

Trial DB_v2

Young, Katherine (Vol. 01) - 11/13/2009

1 CLIP (RUNNING 00:17:15.757)

221Q-Okay. In the course of the work that you have done, ...

YOUNG-001 24 SEGMENTS (RUNNING 00:17:15.757)



1. PAGE 43:07 TO 43:12 (RUNNING 00:00:26.349)

07 221Q-Okay. In the course of the work that you have done,
08 have you come to form an opinion as to whether gay
09 people have been historically the subject of
10 prejudice and discrimination?
11 A- Yes, there have been certainly points in history
12 where that has been true.

2. PAGE 43:21 TO 44:10 (RUNNING 00:01:02.088)

21 223Q-All right. Have there been some cultures that have
22 been tolerant of homosexuality?
23 A- Yes, as a sub-culture.
24 224Q-What are the cultures that you are aware of that
25 have been tolerant of homosexuality?
00044:01 A- Well, I would say, in the past, the Indian culture
02 was relatively tolerant, there was a tradition of
03 the Hijras which was a sub-tradition.
04 225Q-What was that tradition?
05 A- The Hijras, it was a... operated somewhat like a
06 cast and it was a tradition of male-to-male
07 relationships, sometimes with a ritual that it was
08 even akin to marriage, but it was never the norm for
09 the society as a whole, but it was a sub-tradition
10 that had a certain amount of recognition to it.

3. PAGE 46:10 TO 46:21 (RUNNING 00:00:48.667)

10 237Q-I'm not really that familiar with India, this may be
11 a very obvious question, but are the Hijra located
12 in any particular part of India?
13 A- No, they're found in several different places.
14 238Q-Throughout India?
15 A- Throughout India.
16 239Q-Okay. And how long have the Hijra existed?
17 A- I'm not sure where we could begin to date them. It
18 is a community today.
19 240Q-Is it a community that existed at least for
20 centuries?
21 A- I would suspect for at least a few centuries.

4. PAGE 47:13 TO 47:18 (RUNNING 00:00:15.262)

13 246Q-... a simple question. Based on everyth
14 you know about the Hijra...
15 A- Yes.
16 247Q-... how long have they existed?
17 A- I would say a couple of centuries... for
18 documentation of this.

5. PAGE 51:11 TO 52:03 (RUNNING 00:01:12.384)

11 271Q-Would you give me some examples of other
12 from other cultures?
13 A- Okay. So it's a well-known fact that the
14 in North America had some kind of same-se
15 in some of the tribes, not all of them.
16 272Q-And could you spell that tribe for the re

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Case number: 3:09-cv-02292-VRW
PLTF EXHIBIT NO. PX2545
Date admitted:
By:

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18 documentation of this.

5. PAGE 51:11 TO 52:03 (RUNNING 00:01:12.384)

11 271Q-Would you give me some examples of other exceptions
12 from other cultures?
13 A- Okay. So it's a well-known fact that the Berdache
14 in North America had some kind of same-sex marriage
15 in some of the tribes, not all of them.
16 272Q-And could you spell that tribe for the record?

Trial DB_v2

17 A- It was not a tribe, it was a general category called
18 Berdache.
19 273Q-Berdache. And that is a general category of people?
20 A- It's... yes, it's a... same as... a category of
21 people where there would be same-sex relations and,
22 in some context, same-sex marriage.
23 274Q-And where were these people?
24 A- In the United States, the Lakota Tribe, I believe.
25 So there are some plains Indians groups where the
00052:01 Berdache was a well-known phenomenon. For religious
02 groups that had Shaman traditions, the Shaman
03 traditions were often Berdache.

6. PAGE 52:04 TO 52:04 (RUNNING 00:00:05.026)

04 275Q-And were the Berdache in regions other than North

7. PAGE 52:05 TO 52:09 (RUNNING 00:00:13.455)

05 America?
06 A- I believe it's a North American phenomenon, under
07 that name.
08 276Q-Does the same phenomenon exist in other regions
09 under a different name?

8. PAGE 52:10 TO 53:06 (RUNNING 00:01:00.849)

10 A- Well... we can take several other examples. There
11 is considerable... as a sub-tradition, not as a
12 norm, marriages...
13 277Q-Excuse me, you said "as a sub-tradition, not as a
14 norm".
15 A- Okay, my definition of marriage is what works as the
16 prevailing norm. Once...
17 278Q-The prevailing norm, you mean what most people do?
18 A- What most people do.
19 279Q-Okay.
20 A- Then you can have sub-traditions...
21 280Q-Okay.
22 A- ... and we can see, in several different cultures,
23 that there are sub-traditions.
24 281Q-Yes, okay. I just want to get your nomenclature
25 right.
00053:01 A- Okay.
02 282Q-When you're referring to the norm, you're referring
03 to what most people do, and when you refer to sub-
04 traditions, you are referring to exceptions to the
05 norm, is that correct?
06 A- Yes.

9. PAGE 53:12 TO 53:19 (RUNNING 00:00:30.246)

12 284Q-Now, are there other exceptions to your norm in
13 other regions?
14 A- Yes, in West Africa, there are some lesbian
15 marriages.
16 285Q-Did you say "West Africa"?
17 A- I believe it's West Africa. In China, among the
18 silk workers, there's another example of lesbian
19 marriages.

10. PAGE 54:01 TO 54:17 (RUNNING 00:01:06.990)

00054:01 289Q-Are there other examples that you are familiar with,
02 of exceptions to what you say is the norm of
03 marriage being limited to people of the opposite
04 sex?
05 A- Yes, we know that in Roman culture, among some of
06 the Roman emperors, there were some same-sex

Trial DB_v2

07 marriages.
08 290Q-What other examples?
09 A- Well, there are many other examples of same-sex
10 relationships. I'm using the examples of where
11 there was some kind of formal recognition in the
12 context of what we could call marriage.
13 291Q-M'hm.
14 A- Okay? So, we could go into the long history of
15 same-sex relationships of which there would be quite
16 a large... quite a long history and quite a large
17 anthropological study.

11. PAGE 55:15 TO 55:20 (RUNNING 00:00:12.564)

15 296Q-Is the term "gay bashing" a term with which you're
16 familiar?
17 A- Yes.
18 297Q-What does that mean?
19 A- Well, it can mean anything from taunting to physical
20 assault.

12. PAGE 56:21 TO 57:07 (RUNNING 00:00:48.674)

21 301Q-Okay. Do you have an opinion as to whether the
22 bigotry and prejudice against gays and lesbians in
23 the United States was in substantial part based on
24 religious beliefs?
25 A- There was a religious component to it, yes.
00057:01 302Q-You say there was a religious component to the
02 prejudice and bigotry in the United States against
03 gays and lesbians, is that correct?
04 A- Yes.
05 303Q-And do certain religions teach that homosexuality is
06 a sin?
07 A- Yes.

13. PAGE 61:18 TO 61:22 (RUNNING 00:00:37.519)

18 329Q-As you understand it, does the Roman Catholic Church
19 have a view as to homosexuality activity outside of
20 priesthood? Do you understand the question?
21 A- Yes. Yes, in general, I think that there is a
22 continuing view that homosexuality is wrong.

14. PAGE 62:13 TO 62:17 (RUNNING 00:00:24.917)

13 333Q-... does the Roman Catholic religion assert that
14 homosexual activity among laypeople is sinful? If
15 you know.
16 A- If I know. Uh... I think that is the general
17 position.

15. PAGE 82:04 TO 82:12 (RUNNING 00:00:35.383)

04 453Q-Okay. Let me use your word, "durability". Do you
05 believe that children are advantaged by increasing
06 the durability of the relationship of the couple
07 raising them?
08 A- Yes.
09 454Q-And do you believe that the durability of the
10 relationship of a gay couple is enhanced by
11 permitting the gay couple to marry?
12 A- On that variable, yes.

16. PAGE 86:01 TO 86:08 (RUNNING 00:00:25.108)

00086:01 477Q-And you believe that allowing gay couples to marry
02 will increase the durability of those gay couples
03 relationships, correct?
04 A- Okay. I'll say yes.

Trial DB_v2

05 478Q-Okay. And increasing the durability of those
06 relationships is beneficial to the children that
07 they're raising, correct?
08 A- On that one factor, yes.

17. PAGE 94:20 TO 94:24 (RUNNING 00:00:24.331)

20 533Q-And is it the case that the number of children being
21 raised in families that you describe as the norm was
22 decreasing significantly before there was any gay
23 marriage in the United States?
24 A- It was decreasing.

18. PAGE 100:17 TO 101:05 (RUNNING 00:00:45.068)

17 563Q-Okay. Is it the case that love and commitment are
18 the reasons that most people feel for wanting to
19 marry?
20 A- Today? Probably yes.
21 564Q-Indeed, you have seen studies that indicate that,
22 correct?
23 A- Yes.
24 565Q-And you have not seen any studies that indicate the
25 contrary, correct?
00101:01 A- Correct.
02 566Q-And do you believe that love and commitment are
03 reasons that both gay people and heterosexuals have
04 for wanting to marry?
05 A- Correct.

19. PAGE 102:01 TO 102:24 (RUNNING 00:01:47.013)

00102:01 573Q-And arranged marriages are declining in proportion,
02 and have been declining in proportion for quite a
03 number of years.
04 A- In proportion to what?
05 574Q-Non-arranged marriages. What you refer to as love
06 marriages or choice marriages.
07 A- Arranged marriages have declined, depending on the
08 country, islamic world, India and so forth. So,
09 arranged marriages have declined a bit, but they
10 certainly have not been overtaken by so-called love
11 marriages.
12 575Q-But they have declined even in the places where
13 they're predominant, correct?
14 A- They have declined.
15 576Q-And where arranged marriages have declined, have you
16 seen an increase in divorce rates?
17 A- Yes.
18 577Q-Have you also found that divorce rates are
19 correlated with female literacy?
20 A- I cannot refer to specific studies, but I may have
21 read something to that effect.
22 578Q-And are you aware of a correlation between declining
23 birth rates and increased female literacy?
24 A- Yes, that correlation exists.

20. PAGE 121:24 TO 123:11 (RUNNING 00:01:44.764)

24 683Q-This is a statement of the American Psychoanalytic
25 Association and I want to direct your attention to
00122:01 the position statement issued by the American
02 Psychoanalytic Association approved January
03 seventeenth (17th), two thousand eight (2008), you
04 see that title, "Marriage Resolution"?
05 A- Yeah, yeah.
06 684Q-And let me ask you to look at the marriage
07 resolution, it begins,
08 "WHEREAS homosexuality is a normal

Trial DB_v2

09 variant of adult sexuality...",
10 you see that?
11 A- M'hm.
12 685Q-Do you have any reason to disagree with that
13 statement?
14 A- I would prefer to have a working definition of
15 homosexuality here, but I have no basic problem with
16 this.
17 686Q-The second statement says,
18 "WHEREAS gay men and lesbians
19 possess the same potential and
20 desire for sustained loving and
21 lasting relationships as
22 heterosexuals...",
23 you see that?
24 A- Yes.
25 687Q-Do you agree with that?
00123:01 A- Yes.
02 688Q-The next statement says,
03 "WHEREAS same-sex couples are
04 raising children and have the same
05 potential and desire as heterosexual
06 couples to love and parent
07 children...",
08 you see that?
09 A- Yes.
10 689Q-Do you agree with that?
11 A- Yes.

21. PAGE 195:06 TO 195:13 (RUNNING 00:00:19.252)

06 1098Q-Okay. So, if you have a single parent, your view is
07 it doesn't make any difference whether that single
08 parent is a male or a female, correct?
09 A- Correct.
10 1099Q-And your opinion is it doesn't make any difference
11 whether that single parent is gay or straight,
12 correct?
13 A- Correct.

22. PAGE 197:12 TO 197:24 (RUNNING 00:00:34.603)

12 1113Q-My question is, is it your view that because
13 something was the norm in the past, it should be
14 continued in the future?
15 A- Okay, now, I'll answer that question. It's not...
16 do I answer it?
17 1112Q-Yes.
18 A- Okay, not necessarily.
19 1115Q-Okay.
20 A- Just because something is a norm, it doesn't
21 necessarily mean it is an appropriate norm, and it
22 has to then be reassessed in the contemporary
23 context to see if there are good reasons why that
24 norm should remain.

23. PAGE 214:19 TO 215:21 (RUNNING 00:01:40.141)

19 1213Q-All right. We talked earlier about the fact that
20 gay people have historically been subject to
21 prejudice and discrimination, you recall that?
22 A- Yes.
23 1214Q-Now, it's the case that women have also historically
24 been subject to prejudice and discrimination,
25 correct?
00215:01 A- Correct.
02 1215Q-And the prejudice and discrimination against women,
03 like the prejudice and discrimination against gay

Trial DB_v2

04 people, was often justified by religion assertions
05 and beliefs, correct?
06 A- Sometimes it was, yes.
07 1216Q-Often it was, correct?
08 A- Often it was.
09 1217Q-And the discrimination and prejudice against women
10 was also often justified by the argument that it
11 promoted or protected the traditional family,
12 correct?
13 A- Yes.
14 1218Q-And various racial groups including Blacks have
15 historically been subject to prejudice and
16 discrimination, correct?
17 A- Correct.
18 1219Q-And that prejudice and discrimination, again, like
19 the prejudice and discrimination against gay and
20 lesbians, was often justified by religion, correct?
21 A- Yes.

24. PAGE 233:03 TO 233:06 (RUNNING 00:00:15.104)

03 1300Q-And do you have a view as to whether, in the United
04 States today, law continues to be based on religion?
05 A- No, because you have the doctrine of the separation
06 of church and state.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:17:15.757)