

## Closing Arguments – Video Clip Transcripts

### Video Clip Number One

Page 24, Line 2

Plaintiff Paul Katami

Q. Why did you want to get married?

A. There are many reasons. I think the primary reason for me is because I have found someone that I love and that I know I can dedicate the rest of my life to. And when you find someone who is not only your best friend but your best advocate and supporter in life, it's a natural next step for me to want to be married to that person.

### Video Clip Number One, Continued

Page 24, Line 2

Plaintiff Jeff Zarrillo

Q. Now, today you are in a committed relationship with another gay man, correct?

A. Yes, sir.

Q. Tell me a little bit about that man.

A. He's the love of my life. I love him probably more than I love myself. I would do anything for him. I would put his needs ahead of my own. I would be with him in sickness and in health, for richer, for poorer, death do us part, just like vows. I would do anything for him. And I want nothing more than to marry him.

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### Video Clip Number Two

Page 24, Line 4

Plaintiff Kris Perry

Q. If the courts of the United States were ultimately decided that you and other same -- persons seeking to marry someone of the same sex could indeed, did indeed have the constitutional right to get married, do you think that would have an effect on other acts of discrimination against you?

A. I believe for me, personally as a lesbian, that if I had grown up in a world where the most important decision I was going to make as an adult was treated the same way as everybody else's decision, that I would not have been treated the way I was growing up or as an adult. There's something so humiliating about everybody knowing that you want to make that decision and you don't get to that, you know, it's hard to face the people at work and the people even here right now. And many of you have this, but I don't. So I have to still find a way to feel okay and not take every bit of discriminatory behavior toward me too personally because in the end that will only hurt me and my family. So if Prop 8 were undone and kids like me growing up in Bakersfield right now could never know what this felt like, then I assume that their entire lives would be on a higher arch. They would live with a higher sense of themselves that would improve the quality of their entire life.

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### Video Clip Number Three

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Plaintiff Sandy Stier

Q. Tell us what it means to you, as a plaintiff in this case, if you were to be successful? How it would change your life?

A. Well, I think it would change my life dramatically. The first time somebody said to me, "Are you married," and I said "Yes," I would think, "Ah, that feels good. It feels good and honest and true." I would feel more secure. I would feel more accepted. I would feel more pride. I would feel less protective of my kids. I would feel less like I had to protect my kids or worry about them or worry that they feel any shame or sense of not belonging. So I think there are immediate, very real and very desirable personal gains that I would experience. And, of course, close family. But on a different level, you know, as a parent you are always thinking about that other generation, that next generation, because you are -- they are in your house. So you are constantly thinking about the world that you're -- the society you are in, what are you doing for them? And are we building a good world for them? And I really want that. I want our kids to have a better life than we have right now. When they grow up, I want it to be better for them. And their kids, I want their lives to be better, too. So I really do think about that generation and the possibility of having grandchildren some day and having them live in a world where they grow up and whoever they fall in love with, it's okay, because they can be honored and they can be true to themselves and they can be accepted by society and protected by their government. And that's what I hope can be the outcome of this case in the long run. And as somebody who is from one of those conservative little pockets of the country where there isn't necessarily a lot of difference in the types of people that are there, having those legal protections is everything. It's important for these kids that don't have ready access to all types of people to at least feel like the option to be true to yourself is an option that they can have, too. And that's what I hope for. I hope for something for Kris and I, but we are big, strong women. You know, we are in a good place in our lives right now. So we would benefit from it greatly, but other people over time, I think, would benefit in such a more profound life-changing way.

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### Video Clip Number Four

Page 25, Line 20

Dr. Nancy Cott

Q. What happened when slaves were emancipated?

A. When slaves were emancipated, they flocked to get married. And this was not trivial to them, by any means. They saw the ability to marry legally, to replace the informal unions in which they had formed families and had children, many of them, to replace those informal unions with legal, valid marriage in which the states in which they lived would presumably protect their vows to each other. In fact, one quote that historians have drawn out from the record, because many of these ex-slaves were illiterate, of course, but one quotation that is the title of an article a historian wrote, it was said by an ex-slave who had also been a Union soldier, and he declared, "The marriage covenant is the foundation of

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all our rights." Meaning that it was the most everyday exhibit of the fact that he was a free person. He could say, "I do" to his partner.

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### Video Clip Number Five

Page 26, Line 8

Dr. Nancy Cott

Q. To go back to something you mentioned a moment ago, what do you today, based on the collection of events that make up our history as a nation, view as the key defining characteristics of the institution of marriage in the United States?

A. So mutual consent between partners who freely choose each other, and their commitment to establish a continuing stable relationship as the foundation for a household in which they will economically support one another and their dependents, and enable themselves to compose a family.

Q. Do you believe that a law recognizing the ability of individuals of the same sex to marry would be consistent and would include those characteristics you have just identified as being defining?

A. Yes.

Q. Why?

A. It seems to me that couples of the same sex have expressed many of the same motivations as couples of different sex to marry and to establish stable households. And, in that regard, especially in an era when families can have children that are not the result of biological procreation, and so many families do, that it seems to me same-sex couples fulfill the aims of marriage from the point of view of the state. And, certainly, it's up to any partner – intimate pair to decide whether they wish to be married or not. But seems to me that by excluding same-sex couples from the ability to marry and engage in this highly-valued institution, that society is actually denying itself another -- another resource for stability and social order.

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### Video Clip Number Six

Page 27, Line 8

Dr. Ilan Meyer

Q. Dr. Meyer, do you see a connection between the concealment process and Proposition 8 in its denial of marriage rights?

A. Well, again, to the extent that we see Proposition 8 as part of the stigma, as something that propagates the stigma, it certainly doesn't send a message that: It's okay. You can be who you want to be. You know, we respect that. We welcome you as part of the community. It sends the opposite message, in my mind, and, therefore, would -- I would think, add to that pressure, to that social environment that encourages people, some people, to conceal. And, also, when I talk about those effects of Proposition 8, by the way, they don't only affect gay people. They also send the same message to other people who are not themselves gay. So, in that sense, it's not just damaging to gay people because they feel bad about their rejection. It also sends a message that it is okay to reject. Not

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only that it is okay, that this is very highly valued by our Constitution to reject gay people, to designate them a different class of people in terms of their intimate relationships.

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### Video Clip Number Seven

Page 28, Line 14

Mr. David Blakenhorn

Q. And you believe that permitting gay and lesbian couples to marry would significantly advantage the gays and lesbians themselves and the children that they are raising, correct, sir?

A. When you say "advantage," do you mean improve the well-being of?

Q. Yes.

A. My answer to your question is that I believe that adopting same-sex marriage would be likely to improve the well-being of gay and lesbian households and their children.

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### Video Clip Number Eight

Page 29, Line 1

Mr. David Blakenhorn

Q. The seventh positive consequence which you agreed with was that: "Gay marriage would be a victory for the worthy ideas of tolerance and inclusion. It would likely decrease the number of those in society who tend to be viewed warily as "other" and increase the number who are accepted as part of "us." In that respect, gay marriage would be a victory for, and another key expansion of, the American idea." And I have read those correctly, have I not, sir?

A. Yes, sir.

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### Video Clip Number Nine

Page 29, Line 9

Mr. David Blakenhorn

Q. And then you get to the two sentences that I want to particularly direct your attention to. You say: "I believe that today the principle of equal human dignity must apply to gay and lesbian persons." Do you see that?

A. Yes, sir.

Q. And the "I" there is you, correct?

A. That's correct.

Q. And you say: "In that sense insofar as we are a nation founded on this principle, we would be more, emphasize more, American on the day we permitted same-sex marriage than we were on the day before." And you wrote those words, did you not, sir?

A. I wrote those words.

Q. And you believed them then, correct?

A. That's correct.

Q. And you believe them now, correct?

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A. That's correct.

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### Video Clip Number Ten

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Mr. David Blakenhorn

A. And I meant to say just for our purposes today, you know, heterosexuals, you know, did the deinstitutionalizing. I mean, you know, if we go back and look at the trends I described, it's very clear that this -- this was not -- deinstitutionalization is not something that just cropped up a few years ago whenever we began discussing the possibility of extending equal marriage rights to gay and lesbian people. It predates all that.

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### Video Clip Number Eleven

Page 149, Line 5

Mr. David Blakenhorn

Q. And you were not meaning to imply, were you, that biological parents were any better parents than adoptive parents?

A. No, sir.

Q. In fact, the studies show that all other things being equal, two adoptive parents raising a child from birth will do as well as two biological parents raising a child from birth, correct?

A. No, sir, that's incorrect.

Q. Well, sir --

A. May I say another word on that, please?

Q. You will have an opportunity on redirect.

A. Okay. It was a clarifying thing and actually supports something you just said. The studies show that adoptive parents, because of the rigorous screening process that they undertake before becoming adoptive parents, actually on some outcomes outstrip the biological parents in terms of providing protective care for their children.

Q. Yes, I was going to come to that, and I appreciate your getting there.

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