



Claims vs. Truth

Debunking the Proposition 8 Proponents' Bogus Claims

The Proposition 8 Proponents clearly have something to hide.

Desperate for publicity during the campaign and throughout their careers, they complained of unfair treatment at trial. Now, they're suddenly claiming to be too shy to appear on camera.

They say they don't want publicity, but they've always pursued public attention in the past.

- **The claim:** The Proponents say that their witnesses fear for their privacy and regret testifying.^{1, 2}
- **The truth:** For years, the witnesses have built their entire careers around the **pursuit of publicity**.
- They've submitted anti-gay briefs to courts and committees, published countless articles, signed policy papers, and even bragged of opposing marriage equality in public speaking engagements.^{7, 8, 9, 10, 11, 13, 14}

They say that witnesses fear retribution, but that's never stopped them before.

- **The claim:** The Proponents feared that their witnesses could be intimidated by broadcast and would "become more timid"^{1, 2}
- **The truth:** Their intimidation claims are **highly suspect**, since they have been known for years to espouse anti-gay claims; and they've disregarded widespread public protest in the past without ceasing their advocacy.^{9, 10, 11, 14}
- Proponents even acknowledge that obscuring a witness "only serves to shine an even brighter spotlight on that particular witness."²

Their witness intimidation claims make no sense, now that testimony is over.

- **The claim:** According to the Proponents, broadcasting the trial could prevent witnesses from speaking freely.¹
- **The truth:** The trial is over. The evidence is in. Testimony is done. A broadcast at this point **couldn't possibly affect witness testimony**.
- The proponents **haven't filed one complaint or provided a single example of harassment** against their witnesses. That's because it simply hasn't happened.
- In fact, even after the potential for live broadcast had been eliminated, Proponents still didn't even attempt to call any additional witnesses. The broadcast stay was imposed on January 13, and Proponents didn't call their first witness until January 25.⁴

They say that they didn't get a fair trial -- so why wouldn't they want the public to see exactly what happened in court?

- **The claim:** Absurdly, the Proponents claimed that a live broadcast would infringe on their right to a fair trial.² Outrageously, they also questioned Judge Walker's objectivity as a gay man in a relationship, despite having known that he was gay before trial began.
- **The truth:** The trial was completely fair and rigorously objective. Unsealing the tapes would allow the public to judge the fairness of the trial for themselves and settle the question once and for all.
- When Proponents insisted that Judge Walker was biased, Judge Ware shot back, "no reasonable observer would conclude that his impartiality could reasonably be questioned."⁵
- The public has clamored for the release of these tapes. Of the comments Judge Walker received on the matter, 138,542 were in favor of broadcast and only 32 were opposed.⁶

The truth is that they don't want the American public to see that their witnesses are unqualified and their arguments are unfounded.

- **The Witnesses couldn't bear to be publicly associated with their own opinions in court.**
- But it's not because the witnesses feared retribution, wanted to protect their privacy, or are simply very shy. It's because they knew that their biased, untrue, unsubstantiated claims simply **cannot stand up in court**.
- It's not the first time they've withered in the face of judicial scrutiny. When deposed, witness Loren Marks admitted that he'd never conducted research on gay and lesbian parents.¹² And in 2007, the Iowa Supreme Court ruled that Katherine Young's anti-gay testimony was "not based on observation supported by scientific methodology or... on empirical research in any sense."⁸
- In fact, the Proponents actually asked Walker to destroy the copies, forever erasing a trial record that belongs to the American people.¹
- Their witnesses were so unqualified that the proponents even admitted that one of their concerns was mere "ridicule of trial participants" -- hardly a basis for destroying legal documents.²

1. *Proponents' Motion for Order Compelling Return of the Trial Recordings*

2. *Proponents' Application for Immediate Stay of the District Court's Order Permitting Public Broadcast of Trial Proceedings*

3. *Tf. 1904:3-5*

4. *Perry v. Schwarzenegger*, 704 F.Supp.2d 921, 944 (N.D. Cal. 2010)

5. *Order Denying Motion to Vacate Judgment at 16*

6. *Hollingsworth v. Perry*, 130 S. Ct. 705, 716 (2010)

7. *Katherine Young brief to CA Supreme Court*

8. *Varnum v. Brien*, Iowa District Court for Polk County, Case No. CV5963, Slip Op at 7 (Aug. 31, 2007)

9. *Margaret Sumerville and Katherine Young column*, *Globe and Mail*, July 31, 2002

10. *Katherine Young testimony against marriage before the Standing Committee on Justice and Human Rights in 2003*

11. *Edmonton Journal*, January 31, 2005

12. *Perry v. Schwarzenegger deposition*, October 30, 2009, p. 58

13. *Deseret Morning News*, December 12, 2007

14. *The Princeton Principles: Ten Principles on Marriage and the Public Good*