

1 **DECLARATION OF COREY DAVIS**

2 I, COREY DAVIS, declare as follows:

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

5 2. I am 35 and my partner, Andre LeJeune, is 37. We have been together in a committed
6 relationship for nearly 6 years. We lived together in Los Angeles from 1998 until August 2002.
7 Andre is still living in Los Angeles, where he works as a pharmacist, and I am living in Oakland
8 while I get my Masters degree in education at Berkeley. My classes are all scheduled at night or
9 on the weekend, and I have been working during the day as the Dean of a charter school in San
10 Francisco. I recently left that job and am working now as a professional coach for two other
11 principals. I will be finished with my degree in December and am being recruited for a job as a
12 principal here. If I am offered that job, Andre and I will have to decide at that point whether he
13 will move up here or whether I will decline the job and move back to Los Angeles. We do not
14 know what we will decide about that, but we do know that we will get to be together again every
15 day, and that is what matters most.

16 3. In February, when San Francisco began issuing marriage licenses to same-sex couples,
17 we realized that we might have an opportunity to get married. At first, we said what we had
18 always said to one another in the past – that we didn't need a piece of paper to make our
19 commitment real. But I could not stop thinking about it, and eventually I asked Andre if he would
20 marry me, and he said yes. I went on line and got us an appointment to get married at 9 a.m. on
21 Wednesday, March 17, 2004. We made honeymoon reservations to go to Miami. Andre planned
22 a bachelor party, and I arranged for a small reception at a local restaurant, both of which had to be
23 cancelled.

24 4. I made an appointment with a jeweler for Thursday afternoon, March 10, 2004, to pick
25 out our wedding rings. That same day, the California Supreme Court issued a decision saying that
26 San Francisco could not give us a marriage license. I cancelled our appointment to get our rings,
27 and I was so hurt and depressed that for two days I just went home and slept so I wouldn't have to
28 deal with the disappointment. I was so upset that my first reaction was to think, "I just want to go

1 to another country; if I can't choose the person I want to marry, what's the point of living in this
2 country."

3 5. I always put up a banner at the schools where I work that says, "Is this good enough for
4 your child?" I thought about that banner when I heard about the California Supreme Court's
5 decision. I wanted to say to them, "Is this good enough for your child? Would you accept this
6 kind of limit on the lives of your children?" And if the answer is no, then how could they accept it
7 for someone else's life.

8 6. I grew up in Ohio. I was valedictorian of my class in high school and was the first in
9 my family to go to a four-year college when I went to Stanford. I have always been successful
10 professionally, but I learned from my father that what really matters in life is to be a good man.
11 My dad used to get us flowers when we were kids, just for no reason to let us know that he loved
12 us.

13 7. My parents are the reason I always wanted to get married. They were best friends as
14 kids growing up and eventually got married. That has always been my model of relationships, that
15 your partner is your best friend at the same time. That is all I have ever wanted. That has always
16 been my greatest dream. Andre is my best friend. I feel like I am one of the happiest people in the
17 world because I have such a good relationship. Being with someone you love is the greatest
18 happiness in life.

19 8. I love Andre because he focuses on what is important in life. He is devoted to family,
20 easy going, laid-back, and open. Like me, his measure of success is based on family, both our
21 own family with the two of us and our extended families, including our parents and siblings. It is
22 also important to me to be with someone who, like me, does not prejudge people based on what
23 they seem like on the outside.

24 9. My parents are both very supportive of us and love Andre. When I came out and told
25 them I was gay, my parents attended PFLAG (Parents and Friends of Lesbians and Gays)
26 meetings. Andre's mom is very religious and her church tells her to reject both of her sons
27 because they are gay, but she nevertheless embraces her sons because they are her children and
28 she cannot turn her back on them. I have a good relationship with Andre's mother and we often

1 talk about religion. I was raised Baptist, then Pentacostal and finally Catholic. Andre and I go to
2 church together every Wednesday night when I am in L.A.

3 10. Andre and I share our financial obligations. We have a joint bank account and have had
4 a joint credit card account. We just bought a truck for me, and I have helped Andre pay his
5 student loans. For about a year, Andre paid more of our living expenses so that we could pay
6 down my credit card debt. Although we already take on each other's debt, we are not under a
7 legal obligation to do so. We would like to be able to get married and take on this legal obligation
8 – it would be an honor. We want to take on the rights and the responsibilities of being married.

9 11. Not being able to be married, I worry about what would happen if one of us gets sick or
10 dies. I am HIV-positive, so we are particularly concerned about medical care. I do not want to
11 have to worry or pay a lot of money to hire a lawyer to fill out paperwork just to be sure that
12 Andre can visit me in the hospital or make decisions for me. I was in the hospital a few weeks ago
13 because I was bleeding internally and I kept thinking about the fact that I was not sure whether
14 Andre would be able to get in to see me even if he came up from L.A. to take care of me.

15 12. The same thing happened when Andre was hospitalized with near heart failure in May
16 of 2002. I was very worried that the hospital would not let me in to see him. Although the
17 hospital let me visit Andre on that occasion, I never feel secure that our relationship will be
18 recognized or respected or that we will be permitted to see each other in the hospital – much less
19 that we would be able to make medical decisions for one another if either of us became seriously
20 ill. Andre was in the hospital for two weeks, and every time I went to visit I had to brace myself
21 for someone to say I could not see him or to say “are you family?” Being married would make
22 that answer simple.

23 13. We worry even more when we travel about having to depend on people's good will to
24 be treated as family if anything were to happen to one of us unexpectedly. We went to Germany
25 together when my sister's husband was stationed there. We are planning to visit my sister and her
26 family in Japan sometime in the next couple of years while they are stationed there. We often go
27 to Miami together for vacations because we both like the warm weather, and we visit our families
28 together. Andre's mother is still in Port Allen, Louisiana and my family is Akron, Ohio. My

1 understanding is that without being married we have few if any legal protections as a couple in
2 most of these places.

3 14. Being married would make it easier for us to buy a home together. When we decided
4 to start looking for a house last year, we were told that only one of us could apply for a loan
5 because we were not married. Although we have since learned that we were given incorrect
6 information and that we would have been eligible to apply for a loan together, we did not know
7 that at the time; as a result, we concluded that we could not afford to buy a house because neither
8 of us could get a loan on our own. Housing prices have risen substantially during that time. So,
9 even in situations where not being able to marry does not legally prevent us from pooling our
10 resources, we are sometimes prevented from doing so because the people we turn to for financial
11 advice tell us that we have no right to work together as a family to make our lives better. We want
12 to marry so that we, and others, will immediately know and understand that we are a couple and
13 have the right to make financial and other decisions together as a couple.

14 15. If we could refer to each other as "my spouse," people, including our co-workers and
15 our friends, would look at us differently. Just by being married, in other people's minds and in our
16 own there is some glue that helps to hold you together. No matter how confident we are in our
17 relationship, it is important to have other people validate it. Without being married, no matter how
18 long we have been together, people assume that our relationship is tenuous.

19 16. Even though people have known us together as a couple for six years, when we told
20 people that we were getting married they started taking our relationship much more seriously.
21 Several people, including two close friends, said to us over the last few weeks, "you guys are
22 really that serious?" No matter how well they knew us, they could not understand the seriousness
23 of our commitment until we told them that we were getting married.

24 17. Our co-workers and supervisors were very supportive of our wedding plans. Both of
25 our supervisors rearranged our schedules so we could have the time off to get married and be
26 together without having to worry about getting back to work. Andre's supervisor had offered us a
27 voucher to apply to a cruise to the Caribbean for our honeymoon, but now that we cannot get
28 married, there has been no more discussion about it.

1 18. I think anticipating getting married is probably like anticipating having a child. You
2 have a child on the way and you feel like you need to grow up and be more responsible and yet
3 you do not really know what it will be like. I think marriage is the same way. Even though we
4 have been together for six years, I felt myself getting much more serious about my relationship
5 with Andre as the day for our wedding approached. Realizing that we could marry made me see
6 that there was a next step to take to make our relationship more serious and more committed.

7 19. Having our government deny us the right to marry says that our relationship does not
8 count. It tells us and other people that our relationship is a temporary thing. Now that we are not
9 able to get married, that exclusion makes us feel like our relationship is not as valued or respected
10 by our government as heterosexual relationships are, even those that haven't been tested by time
11 and distance the ways ours has been.

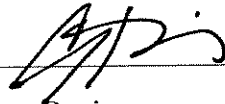
12 20. Growing up as a Black male in this society, I have received too often that message of
13 exclusion, or of judgment by others to be "less than," when they don't know me at all. It is no less
14 painful, nor more tolerable, to receive that message because my beloved is a man, than when it is
15 because of my African heritage. And the fact that it comes from the very government to which I
16 pay taxes and give my loyalty, only makes it worse.

17 21. There are reminders of this discrimination every day. It is upsetting and insulting to
18 fill out an application and have to check "single" when I know that I am not. I was required to say
19 that I am single when I filled out a form for my new job and when I filled out the loan application
20 for my truck. Just the other day I rented a car and the agent told me, "You are the only designated
21 driver, unless you have a wife, then she would automatically covered by the contract." I wanted to
22 say, "I don't have a wife, but I have a life partner who means everything to me. Why doesn't he
23 count?" But I didn't say anything. I felt it would have been useless, and that the agent probably
24 would have given me a funny look and started treating me differently, even though I did want
25 Andre to be able to drive the car. Every time I prepare my official California tax return, I am
26 forced to declare that I am single, even though I have committed to spend my life with Andre. I
27 want to be able to identify Andre as my spouse, my closest relative, my "other half." Instead I
28 always feel I have to put him in the other box – the box for "friend" or "other." My own

1 government is forcing me to deny my most heartfelt truth. Andre is not just my "friend" or
2 "other." He is my love and my joy and my happiness in life. I want him to be my legal spouse.

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

5 Executed on August 29, 2004 at Los Angeles, California.

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8 Corey Davis

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