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2 Whereas, the most latest data tell us that today about
3 38 percent of children in the U.S. are born to unmarried
4 parents.

5 So that over, say, a five-decade period, if you go
6 back to 1960, that would be a very dramatic example. That rate
7 of growth over a five-decade period, I think, constitutes a
8 very dramatic example of the weakening of the marriage
9 institution.

10 You also would need to look at rates of divorce. The
11 United States has probably the highest divorce rate in the
12 world.

13 And so, as a result, people are -- the weakening of
14 the ideal of marital permanence suggests a lessening loyalty to
15 the institution, and the rise of nonmarital cohabitation; the
16 increasing mainstreaming of third-party participation in
17 procreation and artificial assisted reproductive technologies
18 that disturb the bond between the -- disturb the biological
19 bond between the genitor and the child; and, last, but for our
20 purposes certainly not least, the -- the spread of the idea and
21 reality of same-sex marriage in the view of -- I think, the
22 view of leading scholars, is another aspect or manifestation of
23 this current trend of deinstitutionalization.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF
CALIFORNIA

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

PLTF EXHIBIT NO. PX3010

Date admitted: _____

By: _____

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24 And I meant to say just for our purposes today, you
25 know, heterosexuals, you know, did the deinstitutionalizing. I

1 mean, you know, if we go back and look at the trends I
2 described, it's very clear that this -- this was not --
3 deinstitutionalization is not something that just cropped up a
4 few years ago whenever we began discussing the possibility of
5 extending equal marriage rights to gay and lesbian people. It
6 predates all that.

7 But what I am saying is that the scholars are telling
8 us that the process of deinstitutionalization would be
9 furthered and accelerated significantly by adopting same-sex
10 marriage.

11 **Q.** Well, what impact, in your opinion, would redefining
12 marriage to include same-sex couples have on marriage, in this
13 deinstitutionalization process?

14 **A.** It's hard to know because you're in some important ways,
15 you know, predicting what will happen in the future.

16 My best judgment is that if we move toward a
17 widespread adoption of same-sex marriage, I believe the effect
18 will be to significantly further and in some respects culminate
19 the process of deinstitutionalization of marriage.

20 If -- if you take an institution that for all of its
21 long history has been understood to have defined public
22 purposes, and through changing its definition you transfer it
23 from the public -- you transfer it from a child-centered public
24 institution to an adult-centered private institution, a
25 question of private ordering among couples, you have in some