



The Case Against 8 Discussion Guide

Director: Ben Cotner & Ryan White

Year: 2014

Time: 109 min

You might know these directors from:

Good Ol' Freda (2013)

Pelada (2010)

FILM SUMMARY

After a short-lived legalization of same-sex marriage in California, a state constitutional amendment known as Proposition 8 was passed in the November 2008 California state elections—effectively banning same-sex marriage by adding a provision to the California Constitution, providing that “only marriage between a man and a woman is valid or recognized in California.” This is where *THE CASE AGAINST 8* begins.

Shortly after Proposition 8 went into effect, a grass roots initiative decided the best way to take action against the amendment would be to file a lawsuit claiming that it was unconstitutional under both the Due Process and Equal Protection Clauses of the Fourteenth Amendment. They took to the streets to find a pair of same-sex couples who would serve as the public face for the fight against Prop 8, and after undergoing a rigorous background check, Kristin Perry and Sandra Stier, along with Paul Katami and Jeffrey Zarrillo were selected to be the plaintiffs in what would officially be known as *Perry v. Schwarzenegger*.

Amazingly, former legal opponents in the scandalous presidential election recount *Bush v. Gore* case, conservative all-star lawyer Ted Olson and liberal mastermind David Boies came together as one A-list legal team to fight against Prop 8. With their unlikely collaboration and the moving authenticity with which Perry, Stier, Katami, and Zarrillo share their stories over the course of the unfolding legal battle, *THE CASE AGAINST 8* becomes a veritable on-the-ground depiction of how democratic activism has the power to change laws and lives for the better.

FILM THEMES

Centered around the unprecedented legal battle for the right for same sex couples to legally marry, *THE CASE AGAINST 8* marvels at the democratic process and the meaning of family while boldly celebrating LGBTQ integrity and pride.

MARRIAGE IS A CONSERVATIVE CONCEPT

The film makes no bones about the fact that marriage is indeed a conservative concept that has long been claimed by right wing Americans as the basis for wholesome traditional values. The legal team—headed by Ted Olson, an leading figure among legal conservatives—defends the case utilizing this idea as a pitch to sell the idea of same sex marriage and as a weapon against specialists who were to be called to testify about the importance of this conservative concept.

DEMOCRACY IS A MESSY AND BEAUTIFUL PROCESS

Legal battles, even monumental fights for human rights, are often laborious marathons of repetitious arguments, paperwork, meetings, and phone calls, but occasionally truth and justice can be won, righting laws through hard earned political progress. Playing out over the course of several gruelling years, this case ultimately proves that the process can improve the lives of future generations through policy change via court ruling.

THE TRADITIONAL CONCEPT OF FAMILY IS MALLEABLE

As is evidenced by the two couples and their families who offer themselves up to be the public plaintiffs behind the case, the family unit can and does flourish in many different “non-traditional” forms. Here these forms are represented by two women and their well-adjusted nearly grown children, and two men and their adoring parents, eager to begin a family. What we have thought of as a non-traditional family unit becomes just as traditional as any family through the shared values of unyielding commitment, stability, and love.

LGBTQ PRIDE OVER SHAME AND FEAR

Though now comfortably living in their own skin, each of the gay or lesbian participants within the case have all experienced some form of shame or fear because of their sexual orientation. They’ve grown up in a culture in which they’ve been considered second class citizens, both socially and legally. With the legalization of same-sex marriage, future generations will no doubt grow up feeling more at ease and more accepting of both themselves and those in their own community, no matter their sexual orientation.

“The very idea of marriage is basic to recognition as equals in our society; any status short of that is inferior, unjust, and unconstitutional.”

Ted Olson

“With discernment we see not shadows lurking in closets or the stereotypes of what was once believed; rather, we see families committed to the common purpose of love, devotion, and service to the greater community.”

Judge Michael McShane

FILM FACTS:

- After two governors of California, Arnold Schwarzenegger and Jerry Brown, refused to defend Proposition 8 in *Perry v. Schwarzenegger*, same-sex marriage opponents appealed to the Supreme Court and the case was renamed as *Hollingsworth v. Perry*, after Dennis Clark Hollingsworth, an affiliate of the group ProtectMarriage.com, the appellant in the case.
- On May 13, 2015, *THE CASE AGAINST 8* won the 2015 Silver Gavel Award from the American Bar Association for outstanding work in media and the art that fosters the American public's understanding of law and the legal system.
- Much of the defence was based on the idea that same-sex couples were not suited to raise children, yet according to recent studies in "Paediatrics" and "Population Research and Policy Review", children of same-sex couples are as well-adjusted as children of heterosexual parents.
- The film won the Directing Prize at Sundance after it's world premiere in Park City, where just a couple years earlier directors Ben Cotner and Ryan White had just met.
- Just before 5 p.m., on June 28, 2013, Kris Perry and Sandy Stier exchanged vows on live television at the San Francisco City Hall and were joined in marriage by state Attorney General Kamala Harris before a crowd of hundreds. Paul Katami and Jeffrey Zarrillo were married shortly after by the mayor of Los Angeles, Antonio Villaraigosa.
- Following the triumphant conclusion of the case, David and Ted collaborated on a book, "Redeeming the Dream: The Case for Marriage Equality," that recounts their time working together for civil-rights.
- Decided the same day as *Hollingsworth v. Perry*, the Defence of Marriage Act (DOMA), which allowed states to refuse to recognize same-sex marriages granted under the laws of other states, was also ruled unconstitutional in the parallel court case *United States v. Windsor*.
- On April 28, 2015, an article in "The Washington Post" reported that there were currently 390,000 gay marriages in the United States with the number swiftly on the rise.

WAYS TO INFLUENCE

1. **Share** this film. Consider hosting a screening and follow it up by discussing the film.
2. **Support** the LGBT Foundation or similar organizations. If you are not lesbian, gay, bisexual, transgender or queer yourself – empathize with the people who are and join their fight for equal rights!
3. **Find** your local Pride organizations and show your support by attending local events or volunteering some time helping out.
4. **Support** organizations like the Human Rights Campaign that fight for LGBTQ rights on the legislative level. You can always help out by donating to the cause.
5. **Register** to Vote! The best way to tell your government how you feel about same-sex marriage is to vote!

We believe a good documentary is just the beginning...

In a world of sound-bites, documentaries provide an opportunity to think, understand, share, and connect with the world.

They are controversial, divisive, fascinating, unexpected, and surprising. They can be thrillers, dramas, comedies, romance, tear-jerkers, and horror films.

Documentaries provide the perfect topic for meaningful conversations. If you want to talk about the things that matter with people that matter then pick a film, invite your friends, and watch & discuss together. It's as easy as that.

Influence Film Club – We are the conversation after the film.