

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

(Alexandria Division)

SOPHIE ROGERS, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case # 1:19-cv-_____
	)	
VIRGINIA STATE REGISTRAR, <i>et al.</i> ,	)	
	)	
Defendants.	)	

DECLARATION OF VICTOR M. GLASBERG

I, Victor M. Glasberg, plaintiff's counsel herein, declare under penalty of perjury that the following is true. For ease of reference, the paragraph numbers in this declaration track the paragraph numbers of the complaint to which they refer.

8. The document attached to the complaint as Exhibit 1 is a true copy of the marriage license application form available on line from the office of the Clerk of the Arlington, Virginia Circuit Court, with the drop-down menu of races from which one is to be selected. The form is available on line at

<[https://app.versiform.net/Forms/Edit/946657/18299?access\\_token=e20c1044-a442-4b1d-b0f9-d21106374fb0](https://app.versiform.net/Forms/Edit/946657/18299?access_token=e20c1044-a442-4b1d-b0f9-d21106374fb0)>.

9. The document attached to the complaint as Exhibit 2 is a true copy of the list of racial categories made available by the office of the Clerk of the Rockbridge, Virginia Circuit Court to persons seeking a marriage license from that court, and specifically, to plaintiffs Sophie Rogers

and Brandyn Churchill or or about Septembver 3, 2019.<sup>1</sup>

13. The documents attached to the complaint as Exhibit 3 are true copies of portions of the book *Systema Naturae* by Carl Linnaeus, referring to his division of *homo sapiens* into four major groups: *Americanus*, *Asiaticus*, *Africanus* and *Europeanus*, in the Latin original and in English translation. This text is widely available on line and in college and university libraries.

33-39. The work of Walter Plecker discussed in the complaint is addressed in the declarations of Thomas Guglielmo of George Washington University and Paul A. Lombardo of George State University filed herewith. Plecker's work is authoritatively reviewed at greater length in the study *What Comes Naturally* by the late Peggy Pascoe. See, declarations of Guglielmo and Lombardo; see also, Plaintiffs Motion for Leave to File Book in Court filed herewith. The Plecker documents referenced in the complaint may be found in these sources or line using conventional search engines, including at <Encyclopedia Virginia / Walter Plecker>; at <[https://www.google.com/search?q=walter+plecker+letters&tbm=isch&source=iu&ictx=1&fir=1RXs8AqyueqLvM%253A%252CFysilgTBSsF6vM%252C\\_&vet=1&usg=AI4\\_-kQxoUliiUioMZgibZF6A6yBdCGkSA&sa=X&ved=2ahUKEwiLq-adv-LjAhVShuAKHZ0qBb4Q9QEwB3oECAkQEg#imgrc=\\_&vet=1&spf=1564690743355](https://www.google.com/search?q=walter+plecker+letters&tbm=isch&source=iu&ictx=1&fir=1RXs8AqyueqLvM%253A%252CFysilgTBSsF6vM%252C_&vet=1&usg=AI4_-kQxoUliiUioMZgibZF6A6yBdCGkSA&sa=X&ved=2ahUKEwiLq-adv-LjAhVShuAKHZ0qBb4Q9QEwB3oECAkQEg#imgrc=_&vet=1&spf=1564690743355)>, and at Google Scholar under <Walter Plecker Letters>.

35. The document attached to the complaint as Exhibit 5 is a true copy of the presentation in Plecker's March 1924 *Virginia Health Bulletin* of the text of Virginia's Racial Integrity Act signed into law that month, preceded by Plecker's commentary thereon. A copy may be found on line at various sites including <<https://lva.omeka.net/items/show/62>>.

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<sup>1</sup>The clerk's office would not provide a copy of the list, and a photograph thereof had to be made. Counsel regrets the poor quality of the reproduction on some pages and will request a clear copy from the clerk or defense counsel.

37. The documents attached to the complaint as Exhibits 6 and 7 are true copies of letters from Plecker addressing his preoccupation with the marriage of white and non-white persons. They are available on line at the above-referenced sites.

38. The document attached to the complaint as Exhibit 8 is a true copy of a statewide application form for Virginia marriage licenses c. 1925 issued by Plecker's Health Department. It is available on line at the above-referenced sites.

39. The document attached to the complaint as Exhibit 9 is a true copy of a letter from Plecker comparing his work in 1943 to that done in Nazi Germany. This original is in the Albert & Shirley Small Special Collections Library at the University of Virginia.

42. The document attached to the complaint as Exhibit 10 comprises photographs taken by photographer Angelica Dass depicting the hues and tints of human beings. The exhibit, used by permission of the photographer, is also available on line at <Angelica Dass - Humanae>.

43. The document attached to the complaint as Exhibit 11 is a true copy of the front cover of the April, 2018 *National Geographic*. The photograph is used by permission of the photographer, Robin Hammond. The document is also available on line by Googling <Biggs Twins>.

50. The document attached to the complaint as Exhibit 12 comprises excerpts from the Model (initially Uniform) Marriage and Divorce Act approved in 1970, with amendments approved in 1971 and 1973. The complete act is available on line at <<https://www.uniformlaws.org/viewdocument/final-act-with-comments-54?CommunityKey=c5a9ecec-095f-4e07-a106-2e6df459d0af&tab=librarydocuments>>.

53. The document attached to the complaint as Exhibit 13 is a true copy of Directive No. 15 of the federal Office of Management and Budget ("OMB"), *Race and Ethnic Standards for*

*Federal Statistics and Administrative Reporting*. The document is available on line at <https://wonder.cdc.gov/wonder/help/populations/bridged-race/directive15.html>.

56. The document attached to the complaint as Exhibit 14 is a true copy of excerpts from the report by the National Academy of Sciences *Spotlight on Heterogeneity: The Federal Standards for Racial and Ethnic Classification* (1996). The document is available on line at <https://www.nap.edu/catalog/9060/spotlight-on-heterogeneity-the-federal-standards-for-racial-and-ethnic>.

57. The document attached to the complaint as Exhibit 15 is OMB's *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity* (Oct. 30, 1997). The document is available on line at <https://www.whitehouse.gov/wp-content/uploads/2017/11/Revisions-to-the-Standards-for-the-Classification-of-Federal-Data-on-Race-and-Ethnicity-October30-1997.pdf>.

58. The document attached to the complaint as Exhibit 16 is a true copy of a screen shot from the website maintained by Virginia's Division of Multicultural Health of the Department of Health enumerating recognized races. It may be found at: <http://www.vdh.virginia.gov/health-equity/division-of-multicultural-health-and-community-engagement/>.

59. The document attached to the complaint as Exhibit 17 is a screen shot from the Fairfax Circuit Court's on-line application for a marriage license depicting the approved races that appear on the drop-down menu for "race." It may be found on line at <https://ccr.fairfaxcounty.gov/MLWeb/Groominfo.aspx>. The document attached to the complaint as Exhibit 18 is a true copy of the list of approved races given by the Alexandria Circuit Court Clerk's office to persons seeking a marriage license. The office keeps multiple

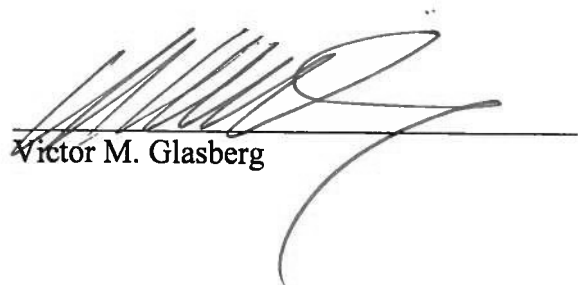
copies of this list for distribution as needed to persons seeking marriage licenses. The referenced application forms from Loudoun, Prince William and Stafford Counties are on line with lists of approved races that appear on drop-down menus. They may be found at <<https://www4.pwcgov.org/HOME/wizard/WIZARD77S13/step3?id=temp6309e8f5fdf1715550245f0b>> (Prince William County); <[www.staffordmarriage.org](http://www.staffordmarriage.org)> (Stafford County); and <<https://lisweb.loudoun.gov/TrakRecordService/TrakRecordKioskService.svc/GetKioskDocument/511107/Marriage%20License>> (Loudoun County).

61. The document attached to the complaint as Exhibit 19 comprises data available on line from the State Registrar's Office regarding statistics on marriage. The year 2013 is the most recent for which yearly statistics are currently posted. This document was produced to the undersigned by the State Registrar in response to a request under the Freedom of Information Act.

62-63. The Virginia Registrar has confirmed to the undersigned, pursuant to pre-litigation requests made under Virginia's Freedom of Information Act, that (1) The Division of Vital Statistics provides only the number of Virginia marriages to the National Center for Health Statistics, not any racial data; (2) no study has been conducted by the Virginia Department of Health regarding the racial data collected from Virginia marriage records; and (3) no racial data regarding marriages has been the subject of data sharing requests directed to the Division by third parties.

Dated: September 5, 2019

RaceCase\Drafts\DeclarationVMG(2019-0904)

  
Victor M. Glasberg