



James Darby and Patrick Bova

## **Affidavit of James Darby**



COUNTY OF COOK        )  
                                  )  
STATE OF ILLINOIS    )        ss.

**AFFIDAVIT OF JAMES DARBY**

James Darby, having been duly sworn, states as follows:

1.       I am one of the Plaintiffs in this lawsuit.
2.       I was born on February 26, 1932, and I am 81 years old.
3.       I am in a permanent, loving, and committed relationship of 49 years with Patrick Bova, and we wish to marry. Patrick also has provided an affidavit and we will try not to repeat each other.
4.       I was born and have lived in Chicago, Illinois all of my life, except for the 4 years that I was in the service. Currently I reside with Patrick in Hyde Park, Chicago, Cook County, Illinois.
5.       I have strong Chicago and Illinois roots. I was born at Cook County hospital, grew up on the south side, and worked in the Union stockyards as a young man before enlisting in the Navy to serve in the Korean War. I served 4 years before receiving an honorable discharge.
6.       After the service, I went to Roosevelt University on the GI Bill and became a teacher. I taught Spanish, French and English in the Chicago Public Schools for 30 years before retiring.
7.       Patrick and I met at the University of Chicago and fell in love 49 years ago. We held a private commitment ceremony in front of friends in 1995 before the grave of gay veteran Technical Sergeant Leonard Matlovitch (1943-1988), whose

gravestone reads: “[T]hey gave me a medal for killing two men, and a discharge for loving one.”

8. Patrick and I entered into a civil union in Illinois on June 2, 2011, in Millennium Park, Chicago, Illinois.

9. The passage of civil unions last year was a half measure. I feel it was much like “Don’t Ask Don’t Tell,” which was a half solution, as it did not allow lesbians and gay men to serve openly and with respect. Civil unions are not full equality.

10. Next year, Patrick and I will have been a couple for 50 years. There have been many times over those years in our in day-to-day life where I wish I could say Patrick is my husband. For example, when traveling and renting a car or reserving a hotel room. When we purchased our first home in 1969, we were unable to get the mortgage together.

11. When Patrick had heart surgery in 2001, the hospital asked me who I was. I told them I was his partner, but that wasn’t enough. Hospital administrators demanded I produce the healthcare power of attorney, saying “we want to see it.” I felt like our love and years together meant nothing to them; we were not seen as family. Married couples do not face such suspicion.

12. Our inability to marry, coupled with federal marriage discrimination, prevents us from being able to take care of each other properly. For example, as a former service member, I can be buried at Abraham Lincoln National Cemetery in Elmwood, Illinois, which is important to me. If I were married, Patrick would be able to be buried there with me.

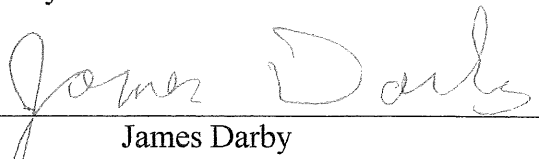
13. I feel a deep sense of personal loss over my inability to marry. I've been going to weddings for 60 years, and so many times I just sit there and say "I wish I could do that. I wish Patrick and I could be publicly acknowledged for our love and commitment to each other, too." Patrick is the best thing that has ever happened to me and marriage alone can encompass the depth of what he and I mean to each other.

14. When I tell people that Patrick and I are in a civil union, they often think that I am saying that we are in a labor union. It is confusing to people. I want to be able to say that I am married to Patrick thereby leaving no room for misunderstandings.

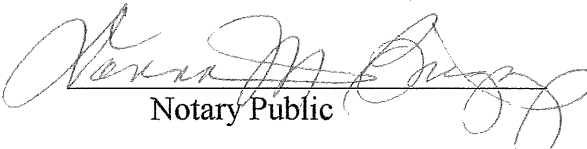
15. Patrick and I are both over the age of 18, have the capacity to contract, are not within the degrees of consanguinity or affinity prohibited by law for a legal marriage, are not wards under a guardianship, and are not legally married to any other person.

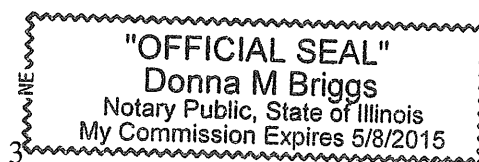
16. On or about the 15th day of May, 2012, Patrick and I appeared in person, prepared to tender the \$60 application fee and identification documents, at the office of the Cook County Clerk to request an application for a marriage license so that they could marry each other in the State of Illinois. We asked an employee of the Cook County Clerk for an application for a marriage license but the employee declined to give us one on the ground that, "[W]e only issue marriage licenses to one man and one woman."

17. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.

  
James Darby

Sworn to before me this 15<sup>TH</sup> day of MARCH, 2013

  
Notary Public





Jim Darby and Patrick Bova

## **Affidavit of Patrick Bova**



COUNTY OF COOK        )  
                                  )  
STATE OF ILLINOIS    )        ss.

**AFFIDAVIT OF PATRICK BOVA**

Patrick Bova, having been duly sworn, states as follows:

1. I am one of the Plaintiffs in this lawsuit.
2. I was born on June 1, 1938, and I am 74 years old.
3. I am in a loving committed relationship of 49 years with Jim Darby, and we wish to marry.
4. Jim has also provided an affidavit. We will try not to repeat what the other has said.
5. I was born in Erie, Pennsylvania. I came to Chicago after being awarded a scholarship and stipend to attend graduate school at the University of Chicago in 1960 and have lived here ever since. Currently, I reside with Jim Darby in Hyde Park, Chicago, Cook County, Illinois.
6. I am now retired, but was a data archivist and librarian for 38 years at the University of Chicago National Opinion Research Center. I am interested in architecture and for the last 10 years I have volunteered as a tour guide at Frank Lloyd Wright's Robie House. Also, I am the national archivist for American Veterans for Equal Rights, an organization that advocates for equal treatment of lesbian and gay service members.
7. I met Jim on July 17, 1963. It was 10:30 pm. I had just finished studying at the library and he came over to me with the corniest line you could imagine, "Do you have a light?" I often laugh at that memory. We fell in love shortly thereafter. Since then, any time Jim enters a room, I feel like he lights it up!



8. As a younger man, in the 1950s and 1960s, I struggled with the stigma of being gay. I never came out to my mother, although Jim and I would go visit her and she came to love Jim like a son. I did not go to gay bars due to frequent police raids and the subsequent printing of the names of those arrested in the newspaper. However, when responding to my selective service questionnaire, I felt forced to answer that I was a “homosexual” and was immediately rejected, denying me the opportunity to serve my country.

9. Indeed, for much of my life I have felt discrimination and stigma because I am gay. I recall when family would come to visit us we would hide the Windy City Times (Chicago’s gay newspaper) and any other “incriminating” evidence. We didn’t “come out” until just about 30 years into our relationship. It saddens me to think of all the years of not feeling like we could openly talk about our lives. We were afraid to lose our job security and risked being ostracized from our families.

10. Jim and I held a private commitment ceremony in front of close friends in 1995 before the grave of gay veteran Technical Sergeant Leonard Matlovitch (1943-1988), whose gravestone reads: “[T]hey gave me a medal for killing two men, and a discharge for loving one.” His story has always touched both of us deeply, and it felt right to declare our lifelong commitment to each other there.

11. Jim and I entered into a civil union in Illinois on June 2, 2011, in Millennium Park, Chicago, Illinois.

12. Our civil union ceremony made me feel a strengthening of tenderness toward Jim, as it was a very significant day for us. Still, it was bittersweet since we were

not pronounced “married.” Marriage alone can encompass the depth of what Jim and I mean to each other, and our lifelong commitment.

13. It is clear what marriage means to most people, but the meaning of civil union is not so clear. The fact that we constantly have to explain a civil union points out its limits. When we told people about getting our civil union, it did not evoke the same respect as getting married does. I have explained civil unions to many straight married people before and have followed up by asking them if they would prefer to be in a civil union or a marriage. On every occasion they respond that they would, without hesitation, choose marriage over a civil union. This indicates for me that civil unions are inferior to marriage and that is sad for me.

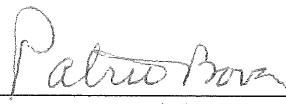
14. Emotionally, we consider ourselves married, and we have felt that way for almost 50 years. But we have not used the word because we have not had an opportunity to use the word, and that hurts us both deeply. For example, I recall thinking how nice it would be to be able to say I was married to Jim at my brother’s 50<sup>th</sup> wedding anniversary, because we, too, have been a couple for almost as many years.

15. We live the sort of life common to many retired couples. We spend all of our time together, gardening, traveling and taking care of the house. Together we host Christmas for our families, and we’ve provided care and financial assistance to several members of our extended families. However, our inability to marry prevents us from being able to take care of each other properly. We worry about whether we will be recognized as a couple by hospitals or in other settings as we get older.

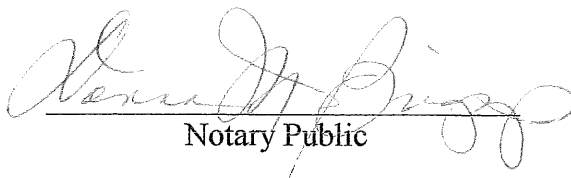
16. Jim and I are both over the age of 18, have the capacity to contract, are not within the degrees of consanguinity or affinity prohibited by law for a legal marriage, are not wards under a guardianship, and are not legally married to any other person.

17. On or about the 15th day of May, 2012, Jim and I appeared in person, prepared to tender the \$60 application fee and identification documents, at the office of the Cook County Clerk to request an application for a marriage license so that <sup>we</sup> they could marry each other in the State of Illinois. We asked an employee of the Cook County Clerk for an application for a marriage license but the employee declined to give <sup>us</sup> them one on the ground that, "[W]e only issue marriage licenses to one man and one woman."

18. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.

  
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Patrick Bova

Sworn to before me this 18<sup>TH</sup> day of MARCH, 2013

  
\_\_\_\_\_  
Notary Public

