
MICHAEL BAKER, in his official capacity as
Dorchester County Circuit Court Clerk,

Defendants.

* * * * *

DECLARATION OF MIKKOLE MOZELLE

I, MIKKOLE MOZELLE, am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.
2. My life partner Phelicia (Lisa) Kebreau and I reside in Riverdale in Prince George's County, Maryland.

3. Lisa and I are a lesbian couple. Each of us identifies as lesbian. Neither of us believes that she can change her sexual orientation.

4. Lisa and I love each other and wish to be married to each other. But for the fact that we are a same-sex couple, Maryland law would permit us to marry each other. We are not related to each other by blood or marriage. Neither of us is married to another person. Each of us is over the age of 17. Each of us has the capacity to consent to marry, and each of us consents to marry the other.

5. On July 2, 2004, Lisa and I properly tendered to the office of the Prince George's County Circuit Court Clerk all of the paperwork and fees necessary to obtain a marriage license. The office of the Prince George's County Circuit Court Clerk refused to issue a marriage license to us, and indicated that its sole reason for doing so was the fact that we are a same-sex couple.

6. I am 29 years old, and an advertising traffic manager for a local television station located across the state line in the District of Columbia. Lisa, a lifelong Marylander, is 37 years old, and a teacher within the Prince George's County public school system. We are raising her son from a former marriage, who is 15 years old, and who considers both of us to be his parents. We are also raising a son whom we together decided would be brought into the world, who is eight months old. We are expecting another child in December of 2005. We attend a non-denominational church oriented toward African-American members of the lesbian, gay, bisexual, and transgender community.

7. Lisa and I met through a mutual friend in 1999 and struck up a close friendship. On Valentine's Day of 2002, I informed Lisa that I was prepared to commit

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to a lifelong relationship with her and to form a family with her and her son. Soon thereafter, I moved in with them. In August of 2003, Lisa and I celebrated our love for each other with a commitment ceremony.

8. Lisa and I decided to have a child together. Through donor insemination, Lisa became pregnant and, in September of 2004, gave birth to our younger son in the District of Columbia. I was actively involved in the pregnancy.

9. In February of 2005, by order of a Maryland court, I secured a second-parent adoption of our younger son. A copy of the order is attached as Exhibit A.

10. Until February of 2005, I did not have any legal ties to the son whom Lisa and I together decided would be brought into the world. If Lisa had become incapacitated before February of 2005, I would not have had any legal rights to make decisions on behalf of my own son, a circumstance that caused us concern.

11. Lisa and I have decided to have another child together. Through donor insemination, Lisa has become pregnant again. Our child is due in December of 2005. I am actively involved in the pregnancy again.

12. After our child is born, I intend to secure a second-parent adoption by order of a Maryland court. Until I secure a second-parent adoption, I will not have any legal ties to the child whom Lisa and I together have decided will be brought into the world. If Lisa becomes incapacitated before I secure a second-parent adoption, I will not have any legal rights to make decisions on behalf of my own child, a circumstance that causes us concern.

13. With our elder son starting high school, our younger son starting life, and another child on the way, Lisa and I seek to protect our children from harm and to ensure

their happiness. We want our children to know a stable family and home. Marriage would contribute significantly to such stability. We want our children to feel proud of who they are and where they come from. Marriage would contribute significantly to such a sense of dignity. We are fearful that our exclusion from marriage serves to stigmatize our children.

14. Lisa and I do not want our children to bear a burden greater than that of their peers in caring for their parents as they grow older, simply because government programs designed to assist older persons – ranging from Lisa’s county pension plan to Social Security benefits – do not recognize same-sex relationships. Because, as wage earners and taxpayers, we have borne our fair share of the costs of these programs, we believe that we and our children should enjoy our fair share of the benefits of these programs.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

6/7/05
Date

Mikkole Mozelle
Mikkole Mozelle

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EXHIBIT

11

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK; *
ALVIN WILLIAMS & NIGEL SIMON; *
TAKIA FOSKEY & JOANNE RABB; *
JODI KELBER-KAYE & STACEY KARGMAN-KAYE; *
DONNA MYERS & MARIA BARQUERO; *
JOHN LESTITIAN; *
CHARLES BLACKBURN & GLEN DEHN; *
STEVEN PALMER & RYAN KILLOUGH; *
PATRICK WOJAHN & DAVID KOLESAR; and *
MIKKOLE MOZELLE & PHELICIA KEBREAU, *

Plaintiffs, *

v. *

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as *
Baltimore City Circuit Court Clerk; *
ROSALYN PUGH, in her official capacity as *
Prince George's County Circuit Court Clerk; *
EVELYN ARNOLD, in her official capacity as *
St. Mary's County Circuit Court Clerk; *
DENNIS WEAVER, in his official capacity as *
Washington County Circuit Court Clerk; and *
MICHAEL BAKER, in his official capacity as *
Dorchester County Circuit Court Clerk, *

Defendants. *

* * * * *

DECLARATION OF LINA AYERS, ESQ.

I, LINA AYERS, ESQ., am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.

2. I am an attorney in private practice in the State of Maryland. I have been an attorney since 1982, and have been a member in good standing of the Maryland State

Bar Association since 1982. I am a member of the Maryland State Bar Association Family and Juvenile Section.

3. For twenty-three (23) years, my practice has emphasized family, juvenile and special education law in Maryland. I have represented hundreds of clients in administrative law hearings, juvenile court proceedings and circuit court trials, and in the Court of Special Appeals.

4. I have considerable experience representing lesbian and gay couples, as well as non-gay couples, in matters concerning their legal relationships, and the dissolutions thereof. In matters related to lesbian and gay partnerships, there is no applicable divorce statute, and contract law governs the parties. Where the parties separate, the inability of same-sex couples to marry frequently has convoluted and harmful consequences for one or both parties, and their children, both as to division of property and, more importantly, as to custody, visitation and support of children.

5. I also have considerable experience representing lesbian and gay parents, as well as non-gay parents, who wish to establish legal relationships with their children, whether a biological or adoptive child of one of the parties, or a biological or adoptive child of third parties who have terminated their parental rights. Such matters have involved custody, guardianship, single-parent adoptions, second-parent adoptions, joint adoptions, international and domestic adoptions, and adoptions of children who are committed to the Maryland Department of Social Services or under Guardianship with the Right to Consent to Adoption with the Maryland Department of Social Services.

6. Biological reproduction by the parties to a relationship is only one of the ways couples bring children into their families. Both lesbian and gay couples and non-

gay couples often bring children into their families by way of assisted reproductive technology (e.g., alternative donor insemination, in vitro fertilization, surrogacy), as well as through adoption.

7. In Maryland, the rights and responsibilities that legal parents enjoy with respect to their children are the same regardless of the way in which their children are brought into their family. Likewise, in Maryland, the rights that children enjoy with respect to their legal parents are the same regardless of the way in which they are brought into their family.

8. In Maryland, when both parents have a legal relationship with the child and the marriage or life partnership dissolves and a custody or visitation dispute arises, the determination of the best interests of the child is made without regard to the sexual orientation of the parents as a matter of law.

9. Maryland agencies, both public and private, routinely approve openly lesbian and gay people for adoption, and place children with openly lesbian and gay parents. As discussed below, Maryland circuit courts routinely grant second-parent and joint adoptions by lesbian and gay people.

10. A second-parent or joint adoption creates a legally recognized relationship between a non-legal parent and the child he or she has often been raising for many months or even years. Without this process, hundreds of children would be without the security of two legal parents, as well as entitlement to numerous federal and state benefits, including lowered inheritance tax rates, standing to bring wrongful death suits, and a continuing relationship with both parents if the parties separate, to name just a few.

11. Without this process, if the legal parent were to die, the child would have no legal parent, as the non-legal parent is not entitled to presumptive custody of a non-adoptive child. Legal action would be required to determine the status of the family at a time of great trauma, and would divert emotional and financial resources from the child.

12. A second-parent adoption bestows rights and responsibilities on the non-legal parent without divesting the legal parent of any rights or responsibilities. It is similar to a stepparent adoption, albeit more cumbersome and expensive. Maryland law does not allow for adoption prior to birth, so there can be a three- to six-month period of uncertainty and stress during a period of intense family adjustment while the parties take the time necessary to secure the second-parent adoption.

13. If civil marriage were available to lesbian and gay parents, the second-parent adoption process would be unnecessary, as the child would be the legitimate child of the marriage, and therefore the legal child of both parties.

14. Maryland circuit courts in at least seven (7) counties and Baltimore City routinely grant second-parent adoptions to same-sex partners. Same-sex partners in other jurisdictions may waive venue to petition for adoptions in other circuits.

15. Joint adoptions by lesbian and gay people are also routinely granted in domestic adoptions where neither party has a legal relationship with the child. These adoptions require the termination of the parental rights of the birth, or otherwise legal, parents, either by consent, or pursuant to Md. Code Ann. Fam. Law § 5-313.

16. In all of these cases, the Maryland Department of Health and Mental Hygiene issues a new birth certificate that lists both members of the same-sex couple as parents using gender-neutral or gender-appropriate language.

17. The Governor's Office for Children, Youth and Families, through the Division of Vital Records, issues Commemorative Keepsake Birth Certificates for children of same-sex couples using gender-neutral language. The fees for such birth certificates help support the Children's Trust Fund to stop child abuse and neglect.

18. The Adoption Decrees and birth certificates obtained as a result of all of these proceedings are given full faith and credit both nationally and internationally.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

June 3, 2005
Date

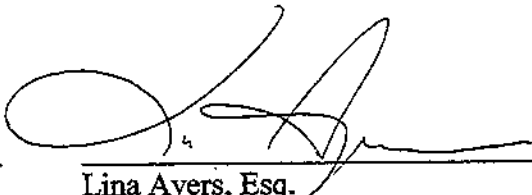

Lina Ayers, Esq.

EXHIBIT
12

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK; *
ALVIN WILLIAMS & NIGEL SIMON; *
TAKIA FOSKEY & JOANNE RABB; *
JODI KELBER-KAYE & STACEY KARGMAN-KAYE; *
DONNA MYERS & MARIA BARQUERO; *
JOHN LESTITIAN; *
CHARLES BLACKBURN & GLEN DEHN; *
STEVEN PALMER & RYAN KILLOUGH; *
PATRICK WOJAHN & DAVID KOLESAR; and *
MIKKOLE MOZELLE & PHELICIA KEBREAU, *

Plaintiffs, *

v. *

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as *
Baltimore City Circuit Court Clerk; *
ROSALYN PUGH, in her official capacity as *
Prince George’s County Circuit Court Clerk; *
EVELYN ARNOLD, in her official capacity as *
St. Mary’s County Circuit Court Clerk; *
DENNIS WEAVER, in his official capacity as *
Washington County Circuit Court Clerk; and *
MICHAEL BAKER, in his official capacity as *
Dorchester County Circuit Court Clerk, *

Defendants. *

* * * * *

DECLARATION OF JUDITH STACEY, Ph.D.

I, JUDITH STACEY, Ph.D., am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge.
2. I am currently Professor of Sociology and Professor of Gender and Sexuality at New York University. From 1997 until 2002, I was a professor in the Department of Sociology at the University of Southern California. Prior to that, I spent 17 years on the

faculty of the Department of Sociology at the University of California, Davis. I received my Ph.D. in Sociology from Brandeis University in 1979.

3. My areas of research and teaching center on the sociology of family, gender and sexuality, with a current specialization in gay and lesbian families.

4. My research has received funding from the American Council of Learned Societies, the Rockefeller Foundation, the University of California, Davis Humanities Center, the Ford Foundation, the National Endowment for the Humanities, and the Russell Sage Foundation.

5. My publications include several books and numerous articles in scholarly journals and research anthologies. My curriculum vitae is attached as Exhibit A to this affidavit.

6. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment in this action. It is based on scientific research that is published in peer-reviewed, academic journals and books and relied upon by professionals in my field.

There is no scientific evidence that optimal child development requires a male and a female parent.

7. Opponents of the right to marry for same-sex couples argue that lesbian and gay couples should be excluded from marriage because, they say, children develop best when raised by a male and a female parent. Leaving aside for the moment, the non sequitur logical flaw involved in the presumption that excluding same-sex couples from marrying will increase the number or the percentage of children who will be parented by a male and a female parent, the empirical claim is without social scientific merit. There is no empirical support in the social science research literature for the claim that there is an optimal gender mix of parents or that children with two female or two male parents suffer

any developmental disadvantages compared with children with two different-gender parents.

8. First, research conducted over the last 50 years has firmly established that it is the quality of parenting and of the parent-child relationship, rather than the gender or sexual orientation of parents, that predict healthy children's adjustment. Parental effectiveness has been shown to depend overwhelmingly upon such qualities as responsibility, reliability, consistency, affection, responsiveness, and emotional commitment, as well as on the quality and character of the relationship between parents and the availability of sufficient economic resources. (*See, e.g.,* Lamb, 1997; Silverstein and Auerbach, 1999; Baumrind, 1978; Baumrind, 1980; Bengtson, Biblarz & Roberts, 2002).¹ This is the case regardless of the family structure in which children are reared. (Lamb, 1999).

9. Next, dozens of studies of children raised by lesbian and gay parents which have been conducted over the past 25 years by respected researchers and published in peer-reviewed academic journals uniformly conclude that children raised by lesbian and gay parents are at least as well-adjusted psychologically, emotionally, and socially as children raised by heterosexual parents. (*See, e.g.,* Chan, 1998; Flaks, 1995; Brewaeys, 1997; Golombok, 2003; Wainright, 2004; Tasker 1997; Golombok, 1983; Patterson, 1994; Bigner, 1989; Stacey and Biblarz 2001 (reviewing the literature)). The finding that parental sexual orientation does not adversely affect children's development is so robust that the American Academy of Pediatrics, the American Psychological Association, the National Association of Social Workers, and the Child Welfare League of America—in other words, the major professional associations with expertise in child welfare—have issued statements confirming the equivalent effectiveness of heterosexual and lesbian and

¹ Full citations are available in the accompanying "References."

gay-male parenting. These findings demonstrate not only that parental sexual orientation does not negatively affect children's development, but also that father (or mother) absence per se is not a predictor of healthy child adjustment.

10. Opponents of marriage for same-sex couples typically hold out research findings concerning the *number* and *resources* of parents as being about the *gender* or the *sexual orientation* of the parents studied. These advocates rely inappropriately on research evidence that children raised in single-parent families are at greater risk of numerous negative outcomes (e.g. dropping out of school, delinquency, unwed teen pregnancy, substance abuse, etc.) than children raised in married couple families. This body of research compares single and married-couple *heterosexual* parents. None of it examines the adjustment of children raised by same-sex couples. Moreover, this research does not indicate that it is the gender or the sexual orientation of the absent parent that is responsible for the different outcomes of children raised in single vs. two-parent families. Rather, most researchers conclude that it is the number of parents and their economic resources as well as the disruptive effects that parental desertion or divorce can inflict on children's lives that account for these differential risks. (See, e.g., McLanahan, 1985; McLanahan & Sandefur, 1995; Furstenberg & Cherlin, 1991).

11. There is considerable consensus among researchers that a disproportionate cause

² See Ellen C. Perrin, M.D. & the Committee on Psychosocial Aspects of Child and Family Health, American Academy of Pediatrics, *Technical Report: Co-Parent or Second-Parent Adoption by Same-Sex Parents*, 109 *Pediatrics* 339 (February 2002) (available at <http://aappolicy.aappublications.org/cgi/content/full/pediatrics;109/2/341>); American Psychological Association, *Lesbian and Gay Parenting: A Resource for Psychologists* 8 (1995) (available at <http://www.apa.org/pi/parent.html>); National Association of Social Workers, *Policy Statement: Lesbian, Gay, and Bisexual Issues*, in *Social Work Speaks* 193, 194 (1997); Child Welfare League of America, *CWLA Standards of Excellence for Adoption Services*, at 56 (2000).

of the greater risks suffered by children in single-parent families derives from the lesser economic and educational resources that one adult, as compared to two, can offer a child. (Amato, 2000 (reviewing the literature); McLanahan & Sandefur, 1995; Musick & Mare, 2004). Numerous large-scale studies show that with adequate socioeconomic resources, most children who grow up in single-parent families do well. (McLanahan, 1985; Bogess, 1998).

12. The different outcomes in single-parent versus two-parent families have also been found to be connected to the effects of family disruption, including divorce, that represent the route to single-parent family life for most children. Divorce, for example, often involves parental conflict both preceding and following the separation, rejection by one parent, lesser quality parenting by the custodial parent, loss of resources, and dislocations such as moving to a new neighborhood and school. (See, e.g., Amato, 2000; Stewart, 1997; Simons, 1996). Research documents the negative effects on children's adjustment that can flow from these circumstances. (See, e.g., Amato, 2000; Shaw, 1999; Musick & Bumpass, 1999). Indeed, research has shown that prolonged exposure to single motherhood—stable single motherhood—had little effect on children, and thus, that they are more affected by instability and change in their family situation than parental absence per se. (Wu & Martinson, 1993). Research has also shown that children who grow up in two-parent families where the parents are in high-conflict relationships have similar problems as children raised in single-parent families. (Musick & Bumpass, 1999).

13. There is no evidence that it is the absence of a male or a female parent that accounts for the poorer outcomes for children raised by single parents. Indeed, children

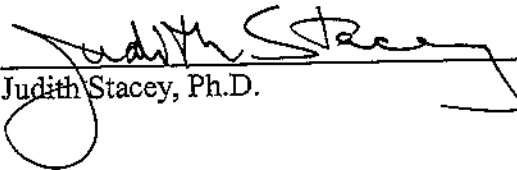
whose fathers died do not experience the adjustment problems of children who live with a single mother after divorce (Biblarz, 2000), demonstrating that the presence or absence of a father is not what determines healthy adjustment. And some research reports that delinquency rates are lower when a mother is alone with her son than when she has invited another man to live with her. (Commanor,1998). Sara S. McLanahan, one of the most prominent researchers of the effects on children of being raised in single-parent families, concluded that her results “do not support the notion that the long term absence of a male role model itself is the major factor underlying family structure effects.” (McLanahan, 1985:898). Similarly, Michael Lamb, a preeminent expert in paternal effects on child development, concludes that “very little about the gender of the parent seems to be distinctly important” with respect to children's development. (Lamb, 1997; *see also* Silverstein & Auerbach, 1999; Biblarz & Raftery, 1999). Thus, contrary to commonly held cultural assumptions, there is no social science evidence to support the assertion that children need male or female parents.

14. The only bearing that research comparing heterosexual single-parent and married two-parent families has on the discussion about gay or lesbian parents and marriage of same-sex couples is that it suggests that, all other things being equal, children would tend to do better with two gay or lesbian parents than one, and that children of gay or lesbian parents, like their peers, would be likely to benefit if their parents were allowed to choose to marry. Parental marital status bestows important benefits on children and families. These include economic benefits, legal protections, stability and social legitimacy. Clearly these advantages would also apply to children of gay and lesbian parents. Thus, children of same-sex couples would be clear beneficiaries of the legalization of marriage

of same-sex couples. Conversely, these children are the vicarious victims of discrimination against their parents. Because lesbians and gay men are already parents and will continue to be, it is undeniably in the interest of their children to offer their parents (and them) the same protections and benefits afforded other families.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

5/31/05
Date


Judith Stacey, Ph.D.

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March 2005

VITAE

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Higher Education

Brandeis University, Department of Sociology, Ph.D., 1979.
University of Chicago, 1968-70; doctoral student, Department of Education.
University of Illinois at Chicago Circle; M.A., American History, 1968.
University of Michigan, B.A., Social Studies, 1964, with High Distinction.

Fellowships, Honors, and Awards

Russell Sage Foundation Visiting Scholar, 2005-06.
2002 Distinguished Article Award, Sex and Gender Section, American Sociological Association, for J. Stacey and T. Biblarz, "(How) Does the Sexual Orientation of Parents Matter?"
National Endowment for the Humanities Fellowship 2001-02.
Research Fellow, Institute for Advanced Studies, Vienna, Austria, June 1995.
UC, Davis Collaborative Research Grant, 1991-93.
Rockefeller Foundation "Changing Gender Roles" Grant, 1988-89.
Davis Humanities Institute Fellowship, 1988.
American Council of Learned Societies/Ford Fellowship 1986-87.
Recipient of 1985 Jesse Bernard Award of American Sociological Association for Patriarchy and Socialist Revolution in China.
U.C. Davis, Faculty Development Award, 1982; Junior Faculty Fellowship, Summer 1980.
N.D.E.A., Title IV Fellowship, University of Chicago, 1968-70.
N.D.E.A. Fellow, Institute in Negro History, University of Illinois, Summer 1965.
Phi Beta Kappa, University of Michigan, 1964.
Phi Kappa Phi, University of Michigan, 1964.

Academic Appointments

Professor, Dept. of Sociology and Center for Study of Gender & Sexuality, New York University, fall 2003–present.
Streisand Professor of Contemporary Gender Studies and Professor of Sociology, University of Southern California, 1997–2003; Director of Graduate Studies in Sociology, 2000-01.
Professor, Dept. of Sociology and Women's Studies Program, University of California, Davis, 1990-97; Professor, Dept. of Sociology, 1989–1990; Associate Professor, 1984-89; Assistant Professor, 1979-84; Acting Asst. Professor, fall 1978. Director of Women's Studies Program, 1980-81.

Visiting Professor of Feminist Theory, Institute for Sociology and Institute for Advanced Studies, University of Vienna, spring 1995.

Lecturer, Department of Sociology, University of California, Berkeley, Fall 1975; Summer 1976; Summer 1977.

Instructor, Teacher Education and Women's Studies, Richmond College, City University of New York, 1971-73.

Teaching and Research Fields of Specialization

sociology of family, gender, sexuality; field research methods; feminist theory, feminist knowledge; critical ethnography; cultural studies

Publications: Books

In the Name of The Family: Rethinking Family Values in a Postmodern Age, Boston: Beacon Press, 1996; paperback edition 1997.

Brave New Families: Stories of Domestic Upheaval in Late Twentieth-Century America, Basic Books 1990; paperback edition, Basic Books 1991; second paperback edition, University of California Press, 1998. Finalist 1991 C. Wright Mills Award, Society for the Study of Social Problems.

Patriarchy and Socialist Revolution in China, University of California Press, 1983 (paperback edition 1995). Winner 1985 American Sociological Association, Jessie Bernard Award
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Reprinted in American Feminist Thought at Century's End, ed. by Linda Kauffman (Basil Blackwell, 1993); and in Feminist Foundations: Toward Transforming Sociology! ed. by Kristen Myers, Cindy Anderson, and Barbara Risman (Sage 1998)

Translated into German and published in Feministische Studien 4 Jahrgang, No. 2 (November 1985); German version reprinted as "Feministische Paradigmenweschel in den Wissenschaften" in Das Argument 33, no.6 (Nov/Dec 1991).

"Should the Family Perish?" Socialist Review, No. 74 (March-April 1984).

"The New Conservative Feminism," Feminist Studies 9, No. 3 (Fall 1983).

Expanded version, "Are Feminists Afraid to Leave Home? The Challenge of Profamily Feminism," in What is Feminism? ed. by Juliet Mitchell and Ann Oakley (Basil Blackwell and Pantheon, 1986). German translation reprinted in: Weg vom Patriarchat -- wohin?, Ruth Grobmab and Christiane Schmerl, eds. (Frankfurt: Campus Verlag, 1989).

"People's War and the New Democratic Patriarchy in China," Journal of Comparative Family Studies 13, No. 3 (Autumn 1982).

Abridged version anthologized in Revolutions: Theoretical, Comparative, and Historical Studies, ed. by Jack Goldstone (Harcourt Brace Jovanovich, 1986).

"Feminist Reflections on the Socialist Question," Harvard Educational Review 50, No. 1 (February 1980).

"China's Socialist Revolution, Peasant Families, and the Uses of the Past," Theory and Society 9

(1980).

"Toward a Theory of Family and Revolution: Reflections on the Chinese Case," Social Problems 26, No. 5 (June 1979).

Co-author with Wini Breines and Margaret Cerullo, "Social Biology, Family Studies, and Anti-Feminist Backlash," Feminist Studies 4, No. 1. (1977).

Revised version reprinted in Berkeley Journal of Sociology 22 (1977-78).

"A Feminist View of Research on Chinese Women," Signs 2, No. 2 (Winter 1976).

"When Patriarchy Kow-Tows: The Significance of the Chinese Family Revolution for Feminist Theory," Feminist Studies (April 1975).

Abridged versions anthologized in Woman in a Man-Made World: A Socio-Economic Reader, ed. by Nona Glazer and Helen Waehrer (2d Edition, Rand McNally, 1976); and in Capitalist Patriarchy and the Case for Socialist Feminist, ed. Zillah Eisenstein, (Monthly Review Press 1976).

Co-author, with Betty Levy, "Sexism in Elementary School: A Backward and Forward Look," Phi Delta Kappan, October 1973.

Anthologized in Education Yearbook 1974-75 (Macmillan); Myth and Reality, ed. by Charles Kniker and Glenn Smith (Allyn and Bacon, Second Edition, 1975); Kaleidoscope: Readings in Education, ed. by Kevin Ryan and James Cooper (Houghton Mifflin, Second Edition, 1975); Multicultural Nonsexist Education: A Human Relations Approach, ed. by Colangelo, Foxley and Dustin (Kendall/Hunt Publishing Company, 1979).

Co-author, with Leonard Quart, "Innovation on Staten Island," Change, June 1972.

"The Defense of Leroy Garber," School Review, November 1969.

Publications: Academic Commentary and Public Documents

Declaration of Judith Stacey, U.S. District Court, Central District of California, Shannon Rose and Jane Brooks v. Olive Crest Family Care and Adoption Agency (May 17, 2004).

Declaration of Judith Stacey, No. 0403-03057, State of Oregon for County of Multnomah (Circuit Court) Li and Kennedy et al and Multnomah County v. State of Oregon (April 14, 2004).

"Taking Feminist Sociology Public Can Prove Less Progressive Than You Wish," SWS Network News XX, n.1 (Spring 2003):27-8.

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"The Empress of Feminist Theory is Overdressed: A Response to Stanley and Wise," *Feminist Theory* 2, n.1 (April 2001).

"Virtual Truth with a Vengeance," in "Half-truths with Real Consequences" symposium, Contemporary Sociology (January 1999).

"Families Against THE FAMILY: The Transatlantic Passage of the Politics of Family Values," Radical Philosophy n. 89 (May-June 1998).

Response to Alan Wolfe, Chronicle of Higher Education (March 6, 1998).

Response to Norval Glenn's "Closed Hearts, Closed Minds," ASA Footnotes (February 1998).

"What comes after Patriarchy?: Comparative Reflections on Gender and Power in a 'Post-Patriarchal' Age," Radical History Review 71 (1998).

"Families," co-authored with Barrie Thorne. In The Reader's Companion to U.S. Women's History. (Boston: Houghton Mifflin, 1998).

"The Family Values Fable," National Forum of Phi Kappa Phi 75, no.3 (August 1995).

Reprinted as "Public Policy Reforms Can Benefit the Family," in The Family: Opposing Viewpoints (San Diego: Greenhaven Press, 1998, sic).

"Parenting Alone," review of Shoshana Alexander, In Praise of Single Parents, for The Responsive Community, (Spring 1995).

"Imagining Feminist Ethnography: A Reply to Phyllis Wheatley," Women's Studies International Forum 17, n.4 (1994).

"Good Riddance to 'The Family': A Response to David Popenoe," Journal of Marriage and the Family (August 1993).

"Brave New Families in the North American Family Revolution," Transition (Vanier Institute of the Family, Ottawa, September 1993).

"Post-Cheney Culture Prospects," Socialist Review 92/3 (Winter 1992); reprinted in democratic Culture, vol.2, no.1 (Spring 1993).

"The Postmodern Family, For Better and Worse," (abridged excerpts from Brave New Families) in Taking Sides: Clashing Views on Controversial Social Issues, 7th edition. Kurt Finsterbusch & George McKenna, eds. (Guilford, CT: Dushkin Publishing Group, 1992):112-17.

Forward to Helen Nestor, Family Portraits in Changing Times (New Sage Press 1992).

Forward to 1992 paperback edition of Family and Kinship in East London (Berkeley: University of California Press, 1992)

"Victims of The Family," Bulletin of the Park Ridge Center 6, no.1 (January 1991)

Publications: Journalism

Contribution to "Can Marriage Be Saved? A Forum," *The Nation* (July 5, 2004).

"Good parents are good parents—gay, straight or lesbian," San Francisco Sunday Chronicle, Sunday, Feb 17, 2002:D5.

"A Conversation with Professor Judith Stacey," in ACLU Lesbian & Gay Rights Project, *Too High A Price: The Case Against Restricting Gay Parenting*, (NY: ACLU, 2002).

"Family Values Forever: In the marriage movement, centrists and conservatives find a home together." *The Nation*, (July 9, 2001).

Review of Gerda Lerner, Why History Matters: Life and Thought, for San Francisco Sunday Examiner-Chronicle Book Review (July 20, 1997).

"Even today, having a father at home doesn't always mean he's always there," co-author, Stephanie Coontz, Boston Globe, June 15, 1997.

"Some Two-parent Families are Invisible," op-ed distributed via Knight-Ridder wire service, September 22, 1996; reprinted as "Recognizing Gay and Lesbian Parents," San Francisco Chronicle, October 1, 1996:A23.

"The Father Fixation: Let's Get Real About Family Life," Utne Reader, n.77 (Sept-Oct 1996).

Reprinted in: Perspectives: Women's Studies, Renae Bredin, ed. (Bellevue, IA: CourseWise Publishing, 1998, in press).

Reprinted in: Feuds about Families: Conservative, Centrist, Liberal, and Feminist Perspectives, Nijole V. Benokraitis, ed. (Prentice Hall, in press 1999)

"BackTalk," Mother Jones (March 1995).

"Are Unwed Fathers a Problem?" Perspectives, KQED National Public Radio, August 19, 1994.

"The New Family Values Crusaders," The Nation (July 25-Aug 1, 1994). Reprinted as "Dan Quayle's Revenge: The New Family Values Crusaders," in Taking Sides: Clashing Views on Controversial Social Issues, Kurt Finsterbusch & George McKenna, eds, Brown and Benchmark Publishers, 1996. Response to letters by Whitehead and Elshtain, The Nation, November 7, 1994.

"The Smoke Screen of 'Family Values'," INSIGHT on the News (November 29, 1993).

"It's Time to Value All Our Families," Perspectives, KQED National Public Radio, August 4, 1993.

"Nostalgia for Family Can't Undo Cutback Era," Letter to the Editor, New York Times (January 16, 1993). Abridged version, reprinted in Sacramento Bee (January 17, 1993).

"In a Diminished Voice," review of Lyn Mikel Brown and Carol Gilligan, Meeting at the Crossroads, for The Boston Globe (October 4, 1992).

Book Reviews In Academic Journals

Mary Bernstein & Renate Reimann, eds. Queer Families, Queer Politics: Challenging Culture and the State. For Contemporary Sociology 31, n.4 (2002).

Elizabeth B. Silva and Carol Smart, eds., The New Family?, for Sociological Research Online 4, n.4 (Feb 2000) <http://www.socresonline.org.uk/>

Carol Smart and Bren Neale, Family Fragments?, for Sociological Research Online (2000).

Susan Holloway et al, Through My Own Eyes: Single Mothers and the Cultures of Poverty, for American Journal of Sociology (1998).

Martha Fineman, The Neutered Mother, The Sexual Family and Other Twentieth Century Tragedies, for Signs 22, n.1 (Autumn, 1996).

Cynthia Daniels, At Women's Expense: State Power and the Politics of Fetal Rights, for Signs 22, n.1 (Autumn 1996).

Joseph Howell, Hard Living on Clay Street: Portraits of Blue Collar Families, for Contemporary Sociology 25, n.4 (July 1996).

David Chaney, The Cultural Turn: Scene-Setting Essays on Contemporary Cultural History, for Contemporary Sociology (1995).

Katherine S. Newman, Declining Fortunes: The Shrinking of the American Dream, for Contemporary Sociology (January 1994).

Ann Phoenix, Anne Woollett and Eva Lloyd, eds., Motherhood: Meanings, Practices and Ideologies, for Journal of Marriage and the Family (1992).

Phyllis Moen, Working Parents: Transformations in Gender Roles and Public Policies in Sweden; Lydia Morris, The Workings of the Household; and Helen Corr and Lynn Jamieson, eds., Politics of Everyday Life: Continuity and Change in Work and the Family, multiple review for Signs 18, n.1 (Autumn 1992).

Janet Finch, Family Obligations and Social Change, for Journal of Marriage and the Family (August 1991).

Jetse Sprey, ed., Fashioning Family Theory: New Approaches, for Contemporary Sociology (May 1991)

Beth Hess and Myra Marx Ferree (eds), Analyzing Gender: A Handbook of Social Science Research, for Signs 15, no.1 (Autumn, 1989)

R.W. Connell, Gender And Power: Society, the Person and Sexual Politics, for Contemporary Sociology 17, no.5 (September 1988).

James Dickenson and Bob Russell (eds), Family, Economy & State: The Social Reproduction Process Under Capitalism, for Contemporary Sociology 17, no.1 (January 1988).

Alison Jaggar, Feminist Politics and Human Nature, for American Journal of Sociology (November 1986).

- Joan Kelly, Women, History and Theory, for Contemporary Sociology 15, No. 1 (January 1986).
- Irene Diamond (ed.), Families, Politics, and Public Policy: A Feminist Dialogue on Women and the State, for Contemporary Sociology 13, No. 6 (1984).
- Phyllis Andors, The Unfinished Liberation of Chinese Women, 1949-1980, for Society (January-February 1985).
- Elisabeth Croll, Chinese Women Since Mao, for Pacific Affairs 57, No. 4 (Winter 1984-85).
- Barbara P. Hazard, Peasant Organization and Peasant Individualism: Land Reform, Cooperation and the Chinese Community Party, for Contemporary Sociology 12, No. 3 (May 1983).
- William R. Garrett, Seasons of Marriage and Family Life, for Contemporary Sociology 12, No. 1 (January 1983).
- William J. Goode, The Family, second edition, for Contemporary Sociology 12, No. 1 (January 1983).
- Barrie Thorne (ed.), Rethinking the Family: Some Feminist Questions, for Contemporary Sociology 12, No. 1 (January 1983).
- Elisabeth Croll, The Politics of Marriage in Contemporary China, for Signs 8, No. 2 (Winter 1982).
- Das and Bardis, The Family in Asia, for Journal of Comparative Family Studies (1981).

Selected Public Lectures and Papers Presented

2004:

Plenaries and Keynotes:

- "Gay and Lesbian Parents: Fact and Fiction," PFLAG national conference, Salt Lake City, Oct 21.
- "Public Sociology in the U.S." American Sociological Association, Aug 16.
- Public Forum on "Same-Sex Marriage Debates," American Sociological Association, Aug 14.

Invited Lectures and Conferences:

- "Public Sociologies;" "Gay Male Parenthood and the Decline of Paternity;" "Domestic Intranquility," Sociology Faculty Workshop on Public Sociology, National Taiwan University, August 22, 23, 24.
- "Legal Recognition of Same-Sex Couples: The Impact on Children and Families," Quinnipiac University School of Law, Mar 26.
- "Unholy Unions: The Paradoxical Politics of Marriage Promotion Campaigns," Mellon Lecture, University of California, Riverside, Mar 15.
- "Married to the Market? The New Haves and Have-nots of Contemporary Conjugal Politics," Society for Interpretive and Qualitative Research, Duquesne University, Feb 5.

2003:

Plenaries and Keynotes:

- "Married to the Market? The New Haves and Have-nots of Contemporary Conjugal Politics," The Australian Sociological Association, Armidale, Australia, Dec 4.
- "Taking Feminist Sociology Public Can Prove Less Progressive Than You Wish," Sociologists for Women in Society Winter Meetings, Wilmington, NC, Feb 7.
- "Toward Equal Regard for Marriages and Other Imperfect Intimate Affiliations," Conference on Marriage, Democracy and Families, Hofstra Law School, Mar 15.

“Cruising Toward Familyland: Gay Hypergamy and Rainbow Kinship,” New Sex Conference, George Mason University, Mar 27.

“Lesbian and Gay Families are Songbirds in the Mine,” Sloan Symposium on Kinship and Family,” UCLA, Jan. 31.

Invited Lectures:

Fellow Families: Intimacy and Kinship among Gay Men in L.A., Dept of Sociology, University of Oregon, Ap 25.

2002:

Plenaries and Keynotes: “Children of Gay Parents ARE Different: Now what does this Mean? And can sex researchers be unbiased?” Society for the Scientific Study of Sexuality, Western Region Annual Conference, Manhattan Beach, CA, Ap 5.

“The Unexpected Campaign for Gay Family Values,” Sociology Day, California State University, Fullerton, Mar 27.

Invited Lectures:

“Fellow Families? Gay Male Intimacy and Kinship in a Global Metropolis,” Dept of Sociology, UC, Santa Cruz, Nov 19.

“Primetime Sociology,” Difficult Dialogues, Institute for Research on Women and Gender, Stanford University, Oct 11.

“Gay Fathers and their Children,” Dept of Pediatrics, UC, Irvine School of Medicine, Sept 24.

“Differences, Not Deficits: Social Science Research and the Representation of LGBT Families in Policy and Legal Advocacy,” Assimilation and Resistance Conference, Seattle University School of Law, Sept 21.

“Media representation of research on GLBT Families,” National Lesbian and Gay Journalism Association, Philadelphia, PA, Sept 14.

“Lesbian and Gay Families are Songbirds in the Mine,” Sloan Center Journalism Work-Family Conference, Boston University, May 3.

“Gay Marital Suitors and Social Science Spin-sters,” Voices of Public Intellectuals, Radcliffe Institute for Advanced Study, Cambridge, MA, Feb 25.

“Marital Suitors Court Social Science Spin-sters,” Institute for Interdisciplinary Gender Studies, University of Leeds, Leeds, England, Jan 24.

“Fellow Families? Gay Male Intimacies and Kinship in a Global Metropolis,” CAVA International Seminar, University of Leeds, Jan 25; also present at New York University, Feb 27.

2001:

Plenaries and Keynotes: “Perils and Paradoxes of Public Sociology” The Australian Sociology Association, Sydney, Dec. 13.

Visions 2001 Lecturer, Florida State University, Tallahassee, Mar 1

“Feminism and the Disciplines,” Women’s Studies Faculty Retreat, University of Maryland, at Airlie Conference Center, Virginia, Mar 3-4.

“Pro-Marriage Policies: For Better or Worse? A Debate With Patrick Fagan,” Casey Journalism Center Conference, “Covering America’s Working Families,” June 12.

“A Colloquy with Judith Stacey: In the Name of The Family, 5 Years Later,” American Studies Association, Washington, D.C., Nov. 9.

Invited Lectures: GLBT Program and Dept of Sociology, UCLA, Oct 12;

2000:

Plenaries and Keynotes: "Missing the Revolution: Millennial Misgivings on the Practice of Feminist Theory," Opening Plenary, American Sociological Assn Annual Meetings, Washington, D.C., Aug 11.

"Beyond the Tinkerbell Defense of Lesbian and Gay Parenthood." Third Annual Gender, Sexuality and the Law Symposium, Georgetown University, Feb.4.

Feminist Interdisciplinary Seminar, University of California, Davis, Jan.20.

Invited Lectures: Tension Areas, The World Today, UCLA Extension, Jan 25; Center for Research on Women, UCLA, April 11. Neuropsychiatric Institute, UCLA, June 14; American Family Therapy Association, San Diego, June 23.

1999:

Plenaries and Keynotes: Family Service Assn Annual Conference, Rancho Mirage, CA, April 21.

Papers at Conferences:

Council on Contemporary Families Conference "What Works for Families?," Washington, D.C., May 1.

"Ethnography Confronts the Global Village," Reclaiming Voice Conference, UC, Irvine, Je 5.

Invited lectures: Graduate Center for the Study of Women, City University of New York, Oct 22. Center for Social Theory and Comparative History, UCLA, Symposium on "Family Breakdown, Moral Order, and U.S. Politics," Feb 8.

St. Louis University Convocation on Social Justice and Family Values, April 9.

1998:

Plenaries and Keynotes: University of Wisconsin System Women's Studies Conference on Women, Poverty and Public Policy," Eau Claire, WI, Oct 30.

Centre for Research on Families and Households, Oxford Brookes University, England, May 13;

Forum on California's Future, California Association of NonProfits, Sacramento (March 17, 1998).

Papers at Conferences: American Sociological Association, San Francisco, August 22; August 23..

Invited lectures: Program for Women's Studies, University of Warwick, England, May 14; RAND/UCLA Child and Adolescent Health Policy Seminar, Santa Monica May 8;

1997:

Plenaries: Council on Social Work Education, Chicago, Mar 7; Symposium on Rethinking Family Values, Mt. Vernon College, Feb 25;

Invited lectures: Center for Feminist Research and Dept of Psychology, Univ. of Oslo, Norway, October 16; Oct 17; Center for the Study of Women, UCLA, October 28; Northwestern University, Mar 6; UC, Santa Barbara, April 23; UC, Santa Cruz, May 19;

1996:

Plenaries: Featured Public Policy Session, debate with Norval Glenn, National Council on Family Relations Kansas City, MO, October 7; Polyseminar address, University of Maryland, October 22; American Political Science Assn Meetings, San Francisco, August 29;

Papers at Conferences: International Conference on Globalization, University of Utrecht, November 22; American Sociological Assn meetings, New York, August 19; Berkshire Conference of Women Historians, UNC, Chapel Hill, June 7; Conference on Politics of Fatherlessness, Rutgers University, May 10;

Invited lectures: Havens Center, University of Wisconsin, Madison, Sept 30 & Oct 2;1996.

1995:**Plenaries:**

First Congress of Swiss Social Sciences, Bern, Switzerland, Oct 14;

Papers at Conferences: Papers presented: Humanities Center, Wesleyan University, March 27;

Invited lectures: Institut fur Hohern Studien (Institute for Advanced Studies), Vienna, Austria, June 22;. Institut fur Soziologie, University of Vienna, June 20; Visiting Scholar, Women's Studies Program, University of Missouri, Columbia, Sept. 25; Johns Hopkins University, December 4;

1990-1995:

Plenaries and Keynotes: International Seminar on Women, Family and Society, Golda Meir Mt. Carmel Centre, Haifa, Israel, April 18, 1994); . SWS Conference on "Ethical, Moral and Political Dilemmas of Feminist Research," University of Southern California, August 4, 1994. Lewis and Clark College Gender Symposium, Portland, OR, April 18, 1993. 11th Annual Bodenheimer Lecture, King Law School, UC, Davis, Mar 18, 1992. , Santa Rosa Community College Women's History Month, March 1, 1993.

Papers at Conferences: Advanced Seminar, School of American Research, Santa Fe, Nov. 1, 1994; American Sociological Association, Los Angeles, August 7, 1994; XIII World Congress of Sociology, Bielefeld, Germany, July 20, 1994; Peder Sather Symposium on Gender Equality, Children and the Family: Evolving Scandinavian and American Social Policy," University of California, Berkeley, April 6-7, 1994; American Anthropological Association, Washington, D.C., November 1993; Chicago, Nov 1991; Society for the Study of Social Problems, Pittsburgh, PA, August 1992.

Women and Urban Space Conference, University of Southern California, March 2, 1991. Berkshire Conference on Women's History, Douglas College, June 1990.

Invited lectures: Bielefeld University, Germany, July 14-16, 1994. Sociology Department, UC, Berkeley, November 10, 1994; University of Haifa, Israel, Apr 19, 1994; Comparative Politics and Historical Sociology Workshop, University of Chicago, Oct 22, 1993. Center for the Humanities, University of Oregon, May 18, 1993. Williams College, October 15, 1992. Literature and Women's Studies Program, UC, San Diego, Feb 23, 1992. University of Michigan, Ann Arbor, March 19, 1991; Brandeis University, April 12, 1991, Rice University, September 19, 1991; UCLA, Jan 23, 1992. University of Kansas, Lawrence, September 1990; Northeastern University Feminist Theory Symposium, April 1991. German Sociological Association Meetings, Frankfurt, Germany, October 1990; Tanner Lecture Symposium, University of Michigan, Ann Arbor, Michigan, March 1990.

Editorial and Grant Review Service

Roman & Littlefield, Co-editor with Charles Lemert of sociology book series, "The New Social Formations," 1996-2003.

University of California Press, Editorial Committee 1988-1993;
co-chair, 1990-93.

American Sociological Review, Editorial Board, August 2000-2004.

Signs, Editorial Board, 1985--1992; 1996-2000; associate editor, 2000-2003.

Journal of GLBT Family Studies, inaugural Editorial Board, June 2003-.

Contemporary Sociology, Editorial Board, May 1997-2000.

Sociological Quarterly, (renamed Sociological Inquiry), Editorial Board, 1994-98.
Qualitative Sociology, Editorial Board, 1997--present.
Feminist Studies, Executive Editorial Board, 1976-1987, consultant, 1974-76; 1993-present.
Gender and Society, Advisory Editor, 1986-89.
Berkeley Women's Law Journal, National Advisory Board, 1984-present.
Southern California Review of Law and Women's Studies, Faculty Advisory Board, 1997--
School Review, Editorial Board, 1969-70.

Peer reviews for: American Journal of Sociology, American Sociological Review, Social Problems, Women's Studies Quarterly, Sexualities, Gender & Society, Sociological Theory, American Quarterly, Journal of Contemporary Ethnography, Rutgers University Press, Routledge, Basil Blackwell, Cambridge University Press, Beacon Press, Westview Press, University of Illinois Press, Indiana University Press, Cornell University Press, Wesleyan University Press, University of California Press, University of Michigan Press, University of Minnesota Press, McGraw Hill, New York University Press, and others.

Research Grant panelist, ACLS (1995, 1996); University of California Presidential Research Fellowships in the Humanities, 1990-91. Grant application reviews for: ACLS, NEH, NSF, California Council for the Humanities, University of California Humanities Research Institute, Rockefeller Foundation, MacArthur Foundation, Guggenheim Foundation.

Media Consulting, Appearances, and Interviews

Documentary Film Advisor or Interviewee:

"We the People," Lisa Correlli, 2004.
 "We are Dad," Michel Horvat, 2003.
 "Sing, O' Barren Woman," Susan Mogui, 1999.
 "The Return of Sarah's Daughters," Marcia Jarmel, 1997.
 "Spinsters in Retrospect," Beth Sanders, 1993.
 "Las Mujeres: Women of the Isthmus," Ellen Osborne, 1993.
 "Acting Our Age," Michal Aviad, 1985.

Television interviews: "Primetime Live, ABC; Sonya Live, CNN; This Morning, CBS; "Children First," "The O'Reilly Factor, FoxNews, "Life and Times," KCET, ABC; "Love Chronicles," A&E; Sunday Morning Live, CBC; Think Tank, "The Grandchild Gap," PBS; "The History of Marriage, PBS; Healthy Lives, CNN; Women's Lives, KQED; Sally Thornar Evening News, Baltimore; and others.

Radio: NPR: On the Media; Studs Terkel; Forum; AirTime; NYC Newsbeat; KQED Perspectives; To the Best of our Knowledge; All things considered; Jean Farraca Show; "The Connection," WBUR, "These Days," KPBS, "Odyssey," KBEZ, and others.

International: BBC World Service: "The Essential Guide to the 21st Century;" SWR1, Baden-Baden; Australian Broadcasting System;

Pacifica: Democracy Now; Psychology for the People; Just a Minute; Mark Cooper Show, Beneath

the Surface, KPFK; The Morning Show, Portland; Making Contact; Community stations: San Francisco; Portland, OR; Madison, WI; Chicago; Baltimore; Washington, DC; West Palm Beach, Florida; Capitola, CA; Los Angeles.

Commercial stations: CBS, ABC, CBC, and others.

Print and electronic media interviews: Wall St. Journal; Washington Post; New York Times; San Francisco Chronicle; Los Angeles Times; Time Magazine, Christian Science Monitor; Sacramento Bee; Oregonian; Seattle Weekly; Boston Globe; Fort Worth Telegraph; San Jose Mercury News; Santa Rosa Press Democrat; Salon; San Francisco Examiner, Newsweek; Parenting; Psychology Today; Glamour; the Nation; New York Newsday; Mother Jones; the Progressive; Lexington Herald Leader; Southern Voice, Desert Sun, New Age magazine, Modern Maturity, and others.

Participation in Class Action Court Cases: Same-Sex Marriage affidavit filed in Halpern et al v. Canada, Ontario Superior Court, 2001; amicus curae brief joined "In Re Adoption of Luke," Nebraska Supreme Court, 2002; Affidavit filed in Li and Kennedy et al vs.State of Oregon, 2004; Declaration filed in Rose and Brooks v. Olive Crest Family Care and Adoption Agency, 2004

Professional Associations

Council on Contemporary Families, organizing and executive committees; conference chair, 2004, 2001

American Sociological Association

Sociologists for Women in Society

American Studies Association

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EXHIBIT

13

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK;
ALVIN WILLIAMS & NIGEL SIMON;
TAKIA FOSKEY & JOANNE RABB;
JODI KELBER-KAYE & STACEY KARGMAN-KAYE;
DONNA MYERS & MARIA BARQUERO;
JOHN LESTITIAN;
CHARLES BLACKBURN & GLEN DEHN;
STEVEN PALMER & RYAN KILLOUGH;
PATRICK WOJAHN & DAVID KOLESAR; and
MIKKOLE MOZELLE & PHELICIA KEBREAU,

Plaintiffs,

v.

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as
Baltimore City Circuit Court Clerk;
ROSALYN PUGH, in her official capacity as
Prince George's County Circuit Court Clerk;
EVELYN ARNOLD, in her official capacity as
St. Mary's County Circuit Court Clerk;
DENNIS WEAVER, in his official capacity as
Washington County Circuit Court Clerk; and
MICHAEL BAKER, in his official capacity as
Dorchester County Circuit Court Clerk,

Defendants.

* * * * *

DECLARATION OF NANCY F. COTT, Ph.D.

I, NANCY F. COTT, Ph.D., am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.

2. I am the Jonathan Trumbull Professor of American History at Harvard University, and the Pforzheimer Foundation Director of the Schlesinger Library on the

History of Women in America, Radcliffe Institute for Advanced Study. I teach graduate students and undergraduates, and my field is American social history and history of gender, the family, and marriage.

3. In 1969, I received my Master's degree in History of American Civilization from Brandeis University. In 1974, I received my Ph.D. in History of American Civilization from Brandeis University. Since that time, I have taught history, principally at Yale University, where I was a professor for twenty-six years before coming to Harvard. I have received many fellowships, honors, and grants, including a Fulbright Lectureship Grant in 2001, and a John Simon Guggenheim Memorial Foundation Fellowship in 1985.

4. I have written seven published books, including *Public Vows: A History of Marriage and the Nation* (2000) (Harvard University Press), the subject of which is marriage as a public institution in our society. I have also published more than twenty scholarly articles, including several discussing the history of marriage in the United States. I have delivered scores of academic lectures and papers over the past thirty years on a variety of topics. I also serve on many advisory and editorial boards of academic journals. A true and correct copy of my curriculum vitae is attached hereto as Exhibit A.

MARRIAGE IN OUR SOCIETY

5. I spent over a decade researching the history of marriage in the United States—especially its legal attributes and obligations, and its social meaning—in order to write my book *Public Vows: A History of Marriage and the Nation* (2000) (Harvard University Press). The claims and evidence in this declaration come from that research and are more fully documented in the book; the numerous historical sources that I studied

and analyzed, and the other scholars' work that I consulted while researching and writing, can be found in my published footnotes.

6. My research has led me to the conclusion that there is nothing at present that has the same meaning, obligations, rights, and benefits as marriage except marriage itself. In previous centuries, many local communities gave informal unions and so-called "common-law" marriage the same force and status as legal marriage, and most courts were willing to recognize them as marriages in order to sustain established households, legitimize children, and enforce fathers' obligations to support dependents. But most states invalidated "common-law" marriage during the late nineteenth and early twentieth century. As the twentieth century progressed, society and government at every level became more ramified and bureaucratic; government functions and benefits, especially at the federal level, expanded enormously; and these developments affected the legal and the economic attributes of marriage. In the United States, a married pair now gains special consideration beyond the individual in many if not most government benefits.

7. State and federal governments' special recognition of marriage appears in many forms, including the areas of immigration and citizenship, tax policy, and property rules. For example, social security and veterans' survivors' benefits, intestate succession rights, and jail visitation privileges are extended to legally married spouses, but not to unmarried partners. As the General Accounting Office reported in 1996, the corpus of federal law mentions more than 1,000 benefits, responsibilities, and rights connected with marriage.

8. Marriage thus is a bundle of rights, obligations, and benefits, but it is more than that. Marriage has a legitimacy that has been earned through many years of

validation and institutionalization in law and society. Enhanced by government recognition for so long, legal marriage is a symbol of privilege. The idea that marriage is the happy ending, the ultimate reward, the sign of adult belonging, and the definitive expression of love and commitment is deeply ingrained in our society. This is reflected in and perpetuated in custom and the high and popular arts as well as in law.

9. The relation between government and marriage is especially important in the United States, because legally valid marriage here has always been authorized only by civil law. Each colony, state, and territory of the United States, as it came into being, set up marriage laws and regulations which, for purposes of legally valid marriage, were supreme over any religious views or practices of marriage. To be sure, marriage is invested with religious significance for many people; marriage ceremonies commonly take religious form; and spokespersons for various religions may try to impose their views of what marriage is and should be on the broader society. Nonetheless, from the very founding of the United States, the institution that Americans call “marriage” has always been an institution authorized by civil law to serve the purposes of civil society.

10. Since the colonial era, governments at all levels in the United States have been concerned both to encourage and to regulate marriage because marriage organizes households and figures largely in property ownership and inheritance. These are all matters of civil society in which governments are highly interested.

11. In particular, since the colonial era, governments at all levels in the United States have seen marriages as economically beneficial to the public. Marriage creates economic obligations between the parties mutually consenting and binds them to support their dependents.

12. By the nineteenth century, it became clear that legislatures and courts in the United States encouraged marriage and enforced the economic obligations of marriage on the spouses, in order to minimize public expense for poor relief (among other public benefits). Today, the United States is more emphatic than virtually any other industrialized nation in its public policy of channeling economic benefits through spousal relationships. Governments have relied on marriage as the principal vehicle for organizing economic sustenance among members of the population, particularly those who cannot labor to support themselves, such as the dependent young and old.

13. While the ability or willingness to produce progeny has never been a condition of freedom to marry, support for any child born or adopted into a family has always been an obligation. The inability to have children (sterility) in a man or woman has never been a ground for annulment or divorce; but if a divorce or separation occurred in a marriage that had produced dependent children, support for those children has been required of both the father and the mother. This requirement placed on a married pair acts as a critical limit on the public's responsibilities for dependent children.

14. As a legal and civil institution with important economic consequences, marriage has thus been intended by governments to serve public order. It has, equally, served as a marker of individual freedom. Although these two goals may sometimes seem to conflict, both are aims of American society, and both are necessary to the American way of life.

15. Legal marriage expresses and enhances individual freedoms by being based on consent and freedom of choice. Mutual consent of the two parties has always been seen as essential to the marriage contract. The individual's ability to give such

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consent is the mark of the free person in possession of basic civil rights. This is a fact compellingly illustrated by the history of slavery in the United States. Slaves were not able to marry legally, most basically because they did not have the freedom to consent. Their masters' power could always intercede and overcome slaves' intentions; thus slaves could not validly consent and contract to carry out the duties of marriage.

16. Building on the association between individual freedom and the consensual basis of marriage, courts during the twentieth century have increasingly articulated a fundamental right to marry—overturning, for example, state laws that prevented parents in arrears on their child support obligations and incarcerated felons from marrying. (See, e.g., *Zablocki v. Redhail*, 434 U.S. 374 (1978), *Turner v. Safley*, 482 U.S. 78 (1987).) The U.S. Supreme Court in *Zablocki* narrowly and firmly restricted statutory classifications that would “attempt to interfere with the individual’s freedom to make a decision as important as marriage.” (434 U.S. at 387 n.12.)

CHANGES IN MARRIAGE

17. Marriage in the United States has not been an immutable institution. Certain principles in marriage—namely consent as its basis, and mutual economic support and sexual fidelity as its requirements—have been long-lasting. But many other features of legal marriage have evolved over time to keep up with changes in society at large. Marriage has been a successful civil institution precisely because it has been flexible, not static. Flexibility and adjustment in some features of marital roles, duties, and obligations were necessary to preserve the value and relevance of marriage during centuries of dynamic change. Of course, this does not mean that changes in marriage were always readily welcomed, or that they were not difficult for some in society to

accept. Indeed, many features of marriage that we take for granted today, such as the ability of both spouses to act as individuals, marriage across the color line, or the possibility of divorce, were very much resisted as they were coming into being; opponents saw these new features as threatening to destroy the institution of marriage itself.

18. To be successful for so many hundreds of years, the institution of marriage has had to be resilient, absorbing change when necessary to reflect and embody societal norms. The examples of change over time in the laws of marriage highlighted below are in the areas of racial regulation and spousal roles.

19. As mentioned earlier, slaves, being deprived of all civil rights, including the legal capacity to consent, could not legally marry. Where slaveholders allowed it, slave couples often wed informally, creating long-lasting unions and family units. However, slaveholders broke up slave unions with impunity. Not being legally valid, slave marriages received no defense from state governments. Forced migration or sale by their owners very commonly prevented African-American slaves from maintaining stable families, and they developed patterns of informal unions, self-divorce, and serial monogamy, which then (in circular fashion) generated stereotypes of African-American infidelity and promiscuity. The very slaveholders who prevented slave marriages then blamed slaves for loose sexual behavior, and thereby justified their own sexual assaults on slave women. Anti-slavery advocates who lambasted the “barbarism” of slavery very often focused on slavery’s grievous desecration of marriage and family life as evidence.

20. After emancipation, former slaves could for the first time turn to the government to uphold their marriages. At the end of the Civil War, the victorious Union

government, through the U.S. Freedmen's Bureau, actively sought to enable former slaves to marry legally and to gain employment by contract. The Freedmen's Bureau sought to avoid having the support of impoverished former slaves fall on the public purse. Its policy reflected general anti-slavery sentiment that legal marriage was the best route to creating stable, productive, economically viable households among the emancipated slaves. Freedpersons, who flocked to get married legally, had their own motivations. They saw marriage as an expression of their newly acquired civil rights. Now being individuals in the eyes of the law, they could consent, and therefore could enter into legal marriage; their marriages deserved protection by the state from disruption by white overlords.

21. Former slaves were still constrained in their choice of a spouse, however. Even after emancipation, most states still had (and several newly passed or reinforced) laws prohibiting marriage between a white person and a person who was defined as a Negro or "mulatto." Despite the principle of freedom of choice in marriage, for hundreds of years in the United States there were legal bars to marriage across the color line. In as many as forty-one states and territories at some time in their history, marriages between white persons and Negroes or "mulattos," and sometimes between white persons and native American, Chinese, Japanese, or Filipino persons, were criminal or void. These laws were justified on several grounds, but were usually said to enact what nature or God dictated and to prevent "corruption" of the institution of marriage.

22. In 1664, Maryland became the first colony to enact race-based restrictions on marriage. The authorities that passed these laws considered it appropriate and

defensible to place restrictions on marriages across the color line. In subsequent years, Maryland reaffirmed and expanded such restrictions.

23. Slowly but unmistakably, however, social and legal views changed; courts and society came to see these marriage restrictions as inconsistent with the fundamental right to marry freely. As free African Americans were able to join American society more fully in the generations after emancipation, these laws were deemed to be inconsistent with principles of equal rights, and damaging to members of non-white groups. Laws restricting marriage choice on the basis of race came to be seen as antithetical to the concept of marriage as founded on consent and choice.

24. California was the first state to find that race-based restrictions on marriages were unconstitutional. In 1948, the California Supreme Court recognized that the right to marry is a “fundamental right” that is ““essential to the orderly pursuit of happiness by free men.”” (*Perez v. Sharp*, 32 Cal.2d 711, 714 (1948).) As a result, the Court struck down race-based restrictions on choice of marriage partner, holding that legislation addressing the right to marry “must be free from oppressive discrimination to comply with the constitutional requirements of due process and equal protection of the laws.” (*Id.* at 715.)

25. The *Perez* case sparked debate in other states, including Maryland, about changing marriage laws to reflect society’s evolving views about racial equality. In 1957, a Maryland court ruled in an unpublished opinion that the state anti-miscegenation laws were unconstitutional. In 1967, on the figurative eve of the U.S. Supreme Court’s ruling in *Loving v. Virginia*, 388 U.S. 1 (1967), the Maryland legislature formally repealed the statutory provisions.

26. In 1967, the principle of freedom of choice of marriage partner triumphed in *Loving*, where the U.S. Supreme Court struck down all marriage bars based on racial attribution as unconstitutional. Today, virtually no one questions the legal right of individuals of different races to marry.

27. *Loving* overturned a legal practice in marriage that had been in place for three centuries, since its origin in the American colonies. Affirming that freedom of choice of one's partner was basic to the civil right to marry, the Court strengthened and validated the institution of marriage within society. Thus, laws constraining the choice of marriage partners by race were changed over time to reflect society's evolving views of racial equality.

28. In the definition of spousal roles, marriage law has changed as noticeably as in racial regulation. Traditionally, marriage law and practice gave very different roles to husband and wife. The husband was seen as the independent partner and economic provider, the wife his dependent, whose service and labor the husband could command.

29. Traditional marriage was based on the legal fiction that married couples were a single entity, with the husband serving as the legal, economic, and political representative of that unit. This doctrine of marital unity was called coverture. The wife had no separate legal existence under the oldest formulations of the coverture doctrine. As a result, a wife could not even commit a crime (her husband would be the responsible party); and husbands and wives could not enter into enforceable agreements between themselves, because they were one person. According to the law of coverture, wives could not own or dispose of property, earn money, or sue or be sued in their own name, but could do these things only through their husbands. This legal regime reflected

society's view of the marital couple as a unit naturally headed by the husband, a view that, in turn, reflected society's views about the proper role of men and women in society.

30. In the United States, the notion that wives had neither legal individuality nor economic maneuverability apart from their husbands began to clash with the realities of the developing society as early as the mid-1800s. While coverture defined the roles of the two spouses as absolutely different with respect to law and domestic economy, in practice the tasks of husband and wife overlapped. Wives needed, and began to demand, rights to their own property and labor. In a dynamic market economy (not a static rural economy like the one in which coverture doctrine had been born), husbands saw advantages to their wives being able to have property in their own names. Judges and legislators saw the advantages in a wife's separate property, to keep ordinary families solvent if the husband's creditors sought his assets; and they saw savings for the public purse in married women being able to earn their own income to support their children if their husbands were profligate.

31. Rather than view marriage as immutable in definition, courts and legislatures altered marriage to take account of spouses' actual relationships with each other and society. In addition to arguments for wives' individuality from an equal rights point of view, functional economic arguments for change were persuasive to many.

32. Coverture had for hundreds of years been understood as basic and essential to marriage, but it was gradually eliminated by all the states. The rule of coverture was gradually rejected in Maryland, beginning with the Married Women's Property Acts of 1842 and 1898.

33. Changes in Maryland and elsewhere along these lines were protracted, and some laws well into the twentieth century still expressed preconceived notions highly differentiating the two spouses' roles. The shift to individuality and presumptive equality for both marriage partners was heralded by the U.S. Supreme Court in 1971 in *Eisenstadt v. Baird*, 405 U.S. 438 (1971). "The marital couple is not an independent entity with a mind and heart of its own, but an association of two individuals each with a separate intellectual and emotional makeup." (*Id. at 453.*) In 1981, the U.S. Supreme Court struck down a provision of Louisiana's community property law that treated a husband as "head and master" of property jointly owned with his wife. (*Kirchberg v. Feenstra*, 450 U.S. 455, 461 (1981).)

34. The evolution of judicial views on gender neutrality and the equality of the spouses can be tracked in Maryland as well. (See, e.g., *Deems v. Western Md. Ry. Co.*, 247 Md. 95, 108 (1967) (establishing parity in right to sue for loss of consortium); *Rand v. Rand*, 280 Md. 508, 516 (1977) (establishing parity in financial support for minor children); *Coleman v. State*, 37 Md. App. 322, 328-29 (1977) (establishing parity in criminalization of desertion); *Giffin v. Crane*, 351 Md. 133, 152 (1988) (noting that the legislature had established parity in presumptions as to child custody); see also *Hatzinicolos v. Protopapas*, 314 Md. 340, 348 n.7 (1988) ("[O]ur abrogation of interspousal immunity in *Boblitz v. Boblitz*, 296 Md. 242 (1983),] . . . recognized that all vestiges of coverture had been abolished in 1972 [upon the adoption of the ERA.]").

35. Maryland's legislature and courts have not acted alone in ending differential treatment of men and women in marriage. Over time, many other states have taken steps to transform marriage from an institution based on gender inequality and

gender-based roles to one in which the gender of the spouses is immaterial to their legal obligations. At the federal level also, laws governing the respective duties and rights of the two spouses in marriage have changed over time toward gender neutrality. For example, in the nineteenth century the relation between marriage and citizenship was entirely different for husbands and wives. Husbands could convey their American citizenship to their wives, while American women marrying foreigners could not do the same. Children of American male citizens born abroad could claim American citizenship, while children of American female citizens could not. Through a series of protests forcing reforms beginning at the time that women were enfranchised, these regulations were changed so that the relation between citizenship and marriage is the same for both spouses.

36. Especially since the Civil Rights Act of 1964 and the “women’s rights revolution” of the 1970s, views of sex discrimination have changed so far as to eliminate most legal rules based on gender, in order to remain consistent with broader societal views about sex equality. For example, the New Deal-era federal benefit programs, the most important being the Social Security Act, incorporated sex discriminations with respect to husbands’ and wives’ entitlements. As a result of legal challenges in the 1970s, however, court decisions eliminated these discriminations so that spousal benefits are gender-neutral. The same change took place in veterans’ benefits.

37. All of these rectifications bearing on the rights and benefits accruing to legally married spouses reflect changing views about fairness between the partners in marriage. Current legal interpretation is gender-neutral in its assignment of marriage

obligations and benefits. This supports the modern view of marriage as an arrangement between two equal and consenting parties.

38. Legal and judicial views of divorce have likewise evolved to reflect societal assumptions about marriage as an expression of individual consent, and marital roles as not pre-assigned by law or stereotype but up to the spouses themselves to define.

39. When divorce was first introduced in many states (just after the American Revolution), it was available only in extremely limited circumstances. The expansion of grounds for divorce was hotly debated all through the nineteenth century. Critics viewed divorce as anathema to the institution of marriage. Major religions opposed divorce entirely, or accepted adultery as the sole justification for divorce. Alarmists believed that provision of divorce would undermine marriage. Judges and legislators in favor of providing legal modes of divorce did not intend, however, to undermine marriage, but to perfect, preserve, and protect it, by indicating what breaches of marital expectations were so unacceptable as to warrant ending a marriage. Proponents wanted to provide a legal vehicle for separations, with enforceable post-divorce arrangements for dependents, rather than countenance informal desertions and marital breakups that occurred in the absence of divorce laws.

40. Like other rules concerning marriage, early divorce laws presupposed different and asymmetrical marital roles for husband and wife. For instance, desertion by either spouse was a ground for divorce; but failure to provide was a breach that only the husband could commit. Grounds for divorce were limited to such wrongs against the marriage as adultery, desertion, conviction of certain crimes, and cruelty. At the time, divorce was an adversary proceeding. That is, one spouse had to accuse the other of

committing a wrong against the marriage. The essence of divorce was that one of the partners had broken the bargain embodied in marriage (for instance, the husband had failed in his obligation to provide for his wife). One spouse showed in court that the other had broken the terms of marriage set by the state. The guilty party's fault was a fault against the state's requirements for the marriage, as well as against the spouse.

41. Maryland has enacted no-fault divorce laws, allowing for divorce, the award of spousal support, and the division of property without regard to marital fault. The move to no-fault divorce reflected society's view that spouses deserved more freedom than in the past to set marital roles for themselves. Rather than the states stipulating only certain grounds for divorce through an adversary procedure, couples now were assumed to be fit to assess their own performance of marital roles.

42. In a no-fault divorce system, courts retained a strong role in the ending of marriages; courts not only have to approve the terms of any divorce for it to be valid, but also oversee post-divorce arrangements. The public requirement for both spouses to provide for dependents remains, when a marriage dissolves.

43. Courts now expect gender-neutrality in marriage partners' roles, in contrast to earlier patterns. For example, current family law is based not on the husband's sole requirement to support the couple (as in the past), but on both partners' responsibility for one another. Alimony is gender-neutral in current divorce law.

44. Similarly, gender neutrality rules child support after divorce. In the nineteenth century, when a marriage broke up, the husband was responsible for the economic support of any dependent children, whereas courts gave the mother preference for custody of the very young children. Current divorce laws, in contrast, assume that

both partners in a marriage have equal rights and responsibilities, without reference to gender or gender stereotypes. Both parents of dependent children are deemed to have responsibilities both for economic support and nurturance. The ALI's Principles of the Law of Family Dissolution recommend that all decisions required by a family's break-up, such as decisions about property, support, responsibility for children, and the enforcement of agreements, be treated in a gender-neutral fashion.

45. Maryland has witnessed reforms bringing marriage into step with contemporary social norms and beliefs about racial and gender equality. It has ended race-based restrictions on marriage choice. It has also ended the exclusive adversary divorce regime, which, in requiring blame, often caused resort to damaging gender-based stereotypes about spousal conduct within marriage.

46. Maryland courts and lawmakers remedied the inequities in earlier marriage laws by reforming those laws. They thus took important steps to change marriage from an institution based on gender-determined roles, and racial inequality, to an institution based on symmetry and equality. Over time, other states have done the same.

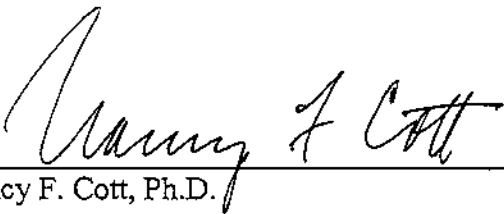
47. Marriage has evolved into a civil institution through which the state formally recognizes and ennobles individuals' choices to enter into long-term, committed, intimate relationships. These relationships are founded on the free choice of the parties and their continuing mutual consent to stay together.

48. Maryland, along with other states, has eliminated gender-based rules and distinctions relating to marriage in order to reflect contemporary views of gender equality and to uphold fundamental fairness to both marriage partners. Maryland marriage law

treats men and women identically—except in the statutory requirement that marriage must be between a man and a woman. Insofar as differentiated roles for husband and wife are no longer either assigned by law or enforced by courts, this gender-based requirement is now out of step with the gender-neutral approach of contemporary marriage law.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

6-2-05
Date



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TEACHING APPOINTMENTS:

Wheaton College: Instructor of History, part-time, 1971.
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Yale University: Assistant Professor of History and American Studies, 1975-79;
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Phi Beta Kappa, 1966; Phi Kappa Phi, 1967.
Rockefeller Foundation Humanities Fellowship, 1978-79.
Liberal Arts Fellowship in Law, Harvard Law School, 1978-79, 1993-94.
Radcliffe Research Scholarship, Spring 1982.
Fellow, Whitney Humanities Center, Yale University, 1983-84, 1987.
John Simon Guggenheim Memorial Foundation Fellowship, 1985.
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National Endowment for the Humanities Fellowship, 1993-94.
Visiting Research Scholar, Schlesinger Library, Radcliffe College, 1991, 1997.
Radcliffe College Alumnae Association Graduate Society Medal, 1997.

Center for Advanced Study in the Behavioral Sciences, Stanford CA 1998-99.
Fulbright Lectureship Grant (Japan-U.S. Educational Commission), July 2001.

PUBLICATIONS: BOOKS

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in American Historical Review, American Prospect, Boston Globe, Business History Review, Intellectual History Newsletter, International Labor and Workingclass History, Journal of American History, Journal of Interdisciplinary History, New Mexico Historical Review, New York Times Book Review, Pacific Studies, Signs: A Journal of Women in Culture and Society, The Times Literary Supplement, Women's History Review, and The Yale Review.

PUBLICATIONS: EDITORIAL PROJECTS

Guest Editor, special issue of Women's Studies Quarterly, XVI:1/2 (Spring/Summer 1988), on "Teaching the New Women's History."

Editor, History of Women in the United States, 20 volumes (article reprint series), K.G. Saur Publishing Co., 1993-94.

General editor, The Young Oxford History of Women in the United States, 11 volumes, Oxford University Press, 1994.

OTHER PROFESSIONAL ACTIVITIES:

GRANT PROJECTS:

Principal investigator, National Endowment for the Humanities Pilot Grant to Women's Studies, Yale University, 1981.

Principal Investigator, National Endowment for the Humanities Implementation Grant, "Strengthening Women's Studies at Yale," 1983-86.

Steering Committee, Ford Foundation Project on Women and Gender in the Curriculum in Newly-Coeducational Institutions, 1985-90.

Dissertation seminar in gender history for graduate students, Mellon Foundation, 2002.

ACADEMIC JOURNALS AND REFERENCE WORKS:

American National Biography, senior editor, 1989-98.

Journal of American History, editorial board, 1996-99.

The Readers' Encyclopedia of American History, advisory board, 1989-91.

Feminist Studies, associate editor, 1977-85, editorial consultant, 1985-97.

Gender and History, advisory board, 1987-92; editorial collective, 1993-6.

Orim: A Jewish Journal at Yale, editorial board, 1984-88.

Reviews in American History, editorial board, 1981-85.

Women's Studies Quarterly, editorial board, 1981-94.

American Quarterly, editorial board, 1977-1980.

Journal of Social History, editorial board, 1978-.

Journal of Women's History, editorial board, 1987--98.

Notable American Women, volume 5, advisory board, 1999-04.

Yale Journal of Law and the Humanities, advisory board, 1988--.

The Yale Review, editorial board, 1980-88, 1991--99.

PROFESSIONAL ORGANIZATIONS, OFFICES:

American Studies Association: Nominating Committee, 1981-84; National Council, 1987-90; American Quarterly Review Committee, 1989.

Berkshire Conference of Women Historians: Co-Chair, Eighth Berkshire Conference on the History of Women (1990).

Organization of American Historians: Binkley-Stephenson Prize Committee, 1987-1990 (chair, 1988); elected member of Nominating Committee, 1993-95 (Chair, 1994-5); elected member of Executive Board, 1997-2000; OAH Lecturer, 1997-

Elected member: American Antiquarian Society, Massachusetts Historical Society, Society of American Historians.

ADVISORY BOARDS

The Museum of Women/The Leadership Center, New York State, (chair of historians' advisory board) 2000--.

Princeton University Program in Women's Studies, 1985-2001.

Project on Gender in Context, Mt. Holyoke College, 1982-83.

The Correspondence of Lydia Maria Child, 1977-80.

Schlesinger Library on the History of Women, Radcliffe College, 1977-80.

AUDIOVISUAL MEDIA PROJECTS

Stanton Project on Films on Women in American History, Advisory Board, 1974-77.

Dan Klugherz (Film) Productions, N.Y., Consultant, 1981-82.

Connecticut Public Radio series, "Choices"/Everyday History, Radio Programs for Children 8 to 12," Consultant, 1982-83.

"Legacies: Family History in Sound," radio course on the history of women and the family in the U.S., Advisory Board, 1984-86.

Consultant, "Lowell Fever," film by Made in U.S.A., Inc. 1985-87.

Consultant, "Mary Silliman's War," film by Steven Schechter, 1987.

"The American Experience," Advisory Board, WBGH-TV, Boston, MA, 1986--90.

"One Woman, One Vote: The Struggle for Woman Suffrage in the U. S.," Advisory Board, Educational Film Center, 1991-95.

Margaret Sanger film project (by Bruce Alfred), Consultant, 1994--96,

Institute on the Arts and Civic Dialogue, Affiliated Scholar, American Repertory Theatre and W.E.B. DuBois Institute, summer 1999.

WGBH documentary proposal on the History of Marriage in America, Principal consultant, 2002.

PRIZE AND FELLOWSHIP SELECTION COMMITTEES:

Hamilton Prize, Women and Culture Series, U. Michigan Press, 1981.

Bunting Institute Fellowship Program, Radcliffe College, 1982, 1996.

Radcliffe Research Scholars Program, 1982.

Bancroft Prize (Columbia University), 1985.

American Council of Learned Societies, Fellowships for Recent Recipients of the Ph.D., 1987, 1988, 1990.

Governors' Prize, Yale University Press, 1990.

American Antiquarian Society Fellowships, 1991, 1992, 1994.

Mark Lynton History Book Prize, 2002.

CONSULTANT/EVALUATOR (selected list) :

Rockefeller Foundation Humanities Fellowships, 1980.

Working Women's History Project, 9 to 5, Organization for Women Office Workers, 1981.

Radcliffe Research Scholars, 1983.

Rockefeller Foundation Gender Roles Fellowships Program, 1985.
 Connecticut Humanities Council, 1986.
 "Foundations of American Citizenship," curriculum project, Council of Chief State School Officers, 1987.
 National Humanities Center Fellowships, 1988, 1989, 1991, 1992, 1994.
 State of Colorado Commission on Higher Education, 1990.
 Woodrow Wilson Center Fellowships, 1991, 1992, 1994.
 History Department, University of Oregon, 1999.
 National Endowment for the Humanities, fellowships for university teachers, 1998; media projects, 2001.
 Univ. of California at Santa Barbara, Women's Studies Program, Feb. 2002.

ACADEMIC LECTURES, PAPERS, COMMENTS DELIVERED (selected list)

Chair and comment, "Women in the Professions," First Berkshire Conference on the History of Women, March 1973, New Brunswick, N.J.
 Young Women's Conversion in the Second Great Awakening," Second Berkshire Conference on the History of Women, November 1974, Cambridge, MA.
 "Adultery, Divorce, and the Status of Women in Revolutionary Massachusetts," Conference on Women in the Era of the American Revolution, July, 1975, Washington, D.C.; Princeton U. Colloquium Series, November 1975; Boston State College Lecture Series on the American Revolution, November 1976.
 Chair and comment, "Comparative Perspectives on Sexual and Marital Deviance and the Law," Third Berkshire Conference on the History of Women, June 1978, Bryn Mawr, PA.
 "Women and Religion in Early 19th-Century New England," History Department Colloquium Series, U. of Conn., February 1977; Old Sturbridge Village, March 1977.
 "Passionlessness: An Interpretation of Anglo-American Sexual Ideology, 1790- 1840," History Dept. Colloquium, U. of Mass., April 1977; Rutgers U., March 1978; Marjorie Harris Weiss Lectureship, Brown U., March 1978.
 Comment, "Sexuality and Ideology in 19th-century America," Southern Hist. Assoc. Conference, November 1977, New Orleans, LA.
 "New England Women's Work in the Early National Period," Historic Deerfield, MA, February 1978.
 "Ministers and Women in the Late 18th and Early 19th Century," Princeton Theological Seminary, March 1978.
 "Roundtable on Mary Ritter Beard," Fourth Berkshire Conference on the History of Women, August 1978, South Hadley, MA.
 "Women and Feminism in the 20th Century," Bunting Institute, Radcliffe College, October 1978.
 "Women's History: Retrospect and Prospect," Harvard Divinity School History Colloquium, March 1980; U. of South Florida Women's Week, March 1980; American Assoc. for State and Local History, NE Regional Seminar, November 1980, New Haven, CT.
 Comment, "Consciousness and Society in New England, 1740-1840," Annual Meeting of the Organization of American Historians, April 1980, San Francisco, CA.
 "The Problem of Feminism in the 1920s," Isabel McCaffrey Lecture, May 1981, Harvard U.; American Civilization Dept., Brown U., November 1981; History and Women's Studies Series,

- U. of Michigan, March 1982; Center for European Studies, Harvard U., April 1982.
- "Feminism and Women's History," Harvard U., Women's History Week, March 1982.
- "The Crisis in Feminism, 1910-1920," Radcliffe Research Scholars Series, Radcliffe College, May 1982; Women's Studies Series, Wesleyan U., October 1982.
- "Women's Education Before 1837," panel, Conference on Women and Education: The Last 150 Years, Mt. Holyoke College, April 1982.
- "The Hundred Fragments: Feminism, the Woman Suffrage Coalition, and American Society," Whitney Humanities Center, Yale U., January 1983; History Colloquium Series, Princeton U., March 1984.
- "Reappraising the History of Feminism in the 1920s," American Studies Series, Boston College, February 1983; History Dept. Series, U. of Virginia, February 1983; Hamilton College, April 1983; Trinity College, April 1983.
- "Women's History and Feminism," Phi Beta Kappa Lecture, Sweet Briar College, February 1983; Sarah Lawrence College, March 1983.
- "Challenging Myths of Victorian Womanhood," American Psychiatric Association Convention, New York City, May 1983.
- "Definitions of Feminism in the Early Twentieth-Century United States," Whitney Humanities Center, Yale U., September 1983.
- Comment, "Nineteenth-Century Gender Conventions," Smith-Smithsonian Conference on Conventions of Gender, February 1984.
- "Feminism in Transition, 1910-1930," Sixth Berkshire Conference on the History of Women, June 1984, Northampton, MA.
- "Feminism and Women in Professional Occupations in the 1920s," American Studies lecture, Amherst College, February 1984.
- "Has Modern Woman Disrupted the Home? 1920s Answers," Wesleyan Center for the Humanities, October 1984.
- "Problems of Feminism in the 1920s: the Political Environment," Women's History Series, New York U., February 1985; American Studies Lecture, Smith College, March 1985; Harvard Law School Faculty Colloquium, May 1985.
- "Feminist Theory and Feminist Movements: The Past Before Us," Women's History Week, Harvard U., March 1985.
- "History of Feminism," Institute for Policy Studies, Washington, D.C., May 1985.
- "Feminism in the 1920s," Boston Area Feminist Colloquium, Northeastern U., January 1986.
- Chair, "Women in the 1950s: An Interdisciplinary Exploration," Annual Meeting of the Organization of American Historians, N.Y., April 1986.
- "The Power of Communalism: Reflections through Women's History," Historic Communal Societies Conference, October 1986.
- "Feminism and Women's Political Participation in the Early 20th Century," Conference on Women and Citizenship, Women Historians of the Midwest, St. Paul, MN, March 1987.
- "The Birth of Feminism," Women's Studies Program, Cornell U., March 1987.
- "How Weird Was Beard? Mary Ritter Beard and American Feminism," Seventh Berkshire Conference on the History of Women, June 1987, Wellesley MA.
- "Women's Rights: Unspeakable Issues in the Constitution," Association of Yale Alumni

- Faculty Seminar, September 1987, New Haven, CT; Brandeis U., March 1988; Second Annual Lowell Conference on Women's History, Lowell, MA, March 1988; Conference on the Constitution as Historical and Living Document, Dutchess County Community College, April 1988; Richardson American Studies Lecture, Georgetown U., April 1988.
- Chair, "Women in American Constitutional History at the Bicentennial," Annual Meeting of the American Hist. Assoc., Washington, D.C., December 1987.
- Panelist, "Beyond Roles, Beyond Spheres: Thinking about Gender in the Early Republic," U. of Pennsylvania, December 1987.
- Afterword, conference on "Masculinity in Victorian America," Barnard College, Columbia U., January 1988.
- Panelist, "Individualism," N. Y. U. Humanities Center, March 1988.
- "Reconsidering Individualism and 'Nature Herself' in the Era of Laissez-Faire Constitutionalism," Harvard U., April 1988.
- Panelist, "Feminist Theory," 10th Anniversary Celebration of the Women's Studies Program at Brandeis U., November 1988.
- "What's in a Name?: The Limits of Social Feminism," Boston U., January 1989; Brandeis U., September 1989.
- Chair, "Power in the Early Twentieth Century," Annual Meeting of the Organization of American Historians, St. Louis, April 1989.
- "Mary Ritter Beard and Women's History," N.Y. Public Library, Sept. 1989.
- "The Political Isn't Personal: Mary Ritter Beard's View of Women's History," Center for American Culture Studies, Columbia U., October 1990.
- Comment, "Contextualizing Feminism," annual meeting of the American Historical Association, New York City, December 1990.
- "Slavery, Race, and the History of Women's Rights in the U.S.," Trenton State College, NJ, March 1991.
- Comment, "Women and American Political Identity," conference on Political Identity in American Thought, Yale Univ., April 1991.
- "Feminism in the U.S. in the Early 20th Century in Comparative Perspective," German Association for American Studies annual conference, Muenster, Germany, May 1991.
- "Educating Women in the U.S.," Founders Day lecture, Mary Baldwin College, Staunton, VA, October 1991.
- "Women's History in Contemporary Perspective," Harvard University Women's History Week, March 1992.
- "'Enlightenment Respecting Half the Human Race': Mary Ritter Beard and Women's History," Sophia Smith Collection Semi-Centennial, September 1992.
- "Against Equality: Mary Ritter Beard and Feminism," Conference on the 200th Anniversary of Wollstonecraft's Vindication of the Rights of Women, Sussex, England, Dec. 1992.
- "Marriage as/and Public Policy in the Late Nineteenth-Century U.S.," annual meeting of the Organization of American Historians, Anaheim, CA, April 1993; Northwestern University History Department, April 1993.
- "Reviewing the Private and the Public through Women's History," Conference for 20 Years of the Edith Kreeger Wolf Distinguished Visiting Professorship, Northwestern Univ., April 1993.
- "Early 20th-century Feminism in Germany and the U.S. Compared," Suffrage Centenary

- Conference, Wellington, New Zealand, August 1993.
- "Early Education of Women," symposium on Uncovering Women's History in Museums and Archives, Litchfield (CT) Historical Society, October 1993.
- "Marriage, Gender, and Public Order," Symposium of the Association for Women's History, Amsterdam, Holland, November 1993.
- "Justice for All? Marriage, Race, and Deprivation of Citizenship in the Early 20th-Century U.S.," Keck Lecture, Amherst College, February 1994.; Harvard University, February 1994.
- Chair and comment, "Debating Democracy in the 19th Century," annual meeting of the Organization of American Historians, Atlanta, GA, April 1994.
- "The Marriage Knot: Gender, Race and Citizenship Policy in the U.S., 1855-1934," UCLA Center for the Study of Women, October 1994.
- "Forming the Body Politic: Gender, Race, and Citizenship Traditions in the U.S.," John Dewey Lecture in the Philosophy of Law, Harvard Law School, October 1994; Jane Ruby Humanities Fund Lecture, Wheaton College, March 1995.
- "Effects of the 19th Amendment," Delaware Heritage Commission Conference on the 75th Anniversary of the 19th Amendment, Delaware State Univ., November, 1995.
- "The Gender of Citizenship and the 19th Amendment," keynote address, University of Texas 8th Biennial Graduate Student Historical Symposium, Austin, Oct.1995; Women's History Week lecture, Fitchburg State College, Fitchburg Mass., Mar. 1996.
- Chair, "International Feminism, 1840-1945," American Historical Association annual convention, January 1996, Atlanta, Ga.
- Discussant, "One Woman, One Vote: Painting a 70-year Battle on a 2-hour TV Canvas," Berkshire Conference on the History of Women, June 1996, U.N.C.
- "Marriage and Women's Citizenship: A Historical Excursion," N.Y.U. Law School, March 1997.
- "Against Equality: Mary Ritter Beard and Feminism," DePauw University, March 1997.
- "Writing American Women's History: Retrospect on Nineteenth Century Domesticity," Clarion University, Clarion, Pa., April 1997.
- Comment, "Association-Building in America," Organization of American Historians annual convention, San Francisco, April 1997.
- "Marriage and Public Policy: The Politicization of Marriage in the 1850s," SchlesingerLibrary, Radcliffe College, May 1997.
- Introduction, Conference on Sexual Harassment Law, Yale Law School, February 1998.
- "Race, Blood, and Citizenship: A Gendered Perspective on U.S. Immigration Restriction, 1895-1917," International Federation for Research in Women's History conference, Melbourne, Australia, June 1998.
- "Thinking about Citizenship and Nationality through Women's History," keynote address, Australian Historical Association, Sydney, Australia, July 1998.
- "Marriage and Citizenship," Legal Theory Workshop, Yale Law School, October 1998.
- Comment, "Public Policy and Marriage," American Society for Legal History, Seattle, WA, October, 1998.
- Panel discussant, women and citizenship, Univ. of California, Berkeley, October 1998.
- "An Approach to Citizenship through Gender History," Univ. of Colorado at Colorado Springs, February 1999.
- "Marriage Fraud in the Making of Immigration Restriction in the U.S." Center for Cultural

- Studies, Univ. of California, Santa Cruz, May 1999.
- Comment, "Making and Breaking Marriages: Reconsidering American Families through the Law, Berkshire Conference on the History of Women, June 1999.
- "Women's Rights Talk," conference on "Rights-- Civil, Human, and Natural," University of Southern Denmark, Odense, Denmark, October 1999.
- "The Modern Architecture of Marriage," Gender and Policy Workshop, Department of Economic History, Stockholm University, Stockholm, Sweden, October 1999.
- "An Archaeology of American Monogamy," History Department, Northwestern Univ., October 1999.
- "Public Vows: Marriage as a Public Institution," History Department, Stanford University, January 2000.
- "Grooming Citizens: Marriage and the Civic Order in the United States," In the Company of Scholars Lecture Series, Yale University Graduate School, April 2000.
- "Reflections on Women and/in Authority," Women, Justice, and Authority: A Working Conference, Yale Law School, April 28, 2000.
- "Marriage Revised and Revived," AYA faculty lecture, Yale Univ. Reunion, May, 2000.
- Comment, session on "The Idea of Marriage: The British Atlantic Context," International Seminar on the History of the Atlantic World, 1500-1800, Harvard Univ., August 2000.
- "Public Vows: On Marriage and the Nation in the Early Twentieth-Century U.S.," Center for Historical Study, U. Maryland, College Park, October 2000.
- "Marriage and the Nation: Historical Perspectives," Northeastern University Feminist Studies Colloquium, March 2001.
- "Democracy and the Family," Yale Tercentennial Series "Democratic Vistas," April 2001.
- "Public Sanctity for a Private Realm: The Family, the Rhetoric of Democracy, and Constitutional Values in the U.S.," Bacon Lecture on the Constitution, Boston Univ., May 2001.
- "Grooming Citizens: Marriage in the Political History of the United States," Kyoto American Studies Seminar, Kyoto, Japan, July 2001.
- "Women as Workers, Citizens, and Activists in the Mid-Twentieth-Century U. S." four-seminar series, Ritsumeikan University, Kyoto, Japan, July 2001.
- "The Family, Citizenship, and Democracy in the United States", University of Tokyo, Japan, July 2001.
- "Marriage and the Nation," Harvard Law School Legal History Forum, October 2001.
- "The Efficacy of Women's History," Bridgewater State University, March 2002.
- "New Directions in Women's History after 9/11," Brandeis University, March 2002.
- Comment, panel on "Race and Family in Wartime America: Illegitimacy, Immigration, and the Church," Organization of Amer. Hist. annual convention, Washington D.C. April 2002.
- "Gendering Colonial America, Making Women's History Colonial: A Roundtable," Berkshire Conference on Women's History, Storrs, CT, June 2002.
- Comment, "Revisiting Domesticity: Symbolic Economies of Sex and Gender," American Historical Assoc. annual convention, Washington, D.C., January 2003.
- "What's Love Got to Do with It? Marriage as a Public Institution in the United States," Fairleigh Dickinson University, March, 2003.
- Closing Remarks, Library of Congress symposium, "Resourceful Women," June 19-20, 2003.
- "Women, Men, and Modern Marriage," Ecole des Hautes Etudes en Sciences Sociales,

November 2003.

- Colloquium on George Chauncey's Gay New York, Dec. 2003, Ecole Normale Superieur, Paris.
- "Collecting Women's History at the Schlesinger Library," Society of American Archivists annual meeting, August 2004.
- "Gender History and Generations," Women's History Month address, Rutgers-Camden Law School, Camden NJ, March 2005.
- Moderator, "What Sort of a Right is Marriage?" Harvard University Human Rights Program, March 2005.
- Panelist, "The Political Spectrum of Same-Sex Marriage," conference on Breaking with Tradition: New Frontiers for Same-Sex Marriage, Yale Law School, March 2005.
- "Boundaries and Blinders in History: Revisiting the 1920s Generation," keynote address, Western Association of Women Historians annual meeting, Phoenix, AZ, April 2005.

PUBLIC SERVICE LECTURES

- "Women's Rights: Unspeakable Issues in the Constitution," Judicial Seminar, N.Y. State Judiciary Continuing Education, July 1988.
- "The South and the Nation in the History of Women's Rights," Conference of Southern Humanities Foundations, Washington, D.C., May 1988.
- "New Immigrants, New Women," Rebecca Plank Memorial Lecture, Milton Academy, March 1995.
- "The Beginnings of Women's Education in the U.S.," Witmer Lecture, Social Studies Dept., Hunter College High School, March 1995.
- "Winning the Women's Ballot: Citizenship, World War, and the Woman Suffrage Campaign," U.S. Air Force Academy, Colorado Springs, August 1995.
- Historians and Filmmakers: A Dialogue, Chataqua .N.Y., August 1997.
- "Women as Citizens in the 20th Century," A Millennium Evening at the White House, Washington, D.C., March 1999.
- "The History of Marriage," testimony and discussion before the Judiciary Committee, Vermont House of Representatives, January 2000.
- "Women of Conscience in Politics," Maine Town Meeting, 50th anniversary of Sen. Margaret Chase Smith's Declaration of Conscience, June 1, 2000, Skowhegan, Maine.
- "Education in Abigail Adams' Time," Women and the American Revolution Lecture Series, Adams National Historical Site, Quincy, MA, June 2000.
- "Woman Suffrage: Why Did It Take So Long?" and "The Gender Structure of Citizenship," NEH Summer Institute for High School and Middle School Teachers on Women's Rights and Citizenship in American Thought," Ohio State Univ., July 2000.
- "The Value of Women's Work: Historical, Public and Private Views," Bostonian Society, May 01.
- "Women as Workers and Citizens in the Twentieth Century," Institute for Emerging Civil Rights Leaders, Harvard Graduate School of Education, June 11, 2001.
- "Looking at the World after 9/11 through a Women's History Lens," Radcliffe Seminars Final Conference, April 2002.
- "Marriage as a Public Institution in the United States," Harvard Neighbors, February 2003; Harvard Librarians' group, February 2003.
- "Marriage and the Law," invited discussion with Senior Matrimonial Lawyers, educational

retreat, Troutbeck Conference Center, Amenia NY, October 2003.

"What the State Has to Do with It: Changing Marriage," Democrats Abroad, Paris, Dec. 2003.

"What is Gender History?" annual luncheon for the College Board, Org. of American Historians, Annual meeting, San Jose, CA, April 2005.

"Women's Education in the 18th Century," Adams Historic Site, Quincy, MA, April, 2005.

"Preserving Women's History at Radcliffe and Harvard," Committee on the Concerns of Women at Harvard, June 2005.

EXHIBIT

14

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

GITANJALI DEANE & LISA POLYAK; *
ALVIN WILLIAMS & NIGEL SIMON; *
TAKIA FOSKEY & JOANNE RABB; *
JODI KELBER-KAYE & STACEY KARGMAN-KAYE; *
DONNA MYERS & MARIA BARQUERO; *
JOHN LESTITIAN; *
CHARLES BLACKBURN & GLEN DEHN; *
STEVEN PALMER & RYAN KILLOUGH; *
PATRICK WOJAHN & DAVID KOLESAR; and *
MIKKOLE MOZELLE & PHELICIA KEBREAU, *

Plaintiffs, *

v. *

Case No. 24-C-04-005390

FRANK CONAWAY, in his official capacity as *
Baltimore City Circuit Court Clerk; *
ROSALYN PUGH, in her official capacity as *
Prince George's County Circuit Court Clerk; *
EVELYN ARNOLD, in her official capacity as *
St. Mary's County Circuit Court Clerk; *
DENNIS WEAVER, in his official capacity as *
Washington County Circuit Court Clerk; and *
MICHAEL BAKER, in his official capacity as *
Dorchester County Circuit Court Clerk, *

Defendants. *

* * * * *

DECLARATION OF M.V. LEE BADGETT, Ph.D.

I, M.V. LEE BADGETT, Ph.D., am over the age of 18 and competent to be a witness to the matters stated herein, and state as follows:

1. I make this declaration of my own personal knowledge and in support of Plaintiffs' Motion for Summary Judgment in this action.
2. I am employed by the University of Massachusetts-Amherst as an Associate Professor in the Department of Economics.

3. I am an Associate Professor in the Department of Economics, University of Massachusetts-Amherst, where I have taught since 1997. I am also the Research Director of the Institute for Gay and Lesbian Strategic Studies, a think tank that focuses on empirical policy analysis related to the lesbian, gay, bisexual, and transgender populations. I am also on the Faculty of the Center for Public Policy and Administration, University of Massachusetts. From 1990 to 1997, I was Assistant Professor at the School of Public Affairs, University of Maryland, College Park. I have conducted research at the Amsterdam School for Social Science Research, University of Amsterdam, and conducted research and taught at the Women's Studies and Lesbian and Gay Studies programs of Yale University. I received my A.B. in Economics from the University of Chicago in 1982, and my Ph.D. in Economics from the University of California, Berkeley in 1990.

4. The primary focus of my research and teaching is in the field of Economics, including Microeconomics and Labor Economics; and Sexuality and Public Policy, including sexual orientation discrimination, family structures and family policy, same-sex partner recognition in the U.S. and Europe, domestic partner health care and pension benefits, and the health insurance status of lesbians and gay men.

5. I have authored numerous published articles and book chapters and one book on the topic of economics and sexual orientation, including, among others: *Money, Myths, and Change: The Economic Lives of Lesbians and Gay Men* (2001); *Wedding Bell Blues: The Income Tax Consequences of Legalizing Same-Sex Marriage*, co-authored with James Alm and Leslie A. Whittington, *National Tax Journal*, Vol. LIII, No. 2, June 2000, pp. 201-14; *Introduction: Towards Lesbian, Gay, and Bisexual*

Perspectives in Economics: Why and How They May Make a Difference, Prue Hyman and M.V. Lee Badgett, introduction to special section of *Feminist Economics*, co-edited by Badgett and Hyman, Vol. 4, No. 2, Summer 1998, pp. 49-54; *The Economic Well-Being of Lesbian and Gay Adults' Families*, in *Lesbian, Gay and Bisexual Identities in the Families: Psychological Perspectives*, ed. by Charlotte J. Patterson and Anthony R. D'Augelli, Oxford University Press, 1997; *Beyond Biased Samples: Challenging the Myths on the Economic Status of Lesbians and Gay Men*, in *Homo Economics: Capitalism, Community, and Lesbian and Gay Life*, ed. by Amy Gluckman and Betsy Reed, Routledge Press, 1997; *Occupational Strategies of Lesbians and Gay Men*, M.V. Lee Badgett and Mary C. King, in *Homo Economics: Capitalism, Community, and Lesbian and Guy Life*, ed. by Amy Gluckman and Betsy Reed, Routledge Press, 1997; *Employment and Sexual Orientation: Disclosure and Discrimination in the Workplace*, *Journal of Gay and Lesbian Social Services*, Vol. 4, No. 4, 1996, pp. 29-52, simultaneously published as *Sexual Identity on the Job: Issues and Services*, Alan L. Lillis and Ellen D.B. Riggle, eds., Harrington Park Press, 1996; *The Wage Effects of Sexual Orientation Discrimination*, *Industrial and Labor Relations Review*, Vol. 48, No. 4, July 1995, pp. 726-39. reprinted in *Women Transforming Politics: An Alternative Reader*, ed. by Cathy J. Cohen, Kathleen B. Jones and Joan C. Tronto, New York University Press, 1997; and *The Economics of Sexual Orientation: Establishing a Research Agenda*, M.V. Lee Badgett and Rhonda M. Williams, *Feminist Studies*, Vol. 18, No. 3, 1992.

6. I have also authored and co-authored a number of reports on the topic of economics and sexual orientation and the demographics of the lesbian and gay

community, including *Same-sex Couples and Their Children in Massachusetts: A View from Census 2002*, co-authored with Michael Ash, Nancy Folbre, Lisa Saunders and Randy Albelda, *Angles*, Institute for Gay and Lesbian Strategic Studies, Amherst, MA, February 2004; *Supporting Families, Saving Funds: A Fiscal Analysis of New Jersey's Domestic Partnership Act*, M.V. Lee Badgett and R. Bradley Sears, Institute for Gay and Lesbian Strategic Studies and Williams Project of UCLA Law School, December 2003; *Equal Rights, Fiscal Responsibilities: The Impact of AB205 on California's Budget*, M.V. Lee Badgett and R. Bradley Sears, Institute for Gay and Lesbian Strategic Studies and Williams Project of UCLA Law School, May 2003; *Left Out of the Count: Missing Same-sex Couples in Census 2000*, M.V. Lee Badgett and Marc A. Rogers, Institute for Gay and Lesbian Strategic Studies, Amherst, MA, 2003; *Calculating Costs with Credibility: Health Care Benefits for Domestic Partners*, *Angles*, Vol. 5, Issue 1, 2000; *The Fiscal Impact on the State of Vermont of Allowing Same-Sex Couples to Marry*, IGLSS Technical Report 98-1, Oct. 1998; *Vulnerability in the Workplace: Evidence of Anti-Gay Discrimination*, *Angles: The Policy Journal of the Institute for Gay and Lesbian Strategic Studies*, Vol. 2, No. 1, September 1997; *For Richer, For Poorer: The Cost of Nonrecognition of Same Gender Marriages*, M.V. Lee Badgett and Josh A. Goldfoot, *Angles: The Policy Journal of the Institute for Gay and Lesbian Strategic Studies*, Vol. 1, No. 2, May 1996; and *Pervasive Patterns of Discrimination Against Lesbians and Gay Men: Evidence from Surveys Across the United States*, Lee Badgett, Colleen Donnelly and Jennifer Kibbe, National Gay and Lesbian Task Force Policy Institute, 1992.

7. A true and correct copy of my curriculum vita is attached hereto as Exhibit A.

**DEMOGRAPHICS OF SAME-SEX COUPLES AND THEIR
FAMILIES**

8. For purposes of this declaration, I use the term “same-sex couple” to mean two people of the same sex who live together and indicated on the 2000 Census or a similarly reliable survey that they are unmarried partners. Unless otherwise noted in the declaration, I calculated the statistics from Census 2000 from the 5% Public Use Micro Sample that the Census Bureau draws from the long-form census data.

9. Surveys of same-sex couples taken after Census 2000 indicate that at least 16-19% of same-sex couples did not identify themselves as such on Census 2000. Many same-sex couples might have been afraid to identify their sexual orientation to the federal government on the U.S. Census. In addition, the ability to identify one’s self as a member of a same-sex couple is relatively new and many same-sex couples may not understand how to identify themselves as such on the Census.

10. The Census Bureau reports that there are over 11,000 (11,243) same-sex couples living in Maryland. Thus, same-sex couples comprise at least 1% of all couples living in Maryland.

11. Same-sex couples in Maryland are in many respects similar to married couples in Maryland, including their geographic location, their racial and ethnic characteristics, and their economic characteristics. There are same-sex couples in every county in Maryland, just as married couples are spread throughout the state. According

to the Census Bureau website, as a percentage of all couples in a county, same-sex couples range from 0.3% in Garrett County to 2.4% in Baltimore City. In terms of the absolute numbers of couples, same-sex couples range from twenty-one couples in Garrett County to 2,070 couples in Montgomery County and 2,118 in Baltimore City.

12. Like individuals in married couples, individuals in same-sex couples in Maryland are of every race. Individuals in married couples and same-sex couples are also similar in age, with average and median ages in the 40s, although people in same-sex couples are slightly younger (the average age of individuals in same-sex couples in Maryland is 42 and the average age of individuals in married couples is 48).

13. Members of same-sex couples actively contribute to the Maryland economy. In fact, people in same-sex couples are more likely than people in married couples to be employed in the paid labor market. Specifically, 75% of individuals in same-sex couples are employed, compared with 69% of members of married couples.

14. In spite of the military's historic policy of excluding gay men and lesbians from service, and its current policy of excluding openly gay men and lesbians, individuals in married couples and same-sex couples are surprisingly similar in terms of veteran status: 20% of individuals in married couples in Maryland are veterans, while 14% of individuals in same-sex couples are veterans.

15. Many same-sex couples in Maryland are raising children. In Maryland in 2000, 27.8% of all same-sex households reported that they were raising one or more children who were the householder's "own" children (Simmons & O'Connell, 2003); the number of these children totaled 6,890. (The "householder" was the person who owned or leased the home in question, or who filled out the Census form on behalf of those in

the home. The householder's "own" children included his or her biological children, adopted children, and step-children). In addition, another 1,238 children under 18 years old are living in the households headed by same-sex couples. Taking into account these numbers, I have concluded that 35% of same-sex couples households in Maryland include children under the age of 18, and that at least 8,128 of Maryland's children are living in households headed by same-sex couples.

16. The Census data shows that same-sex couples with children need the same sort of protections that married couples with children have. However, comparisons of households with same-sex couples raising their own children and married couples raising their own children show that same-sex parents have fewer economic resources to provide for their children, partly as a result of the financial disadvantages of not being married.

17. For example, same-sex couples with children own homes at lower rates than married couples with children. While 81%% of married couples with children in Maryland own their own homes, only 62% of same-sex parents own their own homes. Moreover, homes of same-sex couples with children are less valuable than married couples' homes. Finally, the average household income of same-sex couples with children is almost \$12,000 lower than married couples with children.

ECONOMIC IMPACT OF DENYING MARRIAGE TO SAME-SEX COUPLES

18. In general, denying same-sex couples the right to marry in Maryland places direct expenses on families headed by same-sex couples and also deprives them of financial benefits. The main economic harms that the State imposes on same-sex couples

by denying them the right to marry are 1) the loss of valuable employment-related benefits, such as health insurance coverage; 2) an increased state and federal tax burden; 3) the cost of paying for documents and other legal fees to contract for some of the rights and obligations that would be automatically conferred by marriage; 4) decreased access to Social Security benefits; 5) an increased financial risk in the event one partner falls ill or dies; and 6) an increase in legal and other costs for couples that include a non-citizen.

19. By denying same-sex couples the right to marry, the State precludes them from accessing over 1,000 federal rights and benefits. Many of these rights and benefits have negative economic consequences for same-sex couples. While the federal Defense of Marriage Act (DOMA) (28 U.S.C. § 1738C) may mean that these economic burdens are imposed on same-sex couples even if Maryland allows same-sex couples to marry, it is also true that, until Maryland allows same-sex couples to marry, there is no way for them to access any of the federal rights and benefits which are contingent upon marriage.

20. Employment Benefits: Many employers provide compensation in the form of benefits, particularly health insurance coverage. In 2004, 63% of the nation's businesses offered health insurance to its employees. Many employers provide such coverage to the spouse and children of employees, as well.

21. However, as of 2004, only 14% of employers in the United States offered health insurance to the same-sex partners of employees. Therefore, large numbers of members of same-sex couples, and in some cases their children, are ineligible for coverage through their partner's employer because they are not allowed to marry under Maryland law and qualify as spouses for the purposes of employer-provided health insurance. Not surprisingly, two recent studies (using the National Health Interview

Study and the Current Population Survey) show that people in same-sex couples in the United States are, in fact, much more likely to be uninsured than are married people. Same-sex couples in Maryland are likely to have very similar patterns as the country as a whole. The higher rates of being uninsured for same-sex couples remain after controlling for age, education, income, children and full-time employment status.

22. More specifically, according to the Current Population Survey, while 70.5% of spouses of employees with employer-provided coverage have coverage as a dependent, only 5.8% of people with same-sex partners who have employer coverage have coverage as a dependent. Furthermore, 14.5% of people whose same-sex partner has employer coverage are uninsured, while only 4.0% of married people are uninsured when their spouse has employer-provided coverage.

23. In 2004, the average additional cost to U.S. employers of providing family benefits instead of single coverage was \$6,252. However, for many families headed by same-sex couples, the actual cost of not having health insurance is much greater than the \$6,252 it would cost employers to provide for such coverage. Individual health insurance plans are typically harder to qualify for and are generally much more expensive than the costs of adding a spouse to an employer-provided health insurance plan, and they provide for less coverage with greater co-payments. Since many families are unable to pay for individual plans, if the uninsured partner has a serious health problem, the economic consequences for the family, and potentially the State, could be in the tens of thousands of dollars.

24. State and Federal Taxes: Some couples might pay more in federal taxes since they cannot marry. Using the Census 2000 data on same-sex couples in Maryland

and 2004 federal income tax forms and schedules provided by the IRS, I calculated the federal taxes for a typical same-sex couple twice, once as two separate single filers and once as a married couple filing jointly. For this calculation, I used the average incomes for householders and their same-sex partners and assumed that they used the standard deduction. I estimate that a same-sex couple with the average income for same-sex couples in Maryland would pay \$143 less in taxes if they could file as married. Some couples would save more if married, while others might pay more.

25. Same-sex couples who get health insurance benefits from an employer face an additional tax disadvantage of not being able to marry. The state and federal governments tax the employer contribution to a domestic partner's benefits as if it were cash income to the employee whose partner is covered. In 2004, the average income for a person in a same-sex couple in Maryland was \$45,091 (projecting 1999 earnings from the Census into 2004 dollars). Subtracting off the standard deduction and one exemption places this average person in the 25% federal tax bracket along with the 4.75% that he or she would pay in state taxes. In addition to income tax, employees and employers each pay FICA taxes of 7.65% of the value of benefits. As noted earlier, the average employer contribution to family health insurance benefits is \$6,252, so an employee with the median income in this situation would pay \$2,041 in additional federal payroll and income taxes and another \$297 in additional state income taxes. Employers pay an additional \$478 in federal payroll tax. However, the federal government does not tax an employer contribution to a spouse's benefits.

26. The inability to marry also has federal income tax implications upon the death of a partner. Surviving partners of same-sex couples are liable for taxes when they

inherit an IRA from an unmarried partner, while married spouses in the same situation may face no immediate taxes at all. When a legal spouse dies, the surviving spouse has three options: (1) he or she can designate himself or herself as the owner of the plan without taxation or limitations and allow it to continue to grow tax-free, subject only to the minimum distribution rules based on his or her age; (2) he or she can be treated as a beneficiary and withdraw the funds over five years, which would have a tax impact if it pushes the beneficiary into a higher marginal tax bracket; or (3) he or she may begin making annual withdrawals, which reduces the value of tax deferral if the beneficiary is considerably younger than 70 years old.

27. Because same-sex couples cannot marry in Maryland, a surviving partner only has the second and third options listed above. Thus, they are placed in a situation that is likely to have adverse tax consequences when compared with the treatment of a spouse. Non-spouses cannot rollover the inherited IRA into their own because they are treated as strangers under the federal tax code; any payouts are immediately subjected to taxation, which can also push the recipient into a higher tax bracket.

28. Legal Fees: In order to protect their families in the event of death, disability and illness, and in order to get their parental rights legally recognized, same-sex couples must sometimes spend thousands of dollars in legal fees to prepare wills and powers of attorney, and to navigate adoption proceedings. If these couples were allowed to marry, many of these protections would be automatically conferred with marriage.

29. Social Security Benefits: Social Security provides a variety of benefits to spouses and surviving spouses of covered workers. Same-sex couples are deprived of these benefits, which are designed to assist couples in old age or in the event of death or

disability, because they cannot marry under Maryland law. Notably, they are deprived of the benefits even though individuals in same-sex couples must pay into the Social Security program at the same rates as individuals in married couples.

30. In Maryland, 9.4% of same-sex couples have one person sixty-five or over, and in 5.6% of couples both partners are sixty-five or over. Because they cannot marry, some of these older same-sex couples will be put at a considerable financial disadvantage when one party retires or dies.

31. On retirement, a married Social Security recipient is entitled to the larger of either his or her own retirement benefit or one-half of his or her covered spouse's retirement benefit. In addition, if a covered worker becomes disabled, his or her spouse who is 62 or over receives a benefit of one-half the disabled recipient's Social Security benefit. From an actuarial perspective, the Social Security Administration reports that its disability program is equivalent to a \$233,000 private disability insurance policy. In Maryland, the average monthly spousal retirement or disability benefit was \$475 in December 2003, or \$5,700 per year (U.S. Social Security Administration, 2005). Since same-sex couples are not allowed to marry, they are not able to receive this spousal benefit at all, so some will receive only their own smaller benefit or no benefit at all.

32. Social Security also provides a survivor benefit to widows and widowers whose spouses have paid into the system but have not yet retired. According to the Social Security Administration, it not only provides a surviving spouse with a \$255 lump sum benefit on the death of a covered worker, but also the equivalent of a \$354,000 insurance policy. In Maryland, the average monthly survivor benefit was \$889 in

December 2003, or \$10,668 per year. Because they are not allowed to marry, members of same-sex couples are not eligible for this survivor benefit at all.

33. On the death of a retired spouse, the surviving spouse receives the deceased spouse's benefit if it is greater than the survivor's own Social Security retirement benefit (U.S. Social Security Administration, 2004b). The Census 2000 data for Maryland show that, in 4.8% of same-sex couples, both partners receive Social Security benefits. The average difference between the two benefits is \$6,734 a year. If the higher earning partner were to die, the surviving partner would lose the higher earner's entire Social Security payment and continue to receive his or her lower payment. By contrast, if same-sex couples could marry, the lower earning surviving spouse would receive the higher earner's benefit, which would be on average \$6,734 over his or her own benefit. Thus, denying older same-sex couples the right to marry could cost many surviving members of such couples as much as \$6,734 a year in lost Social Security payments.

34. Federal Law in the Case of a Partner's Death or Serious Illness: An older person in a same-sex couple may be at a greater risk of losing his or her home if a partner dies because the survivor faces financial challenges that married surviving spouses do not face. The surviving same-sex partner may lose or receive reduced Social Security benefits and will have to pay inheritance taxes and beneficiary taxes for the deceased partner's IRA 401(k) plan. Married individuals do not face these additional financial burdens under federal law on the death of a spouse.

35. Members of same-sex couples in Maryland are also at risk of losing their home when a partner enters a nursing home because the State does not allow them to

marry. Because nursing home costs are so high—between \$80,000 and \$100,000 per year—Medicaid steps in to pay those costs when a nursing home resident’s savings run out. However, special Medicaid regulations protect a married resident from having to “spend down” assets and impoverishing and/or displacing his or her spouse who is not in the nursing home. First, a still-healthy spouse of such a nursing home resident has a special claim to some of the nursing-home resident’s income and assets. Second, these protections extend to a married couple’s home. The government will eventually seize the home and force a sale to recover what it spent on nursing home bills—but only after the other, surviving spouse dies as well.

36. Same-sex couples are not provided with these protections. The results can be financially catastrophic. They are not entitled to some of the nursing home resident’s income or assets, nor is their home protected while they are still alive. Medicaid regulations also presume that joint bank accounts of same-sex couples are owned by the nursing home resident, so the government will require that the money in such accounts be spent down, too. If the deed to the house is in the nursing home resident’s name and she has no chance of coming home, the home must be sold at fair market value within nine months. It doesn’t matter how long the couple has been together, or whether they shared the home, and shared responsibility for the mortgage payments.

37. Couples That Include One Non-Citizen: In 4.5% of same-sex couples in Maryland, only one person is a U.S. citizen. If married, the partner who is not a citizen would become eligible for permanent residence status, if he or she does not already have such status, and would not be subject to numerical limitations on immigration.

Furthermore, spouses are eligible for citizenship after three years, compared with five years for other immigrants.

38. The inability to marry and receive the favored immigration status could cause economic harm in several ways. Non-citizen partners without lawful permanent residence status may need to return to their home countries for extended periods of time, requiring costly travel expenses for both partners. These extended visits may hinder the occupational advancement of either or both individuals, reducing earnings over the course of a lifetime.

39. Couples may decide to relocate to countries that will legally recognize their status for immigration purposes. Relocation can be costly in direct moving costs as well as in loss of earnings.

40. Finally, those mixed-citizenship couples may require expensive legal counsel to understand and enhance their legal options.

IMPACT ON ECONOMIC SECURITY AND EFFICIENCY OF DENYING MARRIAGE TO SAME-SEX COUPLES

41. Economists and other scholars have suggested several ways that marriage promotes interdependence and enhances economic efficiency for couples and, therefore, for society as a whole. Because they are not allowed to marry under Maryland law, same-sex couples are deprived of this enhanced economic efficiency.

42. In general, marriage provides a legal framework for living an interdependent economic life together. Through marriage, couples can buy property and

other household goods together knowing that each member of the couple has ownership rights. And if the worst should happen, that is, if one spouse dies or the relationship dissolves, then the ownership rights would be clear. Thus, the contractual nature of marriage facilitates a more efficient use of time and money resources for families than is available to unmarried couples. More specifically, marriage enhances a couple's economic efficiencies in the following ways:

43. *Promoting Specialization Of Labor:* Nobel Prize-winning economist Gary Becker argues that the marriage contract allows for increasing household efficiency. Partners pool time and money, and then divide up their labor in ways that increase the family's productivity in producing goods and services for family members. Without the presumed long-term nature of the relationship that marriage implies, as well as the division of community property and possibility of alimony if a marriage ends, specialization by either party would not necessarily be efficient for individuals in the long-term. For instance, marriage gives couples the economic security to make decisions about education and labor force participation knowing that one spouse can provide the primary economic support if the other can contribute less cash income to the family. If the relationship ends, a spouse who has sacrificed some earning potential will be eligible for alimony and a share of community property to compensate him or her for those financial losses.

44. *Reducing Transaction Costs:* Marriage also promotes economic efficiency through reducing transaction costs for couples, removing the need to renegotiate the terms of the legal relationship as couples experience changed circumstances.

45. *Providing Social Insurance:* Marriage also facilitates wealth and income pooling across individuals and within families, which provides insurance against bad times, such as a disability, death, or the loss of a job.

46. *Signaling Commitment:* In addition, the willingness to marry is an important signal of commitment to a relationship. Through the decision to marry, each partner signals greater effort to maintain the relationship, a greater likelihood that the relationship will endure, and an agreement to make a fair settlement if, despite the good intentions of the parties, the relationship should end. The commitment to a long-term relationship and the rules for distribution of assets and income should the relationship end underlie the specialization, transaction costs, and social insurance functions of marriage.

47. *Promoting The Provision Of Caring Labor:* The long-term nature of the marital commitment promotes reciprocity and altruism, as partners take care of one another and any children they might be raising together. The unpaid work done in families is essential for the survival of healthy human beings.

48. According to these theories, the legal institution of marriage promotes efficiency at the family level and therefore at the social level. Both individual couples and societies have an incentive to seek out and utilize this relatively efficient institution.

49. To the extent that same-sex couples in Maryland are in positions that suggest a high level of interdependence, those couples remain insecure relative to married couples because they cannot receive the public and private support that accompanies marriage. For example, in 25% of same-sex couples in Maryland, one person is employed while the other is either unemployed or out of the labor force. By comparison, 29% of married couples have only one person employed. This disparity in employment

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status may reflect the fact that members of same-sex couples are already paying for a partner's education or taking on full-time child care responsibilities without the protections that marriage provides for such specialization of roles among spouses.

50. The interdependence of members of same-sex couples in Maryland is also shown by the disparities between members' individual incomes. In the average same-sex couple, the difference in total individual incomes between the two partners was \$33,182, compared to \$41,929 for married couples. To put that figure in perspective, the average total household income for same-sex couples was \$86,438 and for married couples was \$89,625. Part of the difference between same-sex couples and married couples reflects decisions that couples are likely to make together: hours worked, degree of labor force participation, time in child-rearing, etc. Same-sex couples are making these decisions without the protections provided for by marriage, such as community property and recognition of the relationship by third parties.

51. Couples also care for each other when one partner is aging, sick, or disabled. In 9.4% of same-sex couples, one or both partners are 65 or over. Furthermore, 18.6% of people in same-sex couples have a disability. In these couples, partners may be taking on responsibility to provide for or care for a senior or disabled partner. However, when they do so they are not afforded the support that marriage would provide under Maryland law.

52. The statistics above indicate that many same-sex couples in Maryland are taking on responsibilities to care for each other even though they cannot access the legal rights and obligations provided by marriage under Maryland law. By denying these

couples marriage, these couples are at great risk in the event of the death or disability of a partner, or in the event the partners separate.

IMPACT ON STATE BUDGET FROM ALLOWING SAME-SEX COUPLES TO MARRY

53. Existing research suggests that allowing same-sex couples to marry would not be costly for the State of Maryland. With colleagues, I have conducted research on the fiscal impact of marriage for the states of Vermont, California, and Massachusetts. In each case, we added up the additional costs to the state from allowing couples to marry and compared them to the fiscal savings to the state. This approach reflects the fact that marriage is a status that comes with both benefits and obligations. Some benefits are costly to the state; some obligations save the state money.

54. In those studies, we considered several sources of reduced revenues and increased costs, including the loss of tax revenue and additional costs for state employee health care benefits. The savings to the state come primarily from lower expenditures for state-financed public welfare programs since such programs typically determine eligibility based on a spouse's income as assets as well as the applicant's. States might also see higher income tax revenue and higher sales tax revenue from spending on weddings by tourists and in-state same-sex couples. We found that the net gain to the states considered was positive. In other words, we project that states would save money by allowing same-sex couples to marry.

55. The Congressional Budget Office reached a similar conclusion with respect to the federal budgetary impact of allowing same-sex couples to marry. The CBO considered the impact of marriages by same-sex couples on income tax revenues, Social Security benefits, federal employees' spousal benefit expenditures, and federally-funded means-tested programs. Based on these calculations, they projected that the federal budget would see savings of almost \$1 billion per year.

I SWEAR AND AFFIRM under the penalties of perjury that the contents of the foregoing Declaration are true.

June 9, 2005
Date

M. V. Lee Badgett
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"Beyond Biased Samples: Challenging the Myths on the Economic Status of Lesbians and Gay Men," pamphlet published by National Organization of Gay and Lesbian Scientists and Technical Professionals and the Institute for Gay and Lesbian Strategic Studies, 1994. (Early version of book chapter of same title.)

Co-author and co-editor, *Labor and the Economy*, published by the Center for Labor Research and Education, Institute of Industrial Relations, UC Berkeley, 1989.

"Looking for the Union Label: Graduate Students at U.C.," *California Public Employee Relations*, No. 85, June 1990.

"Rusted Dreams: Documenting an Economic Tragedy," *Labor Center Reporter*, No. 219, October 1987.

"How the Fed Works," *Labor Center Reporter*, No. 177, November 1986.

WORK IN PROGRESS AND PAPERS UNDER REVIEW:

"Variations on an Equitable Theme: International Same-sex Partner Recognition Laws."

"Separate and Unequal: The Effect of Unequal Access to Employment-Based Health Insurance on Gay, Lesbian, and Bisexual People" (with Michael Ash), under review.

"Breadwinner Dad, Homemaker Mom: An Interdisciplinary Analysis of Changing Gender Norms in the United States, 1977-1998." Lee Badgett, Pamela Davidson, Nancy Folbre, and Jeannette Lim, in progress, 2000.

"Lesbian, Gay, and Bisexual Giving and Volunteering," M. V. Lee Badgett and Nancy Cunningham, August 1998. Revise and resubmit to *Nonprofit and Voluntary Sector Quarterly*.

"Acting Affirmatively or Affirmative Action? Constructing a Sexual Orientation Employment Policy," July 1995. Revise and resubmit to *Journal of Policy Analysis and Management*

"Tolerance, Taboos, and Gender Identity: The Occupational Distribution of Lesbians and Gay Men," July 1998.

"Redistribution and Restructuring by Race and Gender: A Regional and Industrial Analysis," Rhonda M. Williams and M. V. Lee Badgett, Sept. 1994.

PRESENTATIONS OF PAPERS:

"Looking into the European Crystal Ball: What Can the U.S. Learn About Same-Sex Marriage?" Tulsa Gay and Lesbian History Project, October 2004; University of Connecticut, October 2004; Yale University, February 2005.

"Predicting Partnership Rights: Applying the European Experience to the United States," Yale University Law School, March 5, 2005.

"Asking the Right Questions: Making the Case for Sexual Orientation Data," Joint Statistical Meetings of the American Statistical Association, Toronto, August 2004; Williams Project Annual Update, UCLA, February 2005; Canadian Population Society, June 3, 2005.

"A New Gender Gap: Sex Differences in Registered Partnerships in Europe," International Association for Feminist Economics research conference, London, August 2004.

"Variations on an Equitable Theme: International Same-sex Partner Recognition Laws," Research Conference of International Association for Feminist Economics, July 2002. Stockholm University, September 2003; University of Linz, Austria, November 2003; University of Amsterdam, June 2004; American Political Science Association, Chicago, Sept. 2004.

"The Myth of Gay Affluence and Other Tall Tales: The Political Economy of Sexual Orientation," University of California, San Diego, June 2002.

"A Family Resemblance: Legal Recognition of Same-Sex Partners in the United States," Research Conference of International Association for Feminist Economics, Oslo, Norway, June 2001; University of Southern Maine, October 2001; University of Massachusetts, Feb. 2002; Washington University Political Science Department, March 2002; University of Wisconsin, LaCrosse, April 2002.

"A Movement and a Market: GLBT Economic Strategies for Social Change," University of Wisconsin, LaCrosse, April 2002; Macalester College, April 2002.

"Job Gendering: Occupational Choice and the Marriage Market," Research Conference of International Association for Feminist Economics, Ottawa, CA, June 1999.

"Tolerance, Taboos, and Gender Identity: The Occupational Distribution of Lesbians and Gay Men," Research Conference of International Association for Feminist Economics, Amsterdam, The Netherlands, June 1998.

"The Impact of Affirmative Action on Public-Sector Employment in California," ASSA Meetings, 1997.

"Tolerance or Taboos: Occupational Differences by Sexual Orientation," presented at American Economic Association Meetings, Jan. 1996, and American Psychological Association convention in Toronto, August 1996.

"A Race, Ethnicity, and Gender Analysis of the 1990-91 Recession," ASSA Meetings 1995.

"Choices and Chances: Is Coming Out at Work a Rational Choice?" The Sixth North American Lesbian, Gay, and Bisexual Studies Conference, University of Iowa, November 18, 1994.

"Civil Rights and Civilized Research: Constructing a Sexual Orientation Policy Based on the Evidence," Association for Public Policy Analysis and Management Research Conference, Oct. 27, 1994

"Where the Jobs Went in the 1990-91 Downturn," National Conference on Race Relations and Civil Rights in the Post Reagan-Bush Era, The Roy Wilkins Center, Humphrey Institute, University of Minnesota, October 1994.

"Lesbian and Gay Campus Organizing for Domestic Partner Benefits," The American Political Science Association meeting, Sept. 1994.

Panelist, "Developing Lesbian/Gay Studies in Economics," ASSA Meetings, 1994.

"The Rainbow at Work: Differences in the Economic Status of Women Workers in the United States," presented at the 5th International Interdisciplinary Congress on Women, 1993.

"The Economic Well-Being of Lesbians and Gay Men: Pride and Prejudice," December 1992, presented at 1993 ASSA Meetings.

"Affirmative Action in a Changing Legal and Economic Environment," revised, December 1992, presented at 1993 ASSA Meetings.

"The Effects of Structural Change on the Race and Gender Distribution of Employment" with Rhonda M. Williams, presented at Eastern Economic Association Meeting, 1992.

"Changes in Racial Inequality Among Women: Evidence from Unemployment Rates," presented at AEA Meetings, 1992.

"Labor Market Discrimination--Economic and Legal Issues for Gay Men and Lesbians," presented at AEA Meetings, 1992.

"Rising Black Unemployment: Changes in Job Stability or in Employability?" presented at National Economic Assoc., 1992.

"Rising Black Unemployment and the Role of Affirmative Action Policy," presented at APPAM Research Conference, Oct. 1990.

INVITED PRESENTATIONS:

"Money, Myths, and Change: The Economic Lives of Lesbians and Gay Men," University of Toronto, March 16-17, 2005.

Guest speaker, Womens studies and political sciences courses at Smith College and Amherst College, Spring 2003; Fall 2004.

Panelist, "Aging in the Gay Community," American Association of Retired Persons, June 2000.

"Money and Our Discontents," Keynote speech, Smart Women/Smart Money conference by the Astraea Foundation. Nov. 1999.

"Homo Economics: The Myth of Gay Affluence and Other Tall Tales," University of Connecticut, March 1999; American University, October 1999.

Same-Sex Couples and Public Policy, panel member, University of Maryland, College Park, October 1999.

"A Bridge to the Future or the Road to Nowhere? Respectability and Lesbian and Gay Think Tanks," Remarks prepared for the Politics of Respectability Conference, University of Chicago, April 1999

Panelist, Unifying Anti-Subordination Theories, DePaul University Law School, February 1999.

"Lesbians, Gays, and Bisexuals in a Gender Agenda," Roundtable on Feminism and Public Policy, 1998 ASSA Meetings, Chicago, IL.

"Economic Issues for Lesbians," Workshop on Lesbian Health Research Priorities, Institute of Medicine, Board on Neuroscience and Behavioral Health, Washington, DC, October 6, 1997.

"Lesbians, Gays, Bisexuals, and Transgenders: Who Gives, How Much, and Why," OutGiving Conference, Aspen, CO, Sept. 1997; Horizons Foundation and United Way, San Francisco, CA, Oct. 1997; NGLTF Creating Change conference, San Diego, Nov. 1997; Cream City Foundation Milwaukee, WI; Chicago, IL; Boston Foundation, February 1998.

"Lesbian and Gay Money: Is There a Gender Gap?" Towson State University, March 1997.

Panelist, "Out in the Workplace," University of Pennsylvania, Feb. 10, 1997.

"Workplace Policy Issues for Lesbian, Gay, and Bisexual People," Gender, Race, Economics, and Public Policy Conference of the New School for Social Research, April 5, 1996.

Panelist, "Compensating for Gender, Race, and Class Inequalities: Is Affirmative Action the Means to Social Justice," A Future of Equality: Feminist Rethinkings of the Affirmative Action and Welfare Debates, Yale University Women's Center, March 30, 1996.

"Equal Pay for Equal Work," University of Delaware Lavender Scholars Series, March 7, 1996.

"Lesbian and Gay Think Tanks," Center for Lesbian and Gay Studies, CUNY Graduate School, Feb. 9, 1996.

Panelist, Affirmative Action in the 21st Century, Chicago United, Feb. 15, 1996.

"The Economic Status of Lesbians and Gay Men: Discrimination, Data, and Debate," Bureau of Labor Statistics, U.S. Department of Labor, June 15, 1995; Institution for Social and Policy Studies, Yale University, Sept. 1995; University of Massachusetts, Boston, May 1996.

Panelist, "Gay Money: Power of the Purse," National Lesbian & Gay Journalists Association, Oct. 19, 1995.

Panelist, Domestic Partner Benefits and Other Gay Rights Policy Issues: Creating Change on Campus, American Association of University Professors, June 9, 1995.

Prepared testimony, Select Education and Civil Rights Subcommittee, Committee on Education and Labor, U. S. House of Representatives, Testimony on the 30th Anniversary of the Equal Pay Act, 1994. (Hearing cancelled at the last minute.)

"Economic Evidence of Sexual Orientation Discrimination," Gay, Lesbian, and Bisexual Studies Faculty Seminars, Univ. of Massachusetts, Amherst, Dept. of Economics and Program for Gay, Lesbian, and Bisexual Concerns, May 11, 1994.

"The Economics of Being Lesbian, Gay, or Bisexual: Pride, Prejudice and Politics," Brown Bag Series in Gay, Lesbian, and Bisexual Studies, University of Massachusetts, Amherst, May 11, 1994.

"Thinking Homo/Economically," conference presentation, Center for Lesbian and Gay Studies, CUNY Graduate School, May 7, 1994.

"Lesbian and Gay Campus Organizing for Domestic Partner Benefits," Annual Conference, The National Center for the Study of Collective Bargaining in Higher Education and the Professions, Baruch College, CUNY, April 19, 1994. Also presented at the American Political Science Association meeting, Sept. 1994.

"The Changing Contours of Discrimination: Race, Gender, and Structural Economic Change," presented at University of Michigan, School of Social Work, Profs. Mary Corcoran and Sheldon Danziger, March, 15, 1994.

"Redefining Families: Research and Policy," American Political Science Association meetings, Washington, D.C., Sept. 3, 1993.

"Lesbian Rights in Maryland," Maryland National Organization for Women, statewide conference, May 1, 1993.

"A Cost/Benefit Analysis of Coming Out," presented at OUT Magazine press conference, broadcast on CSPAN, April 21, 1993.

"Detecting Discrimination," at 1992 NGLTF Creating Change Conference, Los Angeles.

GRANTS:

1995 Wayne F. Placek Award, American Psychological Foundation, "The Impact of Attitudes on Lesbian and Gay Male Earnings and Occupations." (\$15,000)

The Aspen Institute, Nonprofit Sector Research Fund, "Lesbian, Gay, and Bisexual Giving and Volunteering," 1996. (\$40,000)

2002 Wayne F. Placek Award, American Psychological Foundation, "Health Insurance Inequality for Gay, Lesbian, and Bisexual People," with Michael A. Ash.

PANELS AND COMMITTEES:

Reviewer, Wayne F. Placek Award, American Psychological Foundation

Women's Funding Network, Lesbian Donor Research Project Advisory Committee, 1997-98

Visiting Lecturer and co-designer, Traveling Feminist Economics Ph.D. Course, Univ. of Minnesota, 1997-98

FELLOWSHIPS AND HONORS:

Out 100, *Out Magazine*, 2001.

One of Best and Brightest Activists, *The Advocate*, 2000.

College Outstanding Teacher Award, Social and Behavioral Sciences, University of Massachusetts, 2000-2001

Lilly Fellow, Center for Teaching, University of Massachusetts, Amherst, 1999-2000

Certificate of Appreciation, Stone Center, 1999.
Certificate of Recognition, University of Maryland at College Park Diversity Initiative, 1994-95
Graduate Opportunity Fellowship, 1985-86, UC Berkeley
A.B. with General Honors, University of Chicago
Maroon Key Society, University of Chicago
Abram L. Harris Prize, 1978-79, 1979-80, University of Chicago

AFFILIATIONS

American Economic Association
Board member, Institute for Gay and Lesbian Strategic Studies
Editorial Board (and past Associate Editor), *Feminist Economics*
International Assoc. for Feminist Economics (past board member)
American Statistical Association

REFEREE

Quarterly Journal of Economics
Industrial Relations
Journal of Human Resources
Feminist Economics
Journal of Policy Analysis & Mgmt.
Review of Social Economy
Review of Economics and Statistics
Columbia University Press
National Science Foundation
Qualitative Sociology
Social Problems
University of Wisconsin Press
Journal of Population Economics
Routledge Press
Industrial and Labor Relations Review
Demography

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EXHIBIT

15

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THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

June 9, 2000

The Honorable Sharon Grosfeld
9906 Old Spring Road
Kensington, Maryland 20895

Dear Delegate Grosfeld:

You have asked for advice concerning the state of the law in Maryland concerning adoption by unmarried couples, including homosexual couples. This question involves two facets: adoption of a child who is not related to either partner and adoption of the natural child of one of the partners. It is my conclusion that Maryland law permits adoption of a child by two unmarried persons who make up a household.¹ It is also my view that Maryland law does not prevent adoption by homosexual couples. Finally, it is my view that, by petitioning jointly, a couple may adopt the natural child of one partner without terminating that partner's parental rights.

Maryland law provides that "[a]ny adult may petition a court to decree an adoption." Family Law Article, § 5-309(a). The law further provides that "[a] court may not deny a petition for adoption solely because the petitioner is single or does not have a spouse." FL § 5-309(b). Thus, it is clear that marriage is not a requirement for adoption. Moreover, because Maryland law provides that "the singular always includes the plural, and vice versa, except where such construction would be unreasonable," Article 1, § 8, Maryland Code Annotated, it is clear that adoption is not limited to unmarried persons who act individually. The Court of Special Appeals has allowed adoption by an unmarried couple of the natural child of the woman on a joint petition. *In re Adoption No 90072022/CAD*, 87 Md.App. 630 (1991). Moreover, adoptions by two unmarried persons have been allowed by the Circuit Courts of the State. See, *Ex Parte De Silva*, 6 MFLM Supp. 37 (Case No. A-93-251, Circuit Court for Anne Arundel County, Cawood, May 5, 1994)(Adoption of child by twin sisters) and *Ex Parte in the Matter of the Petition of D.L.G. and M.A.H. for the Adoption of Two Children*, (Case No. 95179001/CAD, Circuit Court for Baltimore City, O'Ferrall Friedman, June 27, 1996)(Joint petition for adoption by lesbian couple of the natural children of each of them). Other states also have interpreted similar statutory language to permit adoption by unmarried couples. *In re M.M.D.*, 662 A.2d 837 (D.C. 1995); *In re Petition of K.M. and D.M.*, 653 N.E.2d 888

¹ For purposes of convenience, persons adopting together in this way will be referred to as a "couple," but this advice is not intended to be limited to cases where the two persons involved would be considered a couple. For example, in *Ex Parte De Silva*, 6 MFLM Supp. 37 (Case NO. A-93-251, Circuit Court for Anne Arundel County, Cawood, May 5, 1994), the Court allowed twin sisters who lived together to adopt a child.

The Honorable Sharon Grosfeld
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Page 2

(Ill.App. 1995); *Adoption of Tammy*, 619 N.E.2d 315 (Mass. 1993), *Adoption of B.L.V.D.*, 528 A.2d 1271 (Vt. 1993).

No Appellate case in Maryland has addressed the propriety of adoption by homosexual persons. However, such an adoption has been allowed in at least one circuit court case. Moreover, cases decided by the Court of Special Appeals in the area of visitation support the conclusion that homosexuality of the adopting couple would not be a bar to adoption. My research reveals that permitting such adoptions is the majority rule around the country.

Ex Parte in the Matter of the Petition of D.L.G. and M.A.H. for the Adoption of Two Children, (Case No. 95179001/CAD, Circuit Court for Baltimore City, O'Ferrall Friedman, June 27, 1996), raised the issue of whether Maryland law barred the adoption of children on a joint petition by the natural mothers of the children involved. The Court noted that the statute does not prohibit adoption by same-sex partners, but that Maryland law does not protect homosexuals from discrimination in adoption cases. Slip. op. at 6. The Court then reasoned that because adultery, which also concerns sexuality and morality, does not establish unfitness for the custody of children, sexual orientation "should not be a bar to finding parents fit but should be considered only to the extent that it may have a negative impact on the children." Slip. op. at 8.

While the appellate courts have not addressed the issue of homosexuality as a factor in adoption, the Court of Special Appeals has looked at the issue of custody and visitation by homosexual parents in three cases. In *S.F. v. M.D.*, ___ Md.App. ___ (May 2, 2000), the Court had before it a case involving a request for visitation by the lesbian ex-partner of the child's mother. The Court did not address the issue of homosexuality as a bar, but accepted that such visitation was appropriate. Furthermore, the Court found that the petitioner was a *de facto* parent, giving her preferred status in her attempt to win visitation. However, because visitation had given rise to behavioral problems with the child the Court upheld the trial court's denial of visitation. In *Boswell v. Boswell*, 118 Md.App. 1 (1997) the Court had before it a case in which the trial court had imposed conditions on visitation with the father, including a bar on the presence of the father's homosexual lover or "anyone having homosexual tendencies or such persuasions, male or female, or anyone that the father may be living with in a non-marital relationship." The Court held that this restriction was unreasonable on its face, as it "would require inquiry of the sexual orientation of every person with whom the children might come in contact, for instance, at a shopping mall or on a casual outing or picnic and would not necessarily be within the appellants' control," and further noted that there is no longer a presumption in Maryland that exposure to a parent's paramour is bad for a child. Finally, in *North v. North*, 102 Md.App. 1 (1994), the Court remanded a visitation case in which restrictions had been placed on visitation by the children with their homosexual, HIV positive father. The restrictions allowed visitation, but not overnight or extended. The Court found that these restrictions did not follow logically from the facts found by the trial court and that they had no reasonable relationship to their announced objective, which was apparently, to prevent the children from witnessing homosexual displays of affection and the homosexual lifestyle, though, as the Court of Special Appeals pointed out, the trial court had not indicated what those terms meant.

These cases, taken together, indicate an approach of the part of the Court of Special Appeals that treats the sexual orientation of the parties as irrelevant in issues of visitation and custody unless some specific harm to the child is demonstrated.² Therefore, it is unlikely that the sexual orientation of adopting parents would be held to bar an adoption in the ordinary case. Allowing adoption by homosexual couples would be consistent with the conclusion reached in most states to have considered the issue, outside of those that have statutory bars on such adoptions. See, *In the Matter of Jacob*, 660 N.E.2d 397 (1995); *Adoption of Two Children by H.N.R.*, 666 A.2d 535 (N.J.Super. 1995); *In re Petition of K.M. and D.M.*, 653 N.E.2d 888 (Ill.App. 1995); *Adoption of B.L.V.D.*, 528 A.2d 1271 (Vt. 1993).

The above cases establish that in the ordinary case, an unmarried couple may adopt a child regardless of the sexual orientation of the couple. An additional problem arises, however, in cases where the child to be adopted is the child of one of the partners. Family Law Article § 5-308(b) provides that an individual adopted is the child of the adopting people and that the natural parents are relieved of duties, responsibilities and parental rights with respect to the adopted child. Estates and Trusts Article, § 1-207(a) repeats the sense of these provisions, but makes an exception where the adoption is by the spouse of a natural parent, in which case the child is still to be considered the child of that natural parent.

Many states have similar provisions, and the issue has arisen in these states as to whether adoption by one an unmarried partner of a natural parent would terminate the parental rights of the natural parent. The courts that have considered this issue have not reached consistent decisions. Some courts have given a strict construction to these provisions, holding that the stepparent exception is the only applicable exception and that an unmarried partner is not a stepparent. *In re Adoption of Jane Doe*, 719 N.E.2d 1071, 1073 (Ohio App. 1998); *Adoption of T.K.J. and K.A.K.*, 931 P.2d 488 (Colo.App. 1996). Other courts, however, have read the law to allow an unmarried partner to adopt without terminating parental rights, finding that a strict reading would go against the purposes of the adoption statute and would lead to absurd results. *In the Matter of Jacob*, 660 N.E.2d 397 (1995); *Adoption of Two Children by H.N.R.*, 666 A.2d 535 (N.J.Super. 1995); *In re M.M.D.*, 662 A.2d 837 (D.C. 1995); *Matter of Adoption of Caitlin*, 622 N.Y.S.2d 835 (Fam. 1994); *Matter of Adoption of Child by J.M.G.*, 632 A.2d 550 (N.J.Super.Ch. 1993); *Adoption of B.L.V.D.*, 528 A.2d 1271, 1272 (Vt. 1993) (“We hold that when the family unit is comprised of the natural mother and her partner, and the adoption is in the best interests of the children, terminating the natural mother’s rights is unreasonable and unnecessary.”); *In the Matter of the Adoption of Evan*, 583 N.Y.S.2d 997 (Sur. 1992).

² This view puts Maryland in with the most tolerant of states. However, recent cases illustrate that this tolerance is the modern trend. See, *T.B. v. L.R.M.*, ___ A.2d ___, 2000 WL 714409 (Pa.Super. June 5, 2000); *V.C. v. M.J.B.*, 748 A.2d 539 (N.J., April 6, 2000); *E.N.O. v. L.M.M.*, 711 N.E.2d 886 (Mass. 1999). Other cases concerning custody and visitation are collected at Annot., *Custodial Parent’s Homosexual or Lesbian Relationship with Third Person as Justifying Modification of Child Custody Order*, 65 A.L.R.5th 591 (1999); Annot., *Initial Award or Denial of Child Custody to Homosexual or Lesbian Parent*, 62 A.L.R.5th 591 (1998), and Annot., *Visitation Rights of Homosexual or Lesbian Parent*, 36 A.L.R.4th 997 (1985).

The Maryland Court of Appeals has not had the issue of the termination provision before it in the context of an adoption by the partner of a natural parent, but has given the provision a restrictive reading in other situations. In *Bridges v. Nicely*, 304 Md. 1 (1985), the Court held that the natural father of a child born out of wedlock could adopt the child where it was possible that the adoption could convey benefits that were not available through the legitimation procedure. However, the court held that the grant of the adoption petition of the father would divest the parental rights of the mother. Therefore, while holding that such an adoption was permissible, the Court indicated that the termination of the rights of the mother would weigh heavily against the grant of the petition.

Under the *Bridges* case, it would appear that the Court would hold that adoption by the unmarried partner of the parent of the child would divest the original parent of parental rights.³ However, it is my view that this result could be avoided if the natural parent and his or her partner join in the petition for adoption. This is the method that was used in *In re Adoption No 90072022/CAD*, 87 Md.App. 630 (1991), where the Court of Special Appeals allowed a woman and her fiancé to adopt the woman's child with no suggestion that the woman's parental rights would be endangered. And in *Ex Parte in the Matter of the Petition of D.L.G. and M.A.H. for the Adoption of Two Children*, (Case No. 95179001/CAD, Circuit Court for Baltimore City, O'Ferrall Friedman, June 27, 1996) a joint petition for the adoption by lesbian partners of each others children, the Court held that the termination provision would not apply, noting that it would achieve the precise opposite of the intention of the parties in seeking the adoption. See also, *Adoption of Tammy*, 619 N.E.2d 315, 321 (Mass. 1993) ("The legislature obviously did not intend that a natural parent's relationship to its child be terminated when the natural parent is a party to the adoption petition.").

It is my view that Maryland law permits a parent to join in a petition to adopt his or her own child. The Court recognized in the *Bridges* case that a natural father may adopt his own child, at least where the adoption may provide greater benefits to the child than are available through other legal avenues. Moreover, while the Court appeared to place limits on the ability of a parent to adopt his or her own child in *Green v. Sollenberger*, 338 Md. 118 (1995), a close reading of that case shows that it should not be read to bar such adoptions in all cases outside of the *Bridges* situation, or even in all cases where the child was not illegitimate, but rather to bar adoption by a parent in those cases where the adoption would act to the detriment rather than to the benefit of the child. In *Sollenberger*, the effect of the adoption was that the child would be left with one parent instead of two and that parent had shown herself unable to support him. This situation is very different from one in which the partner of parent seeks to join the parent in parenting, thus giving the child an additional source of support. Therefore, it is my view that *Sollenberger* would not prevent a parent from joining in an adoption petition for his or her own child in order to permit the parent's partner to adopt the child without terminating the parental rights of the parent.

³ However, in *Ex Parte De Silva*, 6 MFLM Supp. 37 (Case NO. A-93-251, Circuit Court for Anne Arundel County, Cawood, May 5, 1994), the Court permitted a person to adopt the adopted child of her twin sister, relying on *Adoption of B.L.V.D.*, 528 A.2d 1271, 1272 (Vt. 1993) to support the conclusion that it would be irrational to hold that rights would terminate in that situation. The opinion of the Court in that case does not mention the *Bridges* case.

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In conclusion, it is my view that Maryland law permits adoption by unmarried persons regardless of their sexual orientation. It is also my view that Maryland law would not require the termination of parental rights of a natural parent who joins in a petition for the adoption of his or her own child by a partner.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathryn M. Rowe', written over a horizontal line.

Kathryn M. Rowe
Assistant Attorney General

KMR/kmr
grosfeld03.wpd

EXHIBIT

16

GITANJALI DEANE and LISA	*	IN THE
POLYAK, et al.	*	CIRCUIT COURT
Plaintiffs,	*	FOR
v.	*	BALTIMORE CITY
FRANK CONAWAY, et al.	*	Case No.: 24-C-04-005390
Defendants.	*	

* * * * *

DEFENDANTS' ANSWERS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES

Defendants, Frank Conaway, *et al.*, in their official capacities as Circuit Court Clerks, state in answer to plaintiffs' Interrogatories:

- A. The information supplied in these answers is not based solely on the knowledge of the executing parties, but includes the knowledge of the parties and their agents, representatives, and attorneys, unless privileged.
- B. The word usage and sentence structure may be that of the attorneys assisting in the preparation of these answers and thus does not necessarily purport to be the precise language of the executing parties.
- C. In providing these answers, defendants do not in any way waive, but rather intend to preserve:
 - 1. All objections as to competence, relevancy, materiality and admissibility;
 - 2. All objections as to vagueness, ambiguity, and undue

burdensomeness; and

3. All rights to object on any ground to the use of responses herein in any proceeding.

INTERROGATORY NO. 1: Please identify and describe in detail the “constitutionally sufficient government interest” that you assert in the Answer’s Fifth Affirmative Defense supports Md. Fam. Law Code § 2-201.

ANSWER:

Defendants object to Interrogatory No. 1 to the extent it calls for a legal conclusion and seeks disclosure of the mental impressions, conclusions, opinions, or legal theories of attorneys or other representatives of parties concerning the litigation.

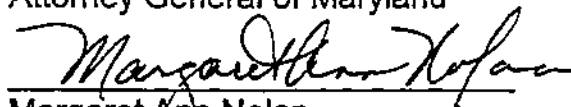
Without waiving this objection, government interests that support the constitutionality of Md. Fam. Law Code § 2-201 may include but are not limited to the following: promoting and preserving the institution of marriage as historically understood to include a man and a woman; protecting state sovereignty and democratic self-governance; promoting and preserving societal values; preserving scarce government resources; promoting the traditional family as the basic unit of a free society; encouraging procreation and child-rearing within the stable environment traditionally associated with marriage; exercising and preserving the Legislature’s authority to determine and define the nature of contractual relationships licensed by the State; preserving uniformity among the States with respect to the

definition of marriage.

The foregoing list does not purport to be exhaustive of all possible interests that may support the Legislature's enactment of Md. Fam. Law Code § 2-201, and defendants reserve the opportunity to address any conceivable interest that may bear upon the arguments raised by the parties in this litigation.

Respectfully submitted,

J. Joseph Curran, Jr.
Attorney General of Maryland



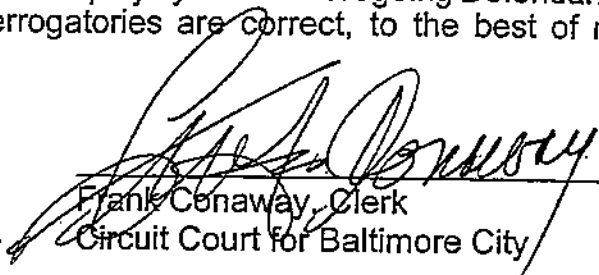
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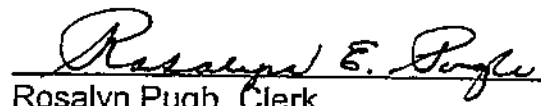
I solemnly affirm under the penalties of perjury that the foregoing Defendants' Answers to Plaintiffs' First Set of Interrogatories are correct, to the best of my knowledge and belief.

5/24/06
Date


Frank Conaway, Clerk
Circuit Court for Baltimore City

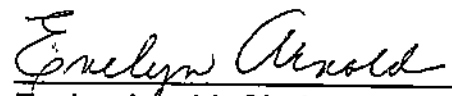
I solemnly affirm under the penalties of perjury that the foregoing Defendants' Answers to Plaintiffs' First Set of Interrogatories are correct, to the best of my knowledge and belief.

5/16/05
Date


Rosalyn Pugh, Clerk
Circuit Court for Prince George's County

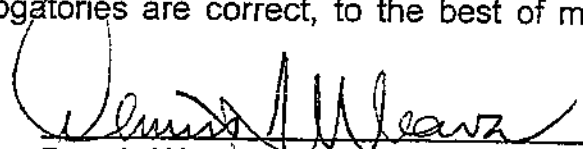
I solemnly affirm under the penalties of perjury that the foregoing Defendants' Answers to Plaintiffs' First Set of Interrogatories are correct, to the best of my knowledge and belief.

May 5, 2005
Date


Evelyn Arnold, Clerk
Circuit Court for St. Mary's County

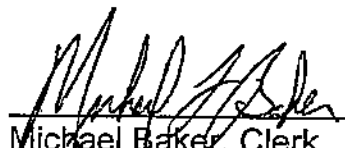
I solemnly affirm under the penalties of perjury that the foregoing Defendants' Answers to Plaintiffs' First Set of Interrogatories are correct, to the best of my knowledge and belief.

4-26-05
Date


Dennis Weaver, Clerk
Circuit Court for Washington County

I solemnly affirm under the penalties of perjury that the foregoing Defendants' Answers to Plaintiffs' First Set of Interrogatories are correct, to the best of my knowledge and belief.

4-22-05
Date


Michael Baker, Clerk
Circuit Court for Dorchester County