

DECLARATION OF ARTHUR ADAMS

I, ARTHUR ADAMS, declare as follows:

1. I make this declaration of my own personal knowledge; if called as a witness, I would be competent to testify to the contents hereof.

2. My domestic partner Devin Baker and I are each thirty-nine years old. We live together in Mountain View, California. I am a freelance cinematographer/videographer specializing in commercial and corporate marketing projects. Devin manages a call center for a local financial institution.

3. Devin and I have been in a committed same-sex relationship for more than three and one-half years. We are registered domestic partners with the State of California. All of our bank accounts are held as joint accounts together. We also jointly own all of our furniture and antiques which we have acquired over our years together. Devin is named as the beneficiary on my life insurance policy. I am named as beneficiary on Devin's benefits package through his employer.

4. Devin is the nicest, most sensitive, caring person I have ever met. I learn an extraordinary amount by watching him act so compassionately towards people in our lives. I once witnessed him buy flowers for an elderly woman walking down the street simply because she reminded him of his grandmother. The elderly woman was very touched, as was I. We both share an off-beat sense of humor and a willingness to accept each other as we are.

5. I asked Devin to marry me more than two years ago, and Devin said yes. After we learned in February 2004 that same-sex couples were able to marry in San Francisco, we made an appointment to get married at 3 p.m. on March 11, 2004. We bought wedding rings and special clothes for the event. Devin held in his pocket a periwinkle blue handkerchief that his mother and grandmother had both carried for their weddings.

6. Devin had always dreamed of getting married. Prior to meeting Devin, I was simply focused on finding someone with whom to spend my life. Being a homosexual, I did not think that being able to marry that person would ever become a possibility for me. When marriage did become a possibility, however, I realized that marriage is important and sacred to me.

7. We arrived at San Francisco City Hall about 2:15 p.m. on March 11, along with family members and friends, many of whom came in from out of town, to witness and celebrate the event with us. In the middle of the process of completing our application for a marriage license we were informed that no further marriage licenses would be issued to same-sex couples.

8. Shortly after we were turned away by the City Clerk, we decided to have our own ceremony and ring exchange at the top of the staircase in the City Hall Rotunda. The ceremony, which was witnessed by member of both our families, was very emotional. During the ceremony, we noticed a justice of the peace standing off to the side along with a man and a woman. As soon as we finished our ceremony and began moving down the staircase, the three of them took our place at the top of the stairs and had a legal marriage ceremony. It was an enormous insult for us to see that, for straight people, it was business as usual. It reinforced for me that, in the eyes of the law, I am not afforded the same rights and privileges other people take for granted and are entitled to, simply because of who I am. Unlike other people in committed relationships, the government is denying me the right to marry the person I love.

9. Although I am glad that we did have our own ring ceremony, and while I will never take my ring off, it was devastating for Devin and I to have the opportunity to marry made available; only to have it taken away minutes before becoming a reality.

10. I asked Devin to marry me because I simply cannot imagine my life without him. I also wanted to make sure that Devin understood the depth of my love and commitment to him. Asking him to marry me was the most profound way I had to communicate this to him.

11. Devin and I want to get married so that we may make public the love and commitment we feel towards each other. Marriage provides a social stamp of legitimacy that other relationship recognitions, including domestic partnerships, do not include. Without marriage, society does not see us as spouses for life; they see us as something less. We have a deep and serious relationship and we want the world to recognize and acknowledge us in the same way that opposite-sex relationships are recognized and respected.

12. We do not hide our relationship, however, because we are not married, others have had a difficult time understanding exactly what our relationship is. When we tell people that we are domestic partners, people often do not extend to our relationship the same respect or understanding they would an actual marriage. If we were married, people would understand that our relationship is just as strong, real and committed as the relationships of opposite-sex married couples.

13. We also want to get married to ensure that we are able to protect and care for each other, as well as any children we may have. Although we are registered domestic partners in California, we currently receive only a small handful of rights and protections by virtue of being registered. Moreover, even when A.B. 205 goes into effect on January 1, 2005, we are still concerned about having our relationship recognized outside of California, and we are also disturbed regarding the many federal rights and responsibilities which we will have no basis for claiming as they are provided only to legally married spouses.

14. We are particularly worried about being protected as we are not sure we can continue to live in California due to the high cost of living. We also travel fairly regularly and as a result live in fear that our relationship will not be respected should we travel outside of California. Because of our travelling, we worry that even the rights we now receive – like the right to make medical decisions for each other – would not be respected should something happen to one of us outside of California as we are not married.

15. Throughout our relationship, there have been many times when we were treated unfairly because we are not married. I carry my own health insurance policy because if I were to receive health benefits through Devin, the value would be taxed as income by the federal government. This is not the case for legal spouses. In addition, although we have taken steps to protect each other, such as naming each other on our respective pension plans and bank accounts, we understand that in the event of one of our deaths the surviving partner would pay significant taxes on the benefits. This also does not happen to those who are married. This differential tax treatment has given us pause regarding purchasing a home together. If one of us died, the tax burden on the transfer of property would probably force the survivor to sell the home. A married couple would not have to worry about these painful burdens.

16. Through our domestic partnership, we gain some important rights and responsibilities, but even with regard to this handful of protections, we are certain that they will apply only within California. While some rights and protections can be acquired through sophisticated legal maneuvering, neither of us has the financial means to pay for that. For us a committed and monogamous relationship is a huge emotional and fiscal risk; if something serious happens to one of us the other has no guarantee of fair and equitable treatment under the law. We hope that nothing serious happens to either one of us before we are legally married.

17. Even after A.B. 205 goes into effect and we are provided more rights and protections, we are still excluded from the right to marry and as a result treated as second-class citizens.

18. Devin and I love each other deeply. We work hard to remain a solid and committed couple in spite of the obstacles placed in our way by society and our government. While Devin and I never believed we would have the opportunity to be legally married, once the chance to marry did finally present itself we never dreamed that it would be ripped so painfully away from us just as it was within our grasp. We want that opportunity back. We deserve that opportunity. As Americans, Californians and human beings, we should have the right to be married.

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

Executed on May 30, 2004 at Mountain View, California.


Arthur Adams