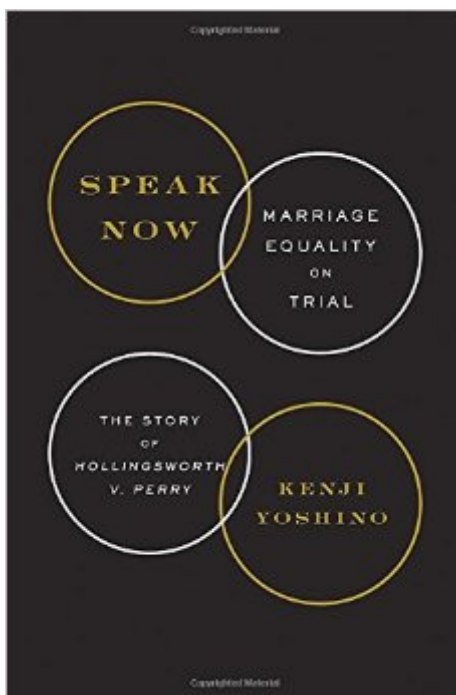


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Speak Now: Marriage Equality On Trial



Synopsis

A renowned legal scholar tells the definitive story of *Hollingsworth v. Perry*, the trial that will stand as the most potent argument for marriage equality. *Speak Now* tells the story of a watershed trial that unfolded over twelve tense days in California in 2010. A trial that legalized same-sex marriage in our most populous state. A trial that interrogated the nature of marriage, the political status of gays and lesbians, the ideal circumstances for raising children, and the ability of direct democracy to protect fundamental rights. A trial that stands as the most potent argument for marriage equality this nation has ever seen. In telling the story of *Hollingsworth v. Perry*, the groundbreaking federal lawsuit against Proposition 8, Kenji Yoshino has also written a paean to the vanishing civil trial--an oasis of rationality in what is often a decidedly uncivil debate. Above all, this book is a work of deep humanity, in which Yoshino brings abstract legal arguments to life by sharing his own story of finding love, marrying, and having children as a gay man. Intellectually rigorous and profoundly compassionate, *Speak Now* will stand as the definitive account of a landmark civil-rights trial.

Book Information

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Customer Reviews

Kenji Yoshino, the Chief Justice Earl Warren Professor at NYU (Covering), is a keen analyst of laws and an avowed admirer of trials in general, and, in particular, the twelve-day 2009 federal district court trial of the initiative, California Proposition Eight, which amended the state constitution to limit marriage to instances involving one man and one woman after the California Supreme Court had read the state's constitution to require allowing same-sex marriage. Both the Republican governor, Arnold Schwarzenegger, who had twice vetoed legislation to allow same-sex marriage,

and the Democratic attorney general (once and future governor Jerry Brown) refused to defend Proposition 8. The campaign of disinformation that led to its passage lacked any basis other than animus, as the complete failure of the witnesses defending the proposition (whom Yoshino refers to as “proponents” not “defendants”) demonstrated first in depositions under oath, then under oath in the trial. A major contribution of Yoshino’s book is that the expert witnesses who withdrew, having had their credibility and claims shredded in the deposition phase, agreed to talk to him. Though they claimed to have been frightened by the prospect of closed-circuit televising of the hearings to some other courtrooms, it is clear that they would have looked ridiculous had they testified, and likely would not have been accepted as experts (foreshadowing University of Texas rogue sociologist Mark Regenerus in a trial of Michigan’s same-sex marriage ban).

Kenji Yoshino’s gift is explaining complex legal concepts as the stories of people’s lives, without oversimplifying the issues or losing objectivity. In *Speak Now* he helps us get to know the different people involved with *Hollingsworth v. Perry*, a/k/a the Proposition 8 Case, as human beings, not just characters in a legal drama. He provides enough background so that someone who hasn’t followed the case or the issue is brought up to speed, without making it a dense legal brief. For those who are more familiar with the case, we learn more about the people whose names we know, and their stories, most of which did not include a plan to end up before the Supreme Court. Everyone involved becomes three-dimensional, instead of a name in a transcript. The author discloses his connection to the case and the issue in a very personal way, yet manages to retain his objectivity in discussing the case from the perspectives of all involved. His knowledge of the law, and the legal process, means that we also benefit from his ability to put the case in the context of our legal system, with just enough for the non-lawyer to understand. He manages to avoid crossing over into a legal brief, and in so doing makes this case accessible to the majority of us who will never study the law. History may show that marriage equality is one of our generations’ most significant civil rights issues. Yoshino’s book is a reminder of just how unique and valuable a trial in our legal system can be in determining the line between fact and opinion. He brings us inside the courtroom, and is so descriptive I found myself wondering who would play each character in the inevitable movie or mini-series.

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