

From Minivan to Vanguard:
An Oral History with Sherri Kaiser

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Historical Interpretation

Interview with Sherri S. Kaiser

March 12, 2024, Berkeley, California

I. Biography

Sherri (Sokeland) Kaiser was born July 25, 1963 to Sheilah (Blair) Sokeland (1943-2023) and William “Bill” Sokeland (1938-2019) in Indianapolis, Indiana. Not long after her birth Sherri’s parents divorced, and Sherri was raised by her mother as her primary parent. Sheilah and Sherri moved from Indiana to Illinois, where they bounced around various predominantly white, middle-class suburbs of Chicago until Sherri was 18. Both of her parents were intelligent, college-educated professionals who valued a cultivated intellect and thorough education. Their daughter didn’t fall far from the tree.

Right off the bat, Sherri describes herself as a longtime “professional student.”¹ After graduating valedictorian from Hoffman Estates High School in 1981, she moved to Wisconsin to complete a B.A. in German Literature at the University of Wisconsin, Madison. At 22, while living in Germany during her junior year abroad, Sherri met Dawn, a fellow UW Madison student in the study abroad program who would become her life-long partner. After earning her B.A., Sherri pursued graduate degrees in German Literature, and spent another two years living in Germany from 1990-1992. As the finish line of her PhD studies came into clearer focus, she took a break from the world of academia to work for the Wisconsin Coalition Against Sexual Assault and Dane County Advocates for Battered Women. There, she realized her calling was to

¹ Sherri S. Kaiser, Interview with Emma Kaiser, March 12, 2024, 1.

be an “agent for social change,”² but found her logic-driven disposition an unideal match for the demands of a job that dealt primarily in “feelings and first-person experiences.”³

While driving to a training session several hours away, Sherri’s true calling came to her across early-morning radio waves. A broadcast of Supreme Court Justice Thurgood Marshall’s eulogy spoke to his legacy as a “SOCIAL JUSTICE WARRIOR with all capital letters,”⁴ as Sherri remembers him. Inspired by this eulogy and the legacy it painted, it became clear to her that a career in law could be the path to professional fulfillment she had long been seeking. So, in 1995 Sherri and Dawn moved to California where Sherri graduated second in her class from the UC Berkeley School of Law in 1998. They briefly moved back to Chicago for their first child’s birth in December of that year but returned to Berkeley shortly after, where they bought a home and put down roots in 2000. In 2003, Sherri began her work as a civil defense attorney for San Francisco, where over the course of 14 years she worked on some of the most influential cases of her career, and, in her words, some “of the most important civil rights litigation of [her] generation.”⁵

II. Context

This interview was conducted in Sherri’s home in Berkeley, California, where she raised her kids and has lived with her wife, Dawn Marie Kaiser, since 2000. The gentle sunlight of an early spring afternoon filtered in through the windows as Sherri recounted some of the stories that made her Bay Area house a home. A brief interlude of Dawn’s flip-flop clad footsteps can be heard in the early minutes of the recording, after which the conversation settled into a

² Kaiser, interview with Emma Kaiser, March 12, 2024, 1.

³ Kaiser, Interview with Emma Kaiser, March 12, 2024, 1.

⁴ Kaiser, Interview with Emma Kaiser, March 12, 2024, 1.

⁵ Kaiser, Interview with Emma Kaiser, March 12, 2024, 9.

comfortable flow with limited background noise beyond the scarcely audible creaks and groans of a 110-year-old house.

As her daughter, I was more familiar with the setting and the subject than most. The interview covers Sherri's life in California, with questions largely pertaining to her work defending the city of San Francisco during the same-sex marriage cases of 2004, paralleled by her experiences as a mother and wife in a non-traditional family unit. It was recorded using the Voice Memos application on an iPhone 12 Pro and transcribed using Microsoft Word's AI transcription software. For clarity and readability, filler language has been edited out of the transcript. At the interviewee's request, an anecdote has been removed for the sake of a non-participant's privacy. Beyond those minor edits, the content and tone of the interview has not been altered in the transcript. The interpretation that follows uses the words "same-sex" and "LGBTQ+" to refer to the interviewee's identity and community, as that is the interviewee's preferred terminology.

III. Historical Themes & Significance

The experiences Sherri shared with her community as an LGBTQ+ American, civil defense attorney, Bay Area, and parent in a lesbian partnership were at the heart of national debates over civil rights in 2004. As a primary source, the stories preserved in Sherri's interview provide historically significant insight into the 2004 legal battles for same-sex marriage equality in the United States.

In his book *Why Marriage*, gender historian George Chauncy analyzes the historical context surrounding the 2004 same-sex marriage debates. Until the 1980s, Chauncy explains, even amongst members of the LGBTQ+ liberation movements, supporters of same-sex marriage

were in the minority.⁶ Many viewed marriage as an act of patriarchal and heteronormative hegemony, wanting no part in an institution designed to exclude LGBTQ+ citizens. Before it was an option, Sherri would have counted herself among them;

I had no interest whatsoever in getting married, absolutely none. Because it felt like an imitation of a heterosexual ritual, and we had to decide who's gonna be the girl, and who's going to be the boy. It just felt very uncomfortable to think of doing that. It just underlined your difference, and secondary status, and how that wasn't a real thing for you.⁷

By the 1980s, the legal obligations of marriage “lost their gender specificity,” as feminism-driven reform of divorce laws deconstructed traditional concepts of marital gender roles.⁸ Additionally, the 1980s AIDS epidemic and Lesbian Baby Boom began to turn the tides on LGBTQ+ sentiments towards marriage as a legal institution, as “they resulted in the community’s sudden, mass experience of two key stages in the life cycle that exert special pressure on any relationship: parenthood and death.”⁹ With the gendered components of marriage becoming more obscure, and the social, economic, and legal benefits more important, the fight for same-sex marriage gained unprecedented speed in the last two decades of the 20th century. Between the spring of 2003 and the summer of 2004, the debates reached a boiling point.

In June 2003, the same month Sherri and Dawn welcomed their second child, the Supreme Court’s ruling in *Lawrence v. Texas* marked a turning point in the nation’s attitude

⁶ George Chauncey, *Why Marriage? The History Shaping Today’s Debate Over Gay Equality*, (New York: Perseus Books, 2004), 92-94.

⁷ Kaiser, Interview with Emma Kaiser, March 12, 2024, 9.

⁸ Chauncey, *Why Marriage?*, 66-71.

⁹ Chauncey, *Why Marriage?*, 95.

towards the rights of LGBTQ+ Americans.¹⁰ Five months later, the Supreme Judicial Court of Massachusetts ruled that there was no “constitutionally adequate reason for denying civil marriage to same-sex couples.”¹¹ In major cities across the nation, elected officials aimed to strengthen the legal precedent for same-sex marriage by allowing the issuance of marriage certificates to same-sex couples. Before their second daughter turned one, Sherri and Dawn had joined a rising tide of same-sex newlyweds, participating in an act of history that will continue to inform the studies of gender and sexuality scholars for years to come.

On Thursday February 12, 2004, then-Mayor Gavin Newsom added San Francisco to the growing list of cities where same-sex couples’ civil rights would be legally recognized through marriage licenses.¹² Backlash from Christian conservative groups was swift, and immediate legal challenges to Newsom’s historic decision seemed likely to limit the window of opportunity for same-sex couples to gain civil recognition. Overnight, hundreds of couples lined up at San Francisco’s City Hall to receive marriage licenses while they still could, forming lines around the block that drew national attention. Sherri remembers;

There were giant columns of people snaking out of the building and around the block. So, [Dawn] rushed down, and I went up to my office suite, which was in City Hall where the marriages were happening. I just walked through really fast and stuck my head in my colleagues' offices, and I said, We're getting married, if you wanna come! We're getting married right now! And everybody jumped up and started following us in a big group. One of my work mentors, named Buck Delventhal– he started crooning these songs as we were

¹⁰ Chauncey, *Why Marriage?*, 1.

¹¹ *Goodridge v. Department of Public Health*, 798 N.E.2d 941 (Mass. 2003).

¹² Chauncey, *Why Marriage?*, 137.

going down the big marble hallways of City Hall. We ended up getting married on the staircase, surrounded by my coworkers, and with one of our children. In that way, it was kind of a weird shotgun wedding.¹³

The marriages and conservative backlash were reported in the leading article for the *New York Times*' February 14th, 2004 National Report, which explained: "By Friday afternoon, 400 licenses had been issued to same-sex couples, more than four times the amount issued all day on Thursday, said the county clerk, Nancy Alfaro. On a more typical day, Ms. Alfaro issues about 30 marriage licenses."¹⁴ The headlining photo, centered at the top of the page, depicts the marriages taking place in the rotunda of San Francisco City Hall. Serendipitously, Sherri, Dawn, their eight-month-old daughter Sophie, and Sherri's coworkers can be seen gathered in the middle of the staircase.¹⁵

For Sherri, it wasn't until Gavin Newsom put marriage on the table that she realized it was something she wanted. Once married, the significance of marriage, of being *able* to marry, was unmistakable:

Being married is so different than not being able to marry. I didn't even know it at the time. The day after we got married, when I was walking to work, I felt like I owned the sidewalk. I'd never felt that way where I lived, in my country, ever. It was so different to be not just accepted, but approved of, you know. Just so different.¹⁶

¹³ Kaiser, Interview with Emma Kaiser, March 12, 2024, 10.

¹⁴ Dean E. Murphy, "Bid to Stop San Francisco from Letting Gays Marry: Conservatives See 'Municipal Anarchy,'" *New York Times*, February 14, 2004, ProQuest Historical Newspapers: The New York Times with Index.

¹⁵ See photo, Sherri S. Kaiser, Interview with Emma Kaiser, March 12, 2024, 21.

¹⁶ Kaiser, Interview with Emma Kaiser, March 12, 2024, 13.

Sherri was not alone in this experience. The power of legal approval reverberated in the hearts and homes of same-sex couples across the nation. Chauncey’s book is rife with the testimony of their community, many of whom, like Sherri, had never considered marriage until it was possible, and only understood the power of legal recognition after having experienced it.¹⁷ Chauncey writes, “[The] people waiting in line didn’t just want the rights, protections, and benefits that married couples had. They wanted to be recognized as fully equal.”¹⁸

Seeking marriage was also a way for same-sex couples to protest conservative efforts to stop the marriages. Chauncey continues, “Especially in San Francisco, waiting in line to get a license came to feel like an act of civil disobedience as numerous government officials and right-wing legal groups raced to shut the line down.”¹⁹ If standing in line was an act of civil disobedience, Sherri was also engaged in an act of civil defense. She and her coworkers worked around the clock as the legal team charged with defending San Francisco’s right to issue the marriage licenses. “We were getting attacked on every side,”²⁰ Sherri remembers;

“All of these lawsuits had immediately been filed, and all these attempts to halt them immediately with injunctions were going on, and I had been pulled on to those cases... We didn't know how long this was going to last... We didn't really think—I didn't think, my office didn't think—that we were going to be able to keep this going. We might have had the principles on our side, but we certainly didn't have any established law on our side.”²¹

¹⁷ Chauncey, *Why Marriage?*, 142-143.

¹⁸ Chauncey, *Why Marriage?*, 141.

¹⁹ Chauncey, *Why Marriage?*, 141.

²⁰ Kaiser, Interview with Emma Kaiser, March 12, 2024, 11.

²¹ Kaiser, Interview with Emma Kaiser, March 12, 2024, 9.

Sherri's experiences were shared by hundreds of lawyers across multiple states working to defend the marriages, and their doubts reflected the magnitude of such a historic undertaking. By the spring of 2004, what legal precedent there was to call on was still in its infancy; Sherri and her fellow attorneys had mountains to climb with few provisions besides obscure case law and their own determination to see them through. Despite the odds, their work kept the marriages going for almost a full month, and helped to lay a legal foundation for the U.S. Supreme Court's decision twelve years later that made same-sex marriage a constitutional right nationwide.²² The wins and losses were felt all the more deeply by attorneys like Sherri who also had a personal stake in the matter. Sherri is quoted in an article for the *San Francisco Daily Journal*, "We never lose track of the human face on these questions. It's the face of our partners when we go home at night. It's our face when we look at the mirror."²³

Sherri's story speaks to the experiences of all those who have struggled to be recognized as equal and deserving throughout the United States' long history. Hers is a story of love and perseverance, of liberty and justice; concepts venerated as the lifeblood of America's national identity. The themes that run through Sherri's interview stretch deep into our nation's past, are tangible in the present, and will extend well into the future. In that sense, this interview and the experiences detailed within it document a story of what it means to be American.

²² Chauncey, *Why Marriage?*, 137.

²³ Sherri Kaiser quoted by Tyler Cunningham in "Advocating Their Cause: Three Lawyers Arguing the Same-Sex Marriage Case for San Francisco Join the Ranks of the Wedded Themselves," *San Francisco Daily Journal*, March 26, 2004.

HIST 480A9 Community Oral History

Interview with Sherri S. Kaiser

March 12, 2024, Berkeley, California

Emma Kaiser: Let's start with how and why did you end up settling in the Bay Area?

Sherri Kaiser: Well, I'd probably do it why first. I have been a professional student for a long time. I had done an undergraduate degree, and then I had done studies almost through my PhD in German literature. Then I went out into the real world, which for me involved working at the Wisconsin Coalition Against Sexual Assault and Dane County Advocates for Battered Women. I thought I was going to use my cultural, intellectual, and historical smarts to be a great agent for social change, but I found completely the opposite in those grassroots settings, where it was about feelings and first-person experiences. I had some of that stuff, but I was frustrated because whenever an actual topic came up, you weren't really allowed to express it as thoughts, you had to express it as feelings, and that wasn't really my cup of tea.

So early one morning, I was doing my statewide Wisconsin job, I was starting to drive to a faraway training, and it was still dark. I was leaving Madison to go on a five-hour drive, and I heard the eulogy for Justice Thurgood Marshall, who had just died. He was a social justice warrior, with all capital letters, and I thought to myself, That is what I want to do. It was the same project that I was engaged in, but on a larger scale, much more intellectual, and at the end of the day, much, much, much more influential. I was both frustrated with what I was doing, and I heard something super inspiring, so, much to everybody's chagrin because they'd already put up with me being a student forever, I decided to take the LSAT and did well. So, then I applied to law schools.

Dawn and I struggled really hard to figure out, Should we go to New York? Because I

was accepted at NYU, Or should we go to Berkeley? Because I was accepted at what was then called Boalt Hall School of Law, but basically, UC Berkeley School of Law. We couldn't decide, and then we did like factors and stuff, and we still couldn't decide. And then we just looked at each other, we were like, Berkeley, right? Yeah, Berkeley.

So we told our parents that that was our next step. We were moving to Berkeley for law school. Our moms, who were somewhat intrepid, Sheila and Carol, I think they volunteered to help us drive across the country. We put some of our stuff in storage and rented a Ryder truck. We had then also our little car, which was a Toyota Corolla. The moms rode in the car with the two cats, no, three cats, and we rode in the truck.

Dawn's mom had gotten us CB radios. So, we had a wild ride out from the Midwest to California with our two moms. It was during this trip that they started calling themselves the mother-out-laws, as opposed to the mother-in-laws. It was all because they had taken over the men's restroom at a rest stop where they would have had to wait for the women's restroom. There was no one in the men's restroom, so they went in there, and oh my God, it was like the world changed. They were from the wild, wild west, and they became pioneer women.

I have actually this picture of the four of us at the conclusion of our drive, sitting on the stairs at our very first place where we lived in California. [Figure 1] We're all doing this similar pose because we had really grown together as a posse in this world.

But that's when our posse had to split up, because we were moving out of the Midwest where we could see them frequently to California, where they became much more distant and infrequent people in our lives. That was really sad. In any event, however, this was when I started law school, and I was getting used to California at this time too.

Can you tell me more about what law school was like?

Law school was a trip. I had no idea how I was gonna do. I didn't come from a fancy background in any way. I'd always gone to public schools and hadn't worked in any sort of elite kind of field. I had all sorts of ideas about law school being full of super smart people and, you know, Berkeley had cachet. I got there, I worked hard, especially the first semester because I knew right away that in order to stay in the Bay Area, which is what I decided pretty quickly I wanted to do because it was so beautiful and so sort of culturally comfortable, I knew I had to do well in law school and I worked really hard.

The first semester I got the highest grades in the entire first year class. People didn't know exactly who I was, because it was coded. We had test numbers, and you could go when they were posted and look up your number and see your grades. But I got basically the equivalent of all As, and I was the only person who did. Some people were like *who is this test number person?* And honestly, that success put me on a different track, with a different mindset. Like, Oh, I can make this my venue. This is my thing. I found my thing.

So, while I went through law school, I did well, people knew me. It was kind of like the opposite of my high school experience, where being a smart kid wasn't a popular move necessarily, and I wasn't popular at all. All of a sudden in law school being the smart kid made me very popular. But it also mattered that I was about 10 years older than everybody because I had done other things with my life.

I got voted to be the Editor-in-Chief of the California Law Review, which is a big honor. During the summers, you would have the opportunity to do internships at law firms or with judges or other types of employers. It turned out that my internships ended up being very future-directed. My first summer, I was what you call an extern for a judge, which is really an unpaid intern; I have no idea why they call it an extern, but they do. And so, I was working in the

Oakland federal building clerking for a federal trial court judge. It was super interesting, and I really liked it. The next summer, I was a summer associate at a law firm called Howard Rice. The partner who I was working with the most, her name is Terri Stewart. She was doing some pro-bono work for the San Francisco City Attorney's Office, so that was my first entree into working both with that person and at the City Attorney's Office. That becomes part of the story later, I'll circle back. So, those were the two summers during law school, and they actually ended up being thematic.

Well, the other thing about law school was because I had worked really hard the first two years, I was able to do some internships and fewer classes my third year, so I spent a semester working almost full-time at the San Francisco City Attorney's Office. Then my second semester of the third year, I was just taking a couple of different classes that I picked because they weren't going to have finals, so that when finals came, we could travel and take a trip to Hawaii. At the same time, Dawn and I had decided that we wanted to have kids, and I got pregnant the spring of my last year of law school.

We had decided a long time ago that we were going to go to Hawaii instead of me having to take finals, because law school is exhausting, right? So this was going to be like a little celebration. Definitely being Editor-in-Chief at the California Law Review had been exhausting for reasons that are a whole tangent, but actually have to do with stuff that happened later. So, we got on the plane to go to Hawaii, and the stewardess started handing out these floral leis, and one of the things that happened when I was pregnant was my sense of smell was incredibly strong, and so the just the flowers made me want to hurl. Then some ladies started putting on hand lotion, that made me want to hurl. We got to Hawaii; all the food made me want to hurl. It was terrible. It was lovely, but terrible. And after that I had a clerkship lined up in Chicago.

Is that where you started working with Judge Wood?

That is where I started working with Judge Wood. It was special to be able to have a clerkship. It was at the federal appellate level, and I also had some choices about where in the country I wanted to clerk because I got a number of different offers, which was lovely. I ended up choosing Chicago because that's where my mom lived, and I was about to have a baby. It was a little weird showing up for my clerkship at Judge Wood's, and having to tell her that I was going to have a baby in the middle of my clerkship, because it's just a one-year job, right? There are only a couple of clerks in chambers, and I could hardly claim that this was unplanned in some way, right? So I, shame-facedly, almost, went in to talk to her and said, Um, by the way, I'm gonna have a baby.

But she was a very devoted mother on her own, and she ended up being really great about it. She's like, oh, Sherri, there's never a good time, career-wise, to have a baby.

So, her view was that you had your kids when you had your kids, and she was going to support that. She was not going to be barking at me when I'm going to come back. So I kind of took advantage of that. She had very high expectations for working around the clock, and at some point I was like, You know, I am pregnant, and working around the clock is getting really hard, and so I don't think I'm gonna do that anymore. And she was like, what? Oh all right, well. But she was lovely, and the fact that she was a mom, a high-achieving mom, made a huge difference.

Right, it must have helped you build a bridge between the world of parenting and professionalism, especially since she was a woman.

Exactly.

So, I know you guys ended up coming back to the Bay Area shortly after I was born, can you tell

me what that was like? How did you navigate being new parents in the Bay Area without a support system?

Well, it was hard to move away from family. My mom was there if we needed somebody, and sometimes we did, and that was important. She was clearly, clearly, head over heels in love with the baby. I think it was hard on her, too, when we moved away.

Coming back to the Bay Area, I think what was challenging for us is we were the first people in our social circle to have children. In some ways, the only people in our social circle to have children when you counted in our original friends in Madison from graduate school, and then just other things that we were doing. For various reasons, people did not have kids. Either they were a lesbian couple, or a gay couple were good friends of ours. Our friend Sue was also really important in our lives, but she didn't want to get married or have children. There's a difference between being people with children, and people without children. Your life changes dramatically, and I think sometimes that puts a wedge between you and your friends without children.

It sounds like there weren't any representations of same-sex parents that you could look to. How did the lack of representation shape your ideas or experience of parenthood?

Well, it was just starting to be a thing for same-sex couples to become parents. It was becoming more and more familiar in the news, but as a weird thing, an outlier. And there was still a lot of concern with legal rights, because you couldn't have two same-sex parents at that point, legally. You could have one parent, and then the other parent, if anything was even possible because in most of the country it wasn't, but in California, you could maybe adopt. [Figure 2]

We knew a couple upstairs from us, where we lived when I was going to law school. They were a lesbian couple, and they decided to adopt a baby. There was this one children's

book that everybody in this circle knew about, called Heather Has Two Mommies. We basically wrote Alexi and cut it out, and stuck it over Heather, and gave them the book Alexi Has Two Mommies. But, you know, it was kind of lame, right? But that's because there was one book, and one couple, and we didn't know what else to do to show our support for the fact that they were adopting this baby. [Figure 3]

When I came back from Chicago, to get back to your actual question, the first thing I did was become a law clerk in the Ninth Circuit Court of Appeal, another federal court of appeal, with Judge William Fletcher, who had been a professor of mine at Berkeley.

He was like the sweetest, friendliest, dearest, but very smart man who was extremely devoted to his family, extremely. Going to a clerkship with him, with a new baby, I mean that was an incredibly supportive experience because he could not have been more kind, and grandfatherly, and supportive. So I didn't feel professionally isolated, but that was actually because of my mentors; that was because of the two judges I was working with, and not because of my peers, who as I said were ten years younger than me, and were not at the having kids part of their lives for the most part.

Can you tell me more about how that clerkship led you to working at City Hall, and how you ended up working on the same-sex marriage appeals in 2004?

Sure. So, that clerkship was actually kind of a one-year hiatus from what I was actually supposed to do before that clerkship kind of came up last minute, which was go back to Howard Rice, the firm that I had been a summer associate at my second year in law school, because they had given me an offer for returning after law school.

So I went back there. One of the partners I worked with there was Terry Stewart, who ended up becoming the second-in-command at San Francisco City Hall in the City Attorney's

Office. When she went, I basically went. I did a huge campaign to go with her, to help her get me hired by the City Attorney who wasn't elected, and I didn't know him. I had Judge Fletcher call him and say that I was the bee's knees, and sort of make a big pitch for me, and someone else called him, too, on my behalf, and he ended up hiring me.

When I started, there were various teams in the office, maybe around 200 attorneys. I started on what was called the trial team, which is just kind of personal injury, civil rights, but more like police violations of civil rights and stuff. Not fancy legal work, more bread-and-butter legal work. After I'd been there about a year, I got pregnant with Sophie. She was born, and then I was out on maternity leave for a while.

It was during that time that I got a call from Terry Stewart asking me if I wanted to move over to what was called the government litigation team. They handled a different kind of caseload that was more about challenges to ordinances, laws, and government functions. It ended up that that was where the marriage cases landed, because the big moment was when the mayor of San Francisco, Gavin Newsom—it was like he woke up and decided one day that same-sex marriage was required under the constitution, and was therefore going to be the law of San Francisco. Yeah, so the world flipped that one day when Gavin Newsom was like, No, we're having marriage in San Francisco. That was on February 12th of 2004. [Figure 4]

I remember that, well, I guess I remember for a couple of reasons. One is that I got married to Dawn, my partner of 18 years, on February 13th. A number of our other friends who were lesbian couples who worked in the city attorney's office got married the same day. We ended up calling ourselves the "Brides of Friday the 13th," because at the same time, the ultra-right-wing legal groups were going crazy with the idea that gays and lesbians could get married, anywhere, legally. All of these lawsuits had immediately been filed, and all these attempts to halt

them immediately with injunctions were going on, and I had been pulled on to those cases. Terry was in the lead on those cases, and I ended up being her second in command.

Had you and Dawn known you wanted to get married if the opportunity presented itself or was it sort of spontaneous? How did you come to know you wanted to get married?

I had no interest whatsoever in getting married, absolutely none. Because it felt like an imitation of a heterosexual ritual, and we had to decide who's gonna be the girl, and who's going to be the boy. It just felt very uncomfortable to think of doing that. It just underlined your difference, and secondary status, and how that wasn't a real thing for you. So I had zero interest. Until, suddenly, marriage was legal, and it completely flipped my viewpoint, 100% in one day. As I've liked to say, you know, we had two kids at that point, we had a four-year-old and we had a baby, like a new baby, and I drove to work one day in my minivan, dropped my older kid off at daycare, and by the time I came home that evening I was in the vanguard, not the minivan, of the most important civil rights litigation of my generation.

So it was a tremendous switch. I called Dawn on the phone and said, Hey, marriage is happening in San Francisco. Do you want to get married? Maybe we could be model plaintiffs, you know, and deal with the legal challenges. And so, we decided to get married. We didn't know how long this was going to last. Like I said, the right-wing Christian groups were trying really hard to shut this down. We didn't really think—I didn't think, my office didn't think—that we were going to be able to keep this going. We might have had the principles on our side, but we certainly didn't have any established law on our side.

But we did manage to keep it going. So, what I call our first of three marriages happened, like I said, the day after marriages started on February 13th. We only had one of our kids with us, we only had the baby. Our sweetest older daughter, Emma, was in daycare, and I had told Dawn, Rush, rush, rush, rush, you got to get down here. I don't know how long this

is going to happen. There were giant columns of people snaking out of the building and around the block.

So, she rushed down, and I went up to my office suite, which was in City Hall where the marriages were happening. I just walked through really fast and stuck my head in my colleagues' offices, and I said, We're getting married, if you wanna come! We're getting married right now! And everybody jumped up and started following us in a big group. One of my work mentors, named Buck Delventhal, he started crooning these songs as we were going down the big marble hallways of City Hall.

We ended up getting married on the staircase, surrounded by my coworkers, and with one of our children. In that way, it was kind of a weird shotgun wedding. That was before cell phones took photos, we didn't have a camera with us. We thought that it was just gonna be a moment of memory. But the next day, on February 14th, Valentine's Day, at about 10 o'clock at night, there was knocking on our door at home. We were like, Uh-oh, who's that?

We weren't expecting anybody at 10 at night, so we were kind of ignoring it. Then there was more louder, more insistent knocking. I opened the door, and it was my good friend, Kathleen Morris and her wife, Shawn, two brides of Friday the 13th. They subscribed to the New York Times, and they had noticed that there was a picture of us in the New York Times.

It was a February the 14th edition, so they had made a big deal of Valentine's Day and these same-sex marriages. There was a gay couple in the foreground, and they were clearly supposed to be the focus of the picture, but our whole group was in the middle distance, standing on the stairs. And so, randomly, it turned out that there was a picture of our wedding, and it was in the New York Times of all places, on Valentine's Day! We actually ended up writing off for a print of that photo, and it's been hanging in our home ever since. We'll never take it down.

[Figure 5]

It's a great photo. So, I know since you didn't have your larger community at that first, rushed wedding, you guys set up a second wedding just a couple weeks later. Can you tell me more about that second of three weddings? Your community there, and what the experience of planning it was like having already been together for almost 20 years, and having two kids?

Yeah, well, we didn't know what the heck to do. I mean, we hadn't planned any of this at all. It just happened. And I was working around the clock on the marriage cases. I mean, you can imagine how all-consuming this was. We were getting attacked on every side. We were not only in the trial court, but we were in the court of appeal, we were at the Supreme Court. All this stuff was happening. But we also knew that a shotgun wedding on a staircase with one child and none of the people we loved, that that's not a wedding. It was a marriage, and it was beautiful, and I'll never forget it. But it wasn't a wedding. And suddenly we did want a wedding.

We wanted to share this amazing event with the people we cared about, our friends and our family. Our 18th anniversary was coming up, we always celebrated our anniversary on April 7th, which would have been a Wednesday. We weren't gonna have people come out for a Wednesday, so we set the wedding for April 10th, which was that Saturday, I think, after the 7th and our traditional anniversary. We called it our "18th anniversary and civil rights gala," as opposed to Dawn and Sherri's wedding. [Figure 6]

Our community really helped us put the wedding together. We didn't do the engraved invitations, and the venue reservation, and the caterer and all of that stuff, because honestly, we already had a home. We had a house at that point, we were pretty established. We had put down roots, we had our two children, and we had a community both of friends and then other parents of young children were starting to be part of our community as well. A number of them grouped

together and decided that they were going to make this wedding happen for us. [Figure 7]

There's a photo here of that wedding planning committee, can you tell me about some of the people in that photo and how they shaped that experience for you?

Sure. I think that the biggest engine of the whole experience was my friend Kathleen. She was a very close friend from law school, and also an incredible go-getter, and as I said, one of the brides of February 13th herself. So, she's standing, not us, but Kathleen is standing in the middle of the picture. Which is very, very fitting. Her wife is in the picture. One of Dawn's old friends from the beginning of college named Wayne and his wife had come down. I barely knew them, but they just showered love all over the place, and all over us, and did a million things to help. My closest friends at the time, Matti and Tom, were on the crew. Matti had clerked with me in Judge Fletcher's chambers, and we had become very close most recently. And then, there were two other parents who we knew through Emma. One was Emma's best friend's mom, and the other was Emma's second-best friend's mom, and they also came together. So really, except for Kathleen and Shawn, these were just the people—it wasn't an activist moment or anything like that. It really was just our community coming together. Like I say, none of our family lived in our area, so having this community support was absolutely critical.

We ended up throwing the wedding in our backyard. Our friends came up with food ideas of things that could be served buffet style. I do remember we went and ordered a wedding cake, so that was sort of our one thing. We bought a ton of flowers but went to the flower market and did it ourselves. [Figure 8]

One very special thing for us was some other friends, who had recently moved away, but we had been so close to, the husband was a really close friend of mine from law school, and then we ended up becoming friends with him and his wife around when he got married. The four of us

became friends, and then we ended up having kids at the same time. We'd done all sorts of stuff with the little kids, and then they moved away. But one of the things that we did was a lot of little craft projects, including felting these wool figures. So, our friend Elizabeth, who had taught us how to do this, sent a cake topper made of these felted wool figures. [Figure 9]

It was so moving because, you know, otherwise we were going to have to buy two bride and grooms sets, and just put the brides on and their stupid long white dresses, and do that weird gender thing again that was the very thing I hated about marriage. Instead, we got these beautiful figures of the two of us and our two children. It just meant so much to me, and it's the thing that we've had next to our City Hall photo for the whole time since it happened, and while my kids were growing up.

It sounds like having a community of people, family or not, that were supporting you and making the experience yours made it all that much more special.

And not just a token, or a political act. It wasn't just symbolic, it really felt real, and moving. Being married is so different than not being able to marry. I didn't even know it at the time. The day after we got married, when I was walking to work, I felt like I owned the sidewalk. I'd never felt that way where I lived, in my country, ever. It was so different to be, not just accepted, but approved of, you know. Just so different.

That's pretty unique to the Bay Area, especially during that time. You've said you wanted to raise kids in the Bay so that we didn't get bullied in school for having same-sex parents, or to spare us some of the discrimination that we might have experienced had you raised kids elsewhere. Can you tell me about how you helped us navigate questions about having same-sex parents? What questions did we have and how do you remember answering them?

You know, it's interesting because I don't remember trying to equip you about that. I think it was

because we were in a socially and politically supportive part of the country that I didn't feel like I had to give you 'the talk,' right? Here's what you do when your nasty little friends say nasty things about you.

I was just kind of waiting to see what happened, and let the issues arise to the extent that they did. And if they did, or to the extent that they did, neither you nor Sophie ever really said anything to us, you know, you never came home and said, So and so called me -I don't know what. Over time, you both reported to us these questions about what's it like, and who's who. But it didn't seem that mean spirited, even. It seemed like curiosity.

All of that just made us believe 1000% that we had made the right choice to stay where we were and do what we did. What I do remember, and one thing I will say about the school experience, the epitome of it for me was, unlike when I went to school and bullying was the thing and teachers did zero about it and there was all this name calling and shaming and whatever, at your elementary school, Malcolm X Elementary School, which tells you something right there, the thing that I remember actually happened with Sophie. It was when I heard about her and her best friend getting in trouble, and getting pulled aside. I think they were in second or third grade. They were talking to a little boy on the playground, and said something like, well maybe when you grow up you'll be gay. Some teacher heard that, and pulled them aside and was like, You can't bully other children about being gay! And you know, Sophie was like, What? We were talking about a good thing, or just a thing that might happen, not a bad thing. I remember thinking, Wow, the pendulum has swung so much that saying that someone might be gay, my kids are saying it as a good thing, and the teacher who's trying to be all supportive is just sort of assuming it's still a bad thing. As opposed to when I was growing up, when it was a bad thing and nobody cared.

Right. One of the things that I'm sure you had to figure out how to explain to us was when your second of three weddings was delegitimized, and you had to get married again in 2008. Let me first ask, how did you explain that to Sophie and I?

That is the time that I remember having to have 'the talk.' Because I had to explain to you that even though we were married, and you had been part of a big ceremony and a celebration, and there was all of this talk in your house all the time about same-sex marriage; that the California Supreme Court had declared our marriage to be quote 'a legal nullity,' because Gavin Newsom didn't have the authority to do what he did. You know, we kind of joked about that. I would call Dawn, Oh my little legal nullity. But the problem was that it was going to be voted on whether or not marriage was going to be constitutionally defined as being between one man and one woman. Well, actually, I'm sort of skipping a part.

The San Francisco marriages were first declared a legal nullity, but then there was a challenge to that, and the California Supreme Court declared that there was a constitutional right to same-sex marriage in California. The marriage was reinstated; our legal nullity was a legal-something. Then, there was a voter initiative.

That's Prop 8, right?

That was Prop 8 [2008 California Proposition 8: Eliminates Rights of Same-Sex Couples to Marry. Initiative Constitutional Amendment]. That was the voters having the opportunity to say, no, the California Constitution only permits one man and one woman to be married. But, there was a legal component to this, where if you were properly married before Prop 8, if it passed, you would stay married, and Prop 8 would only have a future effect. That was why we had to get married officially if we were going to be considered married going forward.

We couldn't ignore it and just say, Oh well, whatever, because our legal nullity was

legally compromised. So because we were under threat, essentially, we had to get married again. That was hard to explain to you guys because you were like, Well but you're married, why do you have to get married again? And that was when we had to say, Well, you know, some people worry about two women or two men getting married because it's not traditional. So, in order to be married, and that's something really important if you have kids, which is a whole other topic, we have to get married again. But the good news is it's a big party, and you get more fancy dresses! Yay!

So that's what we did. We organized a party, this time at the progressive church that we had been affiliated with in the meantime; another thing that only happened because we had kids. And so, we had essentially a third wedding. That was exhausting and weird because our same friends were invited, again, to a wedding, and there was wedding fatigue, you know? We were like, No gifts, you already gave us gifts! But we still had to organize a thing, and we had to do food, and we had to do wedding cake. [Figure 10]

That is what felt like an imitation. It was like an imitation of our first wedding, and it almost felt weirdly embarrassing, you know? Like, Why do we have to do this? Dawn famously said afterwards, If we have to do this again, we'll do something more like "paperwork and pastries." I don't think that's the exact quote, but you know, instead of putting on a whole show. That was the problem, it felt like a show. It didn't feel like this organic community support of love. This is the one that felt like an empty action, and only because of a hostile world.

You said you only ended up at church because you had kids. Can you tell me more about that?

Yes. That was because Dawn grew up in a religious tradition. She was a Catholic, went to Catholic school, went to Mass every day. And I grew up outside of the church. My mom had been a Sunday school teacher and brought me to church until I was maybe three or four. But

after that somehow it fell away, and I never went to church. I could see that was a big cultural deficit when I was in college and doing literary studies, because there's a lot of literature that has to do with the Bible, especially really old historical stuff, like from the 10th to the 15th century, and I had no flippin' clue. Everything I knew about religion was from old movies, like Moses and the Red Sea in Technicolor kind of stuff.

So, one Easter, Dawn brought home these palm fronds related to Palm Sunday, which is a thing before Easter. Honest to God, I don't really... I still can't explain it. But you were asking me questions, like, What are those? Why do we have those? And I was trying to explain, and Dawn was in the next room. I was like, Well, I don't know, something, something Jesus, something, something Easter, something, something. You were like, Well, who's Jesus? And I was like, Oh gosh. So Jesus... I was struggling. And then you were like, Well, what's Jesus' last name? And I was like, Finally! An easy question! Christ! Jesus Christ! And Dawn was like, O. M. G. You are so ignorant, I cannot even believe it. Jesus' last name is not Christ! Christ is a kind of God figure. I'm like, Okay whatever, I have no idea what you're talking about.

So I figured it would be a good idea if my children were not ignorant like I was, and therefore that they should be affiliated and have an education from some kind of a church that wasn't going to tell them what to think, but would at least give them a cultural education. So I went out in search of a church like that, and that was a church that we started attending, and really it was because of my kids.

Interesting. These have all been great stories. I would love to follow up some more at a later date, but is there anything you'd like to share in closing for today?

I would just say, I mean to go back to the issue of being a same-sex parent, honest to God, it was like 99.9% about being parents. I think that's true for everyone. I don't think parenting is a

political act, or a political statement. I definitely think some people are persecuted, and I'm thinking right now of what's happening to parents of transgender kids, for example, watching their children be persecuted, and as parents having to leave their communities and take their kids elsewhere. But for us, we were lucky. That didn't happen. Instead, it was about our children's personalities, and their struggles, and their education. And it still is, you know. Once a parent, always a parent. And I just love that. I also love that they have insight when they go different places and get different questions. I think they feel squarely on their feet, and nothing knocks them off of that.

Yeah, I agree. Well, thank you so much. I will be in touch about scheduling a follow up.

Thank you.



Figure 1 – Sherri (Sokeland) Kaiser, Sheilah Sokeland, Carol Kaiser, Dawn Kaiser, sitting on the steps of Sherri and Dawn’s first apartment in Oakland, California, 1995.



Figure 2 – Dawn Kaiser and Emma Kaiser on the day of Emma’s adoption, Oakland, California, 2001.



Figure 3 – Judge William Fletcher, Sherri (Sokeland) Kaiser, and fellow clerks. San Francisco, California, 2000.

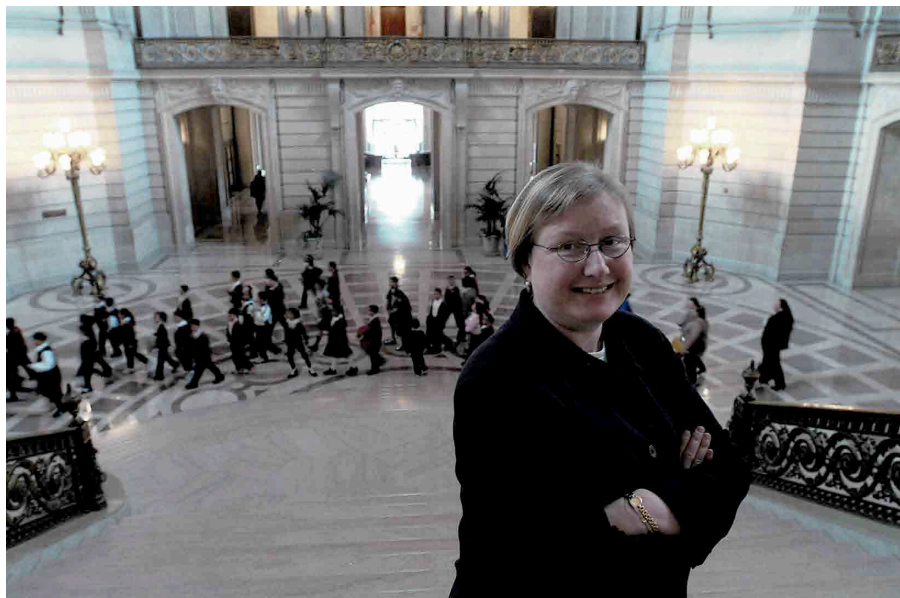


Figure 4 – Sherri (Sokeland) Kaiser pictured on the grand staircase at San Francisco City Hall. Taken by Xiang Xing Zhou for an article in the San Francisco Daily Journal’s March 26th, 2004 edition.



Figure 5 – Same-sex couples getting married at San Francisco City Hall, February 13th, 2004. Sherri (Sokeland) Kaiser, Dawn Marie Kaiser, and coworkers are gathered in the middle of the staircase in the rotunda. Photo printed in the February 14, 2004, edition of the New York Times.



Figure 6 – Sherri (Sokeland) Kaiser, Dawn Marie Kaiser, Emma Kaiser (5), Sophie Kaiser (10 months), taken on April 10th, 2004, at Dawn and Sherri’s second of three weddings, held at their home on Dohr Street in Berkeley, California.



Figure 7 – The wedding planning committee of friends. Taken in Sherri and Dawn’s backyard in Berkeley, California in April 2004.



Figure 8 – Dawn Kaiser and Sherri (Sokeland) Kaiser getting married, Judge William Fletcher officiating. Taken in their backyard at their April 10th, 2004 wedding.



Figure 9 – Felted wool cake-toppers made by Elizabeth Downes. Photographed by Emma Kaiser as displayed in Sherri (Sokeland) Kaiser’s Berkeley, California home, March 15th, 2024.



Figure 10 – Sherri (Sokeland) Kaiser and Dawn Kaiser getting married at the Unitarian Universalist Church of Berkeley, in Kensington, California, 2008. William “Bill” and Barbara Hamilton-Holway officiating. Emma and Sophie Kaiser served as flower girls.