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C.J. Castro-Byrd, Jesús Castro-Byrd, Patrick
18 *Ralph, Josefina Ahumada, and Equality Arizona*

19 UNITED STATES DISTRICT COURT

20 DISTRICT OF ARIZONA

21 Nelda Majors; Karen Bailey; David Larance;
Kevin Patterson; George Martinez; Fred
22 McQuire; Michelle Teichner; Barbara
Morrissey; Kathy Young; Jessica Young;
23 Kelli Olson; Jennifer Hoefle Olson; Kent
Burbank; Vicente Talanquer; C.J. Castro-
24 Byrd; Jesús Castro-Byrd; Patrick Ralph;
Josefina Ahumada; and Equality Arizona,

25 Plaintiffs,

26 v.

27 Michael K. Jeanes, in his official capacity as
28 Clerk of the Superior Court of Maricopa

No: 2:14-cv-00518-JWS

DECLARATION OF FREDERICK
"FRED" MCQUIRE

1 County, Arizona; Will Humble, in his official
2 capacity as Director of the Department of
3 Health Services; and David Raber, in his
4 official capacity as Director of the Department
5 of Revenue,

6 Defendants.

7 Frederick "Fred" McQuire declares and states as follows:

8 1. I am a Plaintiff in this lawsuit along with my husband George Martinez. I
9 am 69 years old and George is 62. I will turn 70 on September 17, 2014. George and I
10 reside together in Green Valley, Arizona. I have personal knowledge of the matters stated
11 in this declaration and could and would so testify if called as a witness.

12 2. I grew up in Springfield, Illinois and went to high school in Kansas City,
13 Missouri as a teenager. When I was seventeen I joined the United States Army and served
14 as a private for three years. While I was in the Army I was stationed in Germany. After I
15 came back from Germany and finished my service in the Army, I went back to Illinois to
16 look for a job. I could not find a job so I joined the United States Air Force. I served in
17 the Air Force for four years and was stationed in Guam for eighteen months in 1969-1970.
18 I am considered a Vietnam-era veteran. When I joined the Air Force I started as an airman
19 and was later promoted to sergeant.

20 3. After I finished my tour in Guam, I moved to Tucson, Arizona in 1969,
21 where I was next stationed. Shortly after I moved to Tucson, I met George Martinez.
22 George and I met in December 1969 at a gay bar. I was very attracted to his intelligence.
23 We became a couple and moved in together in 1970.

24 4. George and I have been together for forty-five years. We had a commitment
25 ceremony in 1980 after being together for ten years. We celebrated with about a hundred
26 of our friends and we had a great time.

27 5. I have worked as a manager at Wal-Mart, as a lieutenant at the Arizona
28 Department of Corrections and as a car salesman. I am now retired. George also served in
the Air Force, although we never met each other when we were on duty. George is a

1 Vietnam War veteran. He also has worked as a clerk for the Arizona Court of Appeals for
2 over thirty years. In 1976, he became the first Deputy Clerk of the Arizona Court of
3 Appeals. I am proud of George for his hard work and accomplishments.

4 6. George and I truly enjoy each other's company. I am really close to his
5 family. Before she passed away, we spent a lot of time with George's mother and took
6 her shopping. George and I have survived a lot together, including the terrifying first years
7 of the AIDS epidemic in the 1980's and 1990's.

8 7. George and I lived in Tucson for most of our relationship. In March 2014
9 we bought our dream house in Green Valley and moved from Tucson. We live in the
10 house with our dog Bugsy.

11 8. George and I have taken care of each other during the past few years when
12 we have both struggled with life-threatening illnesses. Taking care of each other during
13 medical crises has brought us closer together. I have a lot of medical problems including
14 chronic obstructive pulmonary disease, vascular problems and Parkinson's disease. My
15 Parkinson's disease makes my hands and body shake and I cannot type or even look at a
16 computer. It seems to be getting worse. I have chronic neck and back aches and walking is
17 very difficult and painful for me. I can hardly lift anything. In the past five years, I have
18 been hospitalized several times, including for pneumonia five or six years ago. When I
19 had pneumonia, I spent twenty-one days in the Intensive Care Unit of the hospital. I did
20 not think that I was going to survive. I have also had several operations including vascular
21 surgery and surgery on my elbow for a pinched nerve. I am scheduled to have bladder
22 surgery this month and a back operation in September.

23 9. As my health has declined, George has always taken care of me. Every time
24 I was hospitalized, he was there in the hospital by my side all the time. After I was
25 hospitalized for pneumonia, I was so weak that I could not walk. My body parts would not
26 function. George went with me to the Veterans Administration hospital when I was
27 recovering and undergoing physical therapy.

28

1 10. George has also battled life-threatening illnesses and I have acted as his
2 caregiver. Three years ago George was diagnosed with prostate cancer. I was afraid that
3 he was going to die. I took care of him and visited him at the hospital when he was
4 receiving radiation for the cancer. In June 2014, George was diagnosed with Stage IV
5 pancreatic cancer which has spread to his liver. Doctors say that George only has months
6 to live.

7 11. George is my best friend and my life. I cannot imagine my life without him,
8 and the news that he has only months to live is devastating and hard for me to take.

9 12. George is undergoing chemotherapy and he feels sick and weak every day. I
10 do my best to take care of him even though I also struggle with health issues. I cook for
11 him, give him his shots every day and run our errands. I enjoy taking care of him because
12 I love him.

13 13. When we found out that George is dying, we thought it was finally time for
14 us to get married. George and I had wanted to get married for years. We had been
15 together for so long that our friends and family members already thought that we were
16 married. We put off getting married because we could not marry in Arizona, and we were
17 too sick to travel to another state to get married. Plus, for most of our lives, it was not
18 legal for gay people like us to get married anywhere. When that started to change about
19 ten years ago, we started to hope that we would be able to get married in Arizona. But, it
20 took too long and since George is so sick, last month we realized that we could not afford
21 to wait until gay people can get married in Arizona.

22 14. George and I traveled to California and got married on July 19, 2014.
23 George's co-workers planned a party for us. Many of our friends and George's family
24 members and co-workers came to the wedding. Marrying George was the best thing that
25 ever happened to me. I had been waiting for that moment for a long time. I loved the
26 party. George's co-workers planned such a wonderful celebration. It was so nice. During
27 the wedding ceremony I said that I love George and that marrying him is the pinnacle of
28 my life.

1 15. George and I both sat down during the ceremony because we were too weak
2 to stand. We got up and danced a slow dance to our song, “You Are So Beautiful” by Joe
3 Cocker. I used to sing that song to George when we were young. It feels wonderful to
4 finally marry George after being together for so many years.

5 16. Traveling to California to get married was very difficult for me and George.
6 George was very nauseous, tired and weak. Flying was hard for both of us and attendants
7 had to push us through each airport in wheelchairs. It would have been so much easier if
8 we could have married in Arizona.

9 17. We went through so much to get married in California and it is demeaning
10 that our marriage is not recognized in our home state of Arizona.

11 18. Knowing that George might die makes me feel depressed, worried and
12 afraid. George’s recent diagnosis of terminal illness was shocking. I never expected
13 George to pass away before me. I am older than George and he was always healthier than
14 me. We always thought that he would outlive me. I have struggled for years with mental
15 health issues including anxiety and depression, and my struggles to cope with the reality
16 that George might die, and my worries and stress about how I will be able to support
17 myself after he dies, have made the depression and anxiety that I feel even worse.

18 19. Because Arizona refuses to recognize my legal marriage to George, I feel
19 frightened and worry about how I will support myself after George dies. George has
20 always supported me financially. He has always been the higher wage earner, and he
21 supports us through the income he receives from his state court retirement, Social Security
22 and veterans’ disability benefits. I am retired and my only source of income is Social
23 Security. I am unable to work and have no savings or assets. I filed for bankruptcy several
24 years ago and have poor credit. With the limited income that I receive from Social
25 Security, I can only afford to buy groceries and make payments for my truck. After
26 George passes away, I will most likely suffer immediate financial hardship because I will
27 no longer be able to rely on George for financial support.

28

1 20. If I cannot receive benefits as George's surviving spouse, I probably will not
2 be able to afford to remain in our house. George currently pays all the mortgage bills for
3 our house. If George passes away and I cannot receive any surviving spouse benefits, I
4 will be close to homeless. I do not have any friends or family members that I can live with
5 if I have to leave our house because most of my friends have passed away. George
6 financed the truck that I drive. He was able to do that for me because he has good credit. I
7 make payments on the truck but George pays for my car insurance. The truck is in
8 George's name. If George dies, I will probably not be able to afford to keep the truck, and
9 I so I will be without a vehicle. It makes me feel stressed and anxious to know that
10 Arizona's refusal to recognize our marriage is a legal barrier to me being eligible for
11 spousal benefits that I need and should be able to receive as George's husband.

12 21. George and I also fear that I will be prevented from seeing and being with
13 him if he is hospitalized. He could face a medical emergency on any day. I am terrified
14 that the lack of recognition for our relationship and marriage under Arizona law could
15 cause someone to prevent me from being by George's side or making decisions on his
16 behalf. I also fear that George will be prevented from seeing me if I am hospitalized again
17 with a medical emergency. George has been prevented from being by my side by hospital
18 staff in the past, and I do not want us to have to worry about whether we will be able to
19 take care of each other during medical emergencies.

20 22. George is my husband. It is more hurtful than I can describe that our
21 government refuses to acknowledge that. I fear that when George dies, I will be prevented
22 from obtaining a death certificate for him. And there are no words for how I would feel if
23 George passes away and I receive an official record of his death that has the box 'single'
24 checked off, and the space for a surviving spouse left blank. It would be a denial of our
25 love, partnership and my grief.

26 23. I feel grief and sadness knowing that I could very soon lose my husband and
27 life partner. And it is overwhelming, stressful and terrifying to wonder how I will support
28 myself financially after my husband's death, and whether I will even be able to get the

1 death certificate for him properly identifying me as his surviving husband which I will
2 need to pursue spousal survivor benefits and to take care of George's affairs as he wants
3 me to do after he passes.

4 24. It is especially painful, and even infuriating, that Arizona treats us with so
5 little respect and concern when George and I both served our country honorably in the
6 military, now suffer serious health problems, and only want the same courtesies and
7 support that are offered to other married disabled veterans after a lifetime of work in
8 appreciation for their service.

9
10 I, _____, declare under penalty of perjury that the
11 foregoing is true and correct and that this declaration was completed and signed on the
12 _____ day of August, 2014, at _____, Arizona.

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14 _____
15 Fred McQuire
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