

1 long been considered effectively outside its
2 moral reach, African-Americans, women, people
3 of certain colors or languages or religions,
4 can over time and often as a result of great
5 struggle, enter into its protective sphere."

6 And then you get to the two sentences that I want to
7 particularly direct your attention to. You say:

8 "I believe that today the principle of equal
9 human dignity must apply to gay and lesbian
10 persons."

11 Do you see that?

12 **A.** Yes, sir.

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

14 **A.** That's correct.

15 **Q.** And you say:

16 "In that sense insofar as we are a nation
17 founded on this principle, we would be more,
18 emphasize more, American on the day we
19 permitted same-sex marriage than we were on
20 the day before."

21 And you wrote those words, did you not, sir?

22 **A.** I wrote those words.

23 **Q.** And you believed them then, correct?

24 **A.** That's correct.

25 **Q.** And you believe them now, correct?

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF
CALIFORNIA

Case number: 3:09-cv-02292-VRW

PLTF EXHIBIT NO. PX3009

Date admitted: _____

By: _____

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22 A. I wrote those words.

23 Q. And you believed them then, correct?

24 A. That's correct.

25 Q. And you believe them now, correct?

1 **A.** That's correct.

2 **Q.** Now, let me direct your attention to some of the scholars
3 that you say you relied on.

4 And Mr. Cooper took you through a number of
5 publications by a number of scholars and you indicated that you
6 had relied on what they had written; do you recall that?

7 **A.** I do recall.

8 **Q.** Now, were any of the scholars that you and Mr. Cooper
9 identified scholars who have asserted that permitting same-sex
10 marriage would cause a reduction in heterosexual marriage?

11 (Brief pause.)

12 **Q.** If you don't understand the question, I will try to make
13 it clear.

14 **A.** No, I do understand it. And I'm -- may I say it back to
15 you and see if I have got it?

16 I think you are asking me, did any of the scholars
17 that I have cited, do they believe that adopting same-sex
18 marriage would lower the marriage rate among heterosexuals?

19 **Q.** Almost. And I -- I just want to clarify one thing.

20 You said "believe" and I said "asserted." And I'm
21 not asking you to try to probe their minds. I'm simply asking
22 what they have said and written.

23 Do you understand the difference, what I'm saying?

24 **A.** Yes.

25 **Q.** And what I'm asking you is, whether any of the scholars