

LIVEBLOGGING THE PROP 8 TRIAL: DAY FIVE FRIDAY PM(20)

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Walker: You have a scheduling matter that came up.

Boutros: Withdrawal of expert witness. They withdrew expert witnesses bc of concerns about cameras. Not one time did they suggest that the withdraw of the witnesses bc of cameras. Withdrew after SCOTUS decision, we predicted they would withdraw them bc of cross-examination.

Thompson: Respond for completeness of record. Advise that witnesses had a significant concern about cameras. Plaintiffs exacerbated our concerns when they asked the recording continue.

Walker: Let me ask a couple of questions. Dr. Lamb. You said that there's not a basis for absence of genetic relationship having a problem. Was that your testimony. Purely layperson's question. Why is it common that adopted children seek out biological parents.

Lamb: Many know they're adopted. Something important about origins. Wouldn't be viewed as maladjustment.

Walker: No relationship to anti-social behavior.

Lamb: That's what research said.

Walker: No reason to protect children from lesbians and gays. What about priestly abuse. How do you square your statements about that phenomenon.

Lamb: Data about sexual abuse shows that individuals who have same sex orientation are no more likely to abuse children. Doesn't mean they don't. Not familiar of all the details of abuses conducted within religious orders. Many cases in Ireland involve heterosexual abuse by religious individuals. Abuse involves both hetero and homosexual abuse. I don't want to convey fact that homosexual people never abuse children, simply that they're not any more likely.

Walker: Have you studied that?

Lamb: I know of the studies. I focus on affects on children.

Walker: Continue Mr. Thompson.

Thompson: Why is it if genetic connection irrelevant couples pay expense to go through in vitro.

Lamb: Would be indication it's important to them. Adjustment of children, children conceived using IVF just as likely to be conceived through natural conception with egg donation with those conceived through artificial insemination.

Thompson: Gay fatherhood has with some exceptions, relatively homogenous groups.

Lamb: On gay fathers. I think that the research, less extensive than lesbian mothers, does include pop study I mentioned earlier, recent studies of adoption of gays. Not sure term homogenous.

Thompson: 4th edition of role of father. Patterson, despite diversity of gay fathers, research relatively homogeneous. Representativeness.

Lamb: That was true then, yes.

Thompson: Cross-sectional in nature. Caution in interpretation of research in this new area of work.

Lamb: Accurate in 1996.

Thompson: No, 2004.

Lamb: 2002.

Thompson: let us turn to studies. Lit on gay male and parenting skills so sparse that you're starting a study in UK, correct?

Lamb: I'm starting a study in UK, that much is correct.

Thompson: You're going to focus on nature of parents' prior relationships. Many of the studies don't attempt to match prior relationships. If you had two households one with 1 child, and one with 10 children, different resources available. Studies don't control for that.

Lamb: I don't think that's correct.

Thompson: Some don't even compare to any group. Studies listed in materials considered, some don't have control group whatsoever. Taking into account age, proxy index for readiness for parenting.

Lamb: I'm trying to understand your question. It identifies certain groups where age is problematic. What would be important is not to be mixing teen parents with middle age, or older parents. This is not something that is just linearly related.

Thompson: You're going to be asking if parents are sexually exclusive. That becomes especially important, children's adjustment.

Lamb: The nature of the relationship between the parents that could be an important issue.

Thompson: That's why you're going to try to hold constant.

Lamb: That's what I said at depo.

Thompson: Many of the studies don't look at prior relationships.

Lamb: That's true of studies of hetero and homosexual couples.

Thompson: Educational background, these are

important things to consider. Most studies address white middle class lesbians. Several don't have control group against which to measure.

Lamb: Some don't, bc for purpose of study, those weren't necessary.

Thompson: Outcomes better raised by two parents.

Lamb: Many compared them to single mothers, some to two parent families.

Thompson: Many of them showed only doing as well as single mothers.

Lamb: Children being raised by lesbians as well.

Thompson: Stepfathers can lead to worse outcomes. Not a comparison of married biological parents compared to gay and lesbian parents. Educational attainment child well adjustment.

Lamb: Completion of adequate schooling.

Thompson: Many studies on young children so can't measure. None of the studies try to compare difficult of subject matters at their schools. If you want to measure whether child had reached intellectual potential. Compare that to GPA, correct?

Lamb: That tends not to be true on a lot of studies.

Thompson: There's not one single one which has tried to measure educational attainment of these children to their potential. [raising voice] There is a fairly reliable correlation between family size and IQ.

Lamb: Relatively small but reliable.

Thompson: Not hold constant for number of siblings. Those that look at educational attainment of children, college matriculation. Those studies don't try to measure caliber of universities, treat Cambridge same as community. It's important to be precise as possible when making comparisons. Not one of the studies you've looked at considers the resources that

grandparents make available.

Lamb: I think that's not correct.

Thompson: The financial resources.

Lamb: You said resources. There have been studies.

Thompson: None of the studies have examined financial resources grandparents make available. Educational attainment of grandparents.

Lamb: Something would be related.

Thompson: Clearly we know that psychological well-being of parents affects quality of children. Being a depressed parent can affect the child.

Thompson: Professor Knott [may be Knox]. UVA. Well-known family sociologist. Let's look at what you said in deposition. He's unfortunately deceased. Is that right?

Lamb: You told me so at deposition.

Thompson: If valid study were to show that no correlation between having gay and lesbian parents and worse outcomes, then most scientists would accept that there is no causal link between the two. Samplings, ability of any social science evidence depends on way sample of cases was obtained.

Lamb: I would agree that it relates to understanding and specifying.

Thompson: Probability study, every member same probability in appearing in study.

Lamb: What I made in said about representative.

Thompson: Would require probability sample.

Lamb: That's a sociologist. I would expand, and say we need a variety of studies, and that's what I testified to this morning.

Thompson: We do not have agreed upon definition of homosexual. Answers to such questions have direct consequences. Would you agree that an

agreed upon definition of homosexuality as important.

Lamb: Parenting relies on self-definition.

Thompson: In order to determine that specific characteristics of father-child relationship, necessary to use correlative studies.

Lamb: My statement that you need multiple approaches.

Thompson: [Reading Knott] Must decide how information to be collected. Must first translate concepts of interest into indicators that can be measured. You would need questionnaire.

Lamb: If you were going to do a questionnaire, you'd need to write it.

Thompson: Document—No basis, what the studies don't tell us about homosexual parenting. Did you review this in connection with this case?

Lamb: I've read it in the past, but not in connection with this case.

Thompson: Conclusion was that studies were not sufficiently reliable to draw conclusions.

Lamb: That was the conclusion he reached about ten years ago.

Thompson: Walter Schoen. What was really learned by Tasker and Golobak's study of lesbian mothers.

Lamb: I've seen it before. It was published in a journal where one has to pay to have it published, so it's not really considered part of the literature. But I have seen it in past cases.

Thompson: Very small subset of any population proceed with caution.

Lamb: I think researchers should always proceed with caution.

Thompson: Families with young children. Review of research in 1990s. Have you reviewed this in

connection with case?

Lamb: No I have not.

Thompson: It says "relatively new area of study"
Persistent limitation of these studies is that
most rely on small samples of middle class
previously married lesbians and their children.
At time when this was written, it was true.

Lamb: It was true of a majority of the studies
at the time.

Thompson: It says cannot be confident about
generalizability of the studies.

Lamb: You would have to be careful about that if
you were relying on relatively small group of
research.

Thompson: Does sexual orientation of parents
matter. Judith Stacy. Are you familiar? She's an
advocate for rights of gays and lesbians?

Lamb: I don't know about that.

Thompson: She talked about studies showing
greater gender conformity. However another
measure such as occupation goals and sartorial
styles, they also exhibit greater gender
conformity. If prof Stacy right that if you use
miniscule sample that increase likelihood of
rejecting null.

Lamb: Yes.

Thompson: Are we justified in lowering our
standards. Would you agree that scientific
standards have been lowered?

Lamb: I don't know anything about medical
community, but I don't think it's true in area I
study.

Thompson: You don't think there was bias in the
past?

Lamb: You were asking me about—perhaps you can
repeat the question.

Thompson: We can move on. Study that shows worse
outcome.

Lamb: I didn't list everything I took into account. This study is complete outlier, and by author's own admission, problems research.

Thompson: it has a larger sample size than any of the literature you cite to, that compares childhood outcomes to hetero.

Lamb: Largest sample is Rosenfels one, which uses the national sample, I didn't cite it bc I wasn't aware of it. This one includes 58 children being raised by lesbians and gay parents.

Thompson: It has a control group.

Lamb: Two, married hetero, and cohabiting hetero.

Thompson: Article

Lamb: This is incomplete, is that intentional?

Thompson: Giving the heft of these binders, we wanted to kill one less tree. Lesbian mothers scored lower on setting limits. You would agree that setting limits important on parenting.

Walker: This is not the only place where setting limits would be helpful.

[Introduces another one]

Lamb: This was reporting back onto other one.

Thompson: Did not compare to biological married parents.

Thompson, trying to introduce another report.

Walker: You're going to ask a question, right? That's the precondition under XXX.

Thompson: I'm getting into prove a negative. The comparison group here is not of married biological parents, right?

Lamb: I'm sure that neither you nor the Judge want me to read through and check.

Walker: Alright. Now move on.

Thompson: Again, this one did not have a control

group of married hetero parents.

Lamb: My understanding is that they did not exclude people who were not married.

Thompson: [Another report] Did not have control group of married hetero parents. You don't know how many of these studies compared married biological parents to same sex.

Lamb: They were comparing hetero couples with lesbian parents.

[Thompson is going on and on with these studies, pointing out that they don't have control groups that exclude unmarried parents.]

Thompson: 50% difference in psychological problems.

Lamb: It's not statistically significant.

Thompson: because the sample size is so small?

Lamb: No, because it's not statistically significant.

Lamb: in all of these cases, majority would have been married, but so far as I recall, non-married were not excluded.

Thompson: Points to chart. Cognitive competence. Worse outcome, right?

Lamb: In this case, it appears to be.

[Thompson goes to another paper that is based on one we already talked about—he's having a hard time understanding what is a study and what a review of the same study.]

Walker: if that same question applies to all of these maybe you can get to the point.

Thompson: He doesn't have any studies that compare with married biological couples, which is the point we're making in this case.

Walker: We're trying a case. There are ways to make your point in as short of time as possible. Maybe pose one question with respect to the whole one.

Thompson now asking him to generalize.

Lamb: Most of them use married couples but, not having a chance to review them, I don't recall that they excluded unmarried couples.

Thompson: [Really pissy now] If you don't exclude them then there might be unmarried couples in the control group.

Thompson: So-called meta-analyses.

Lamb: There have been several meta-analyses on adopted children. Procedure to combine results of multiple studies.

[Walker is standing to the side of his chair at the moment—he does this from time to time. Has his arms crossed.]

Thompson: There isn't a single study in this control group that uses married biological. Bacon and Greyways.

Lamb: This is a literature review.

Thompson: Maybe we'll just say review rather than meta-analysis.

Lamb: It's my understanding, probably did not exclude from comparison people who were not married.

Thompson: Another summary.

Lamb: That's another literature review as it says on the top.

Lamb: This one cited Cordig (sp), who cites married heterosexual couples in his title.

Thompson: But he doesn't talk about childhood outcomes.

Lamb: This article is on family relationships.

Thompson: Behavior outcomes for DP couples. Or for married. Children being raised by gays and lesbians comparable in outcomes to those raised by hetero. That's true even though none of those gay and lesbian were married.

Redirect.

McGill: Do you need a break, are you alright?

Lamb: I see the end in sight. I'm looking at that door.

McGill: Let's warm up our time machine, way back in time to 1975, when you held the view that presence of father itself determinative factor in adjustment outcomes.

Lamb: Issue had to do with maleness of father. I still think fathers are important figures, and when they do have father figures that are important.

McGill: Why is it that your views from before I was born to now, what has changed your views?

Lamb: The body of evidence.

McGill: When lit in your field speaks of father absence, what family structures is lit describing.

Lamb: Hetero families when single women raising children either by choice or result of family dissolution.

McGill: When studies talk about fatherless families, headed by lesbian mothers?

Lamb: Small number. In general, talking about hetero mother.

McGill: What conclusion can be drawn about lesbian families of lit that studies fatherless families.

Lamb: Lit on father figure in home.

McGill: Does the fatherless family lit allow us to draw any conclusion on lesbian parents? On gay parents? How about literature studying divorced families?

Lamb: Not directly. They're not exploring influence of sexual orientation of parent.

McGill: What about body of research regarding stepfamilies. Can it tell us anything about

adjustment of children w/gay or lesbian parents.

Lamb: No.

McGill: Who is Loren Marks?

Lamb: One of the experts that had been identified on the other side.

McGill: Did you review Dr. Marks' report and deposition I took of him? With honor's permission, I'd like to play clip of deposition.

Thompson: Object to it being in evidence, not object to being played.

[Deposition]

McGill: How would you characterize married lesbian couple that adopted after child's birth.

Marks: No biological ties. I believe the heterosexual that adopts they deserve a discrete category.

McGill: Do you agree they deserve their own category.

Lamb: WRT childhood outcomes.

McGill: Study by Rosenfeld. Can you tell us why important.

Lamb: Compares all children. COuple of thousand raised by lesbian and couple of thousand raised by gay, with respect to extent to which children held back at school.

McGill: Is sample based on US Census reliable?

Lamb: [laughs] yes.

McGill: Rosenfeld compares heterosexual couples, unmarried lesbian couples.

Lamb: You've got unmarried parents in all of those groups.

McGill: How is "biological" used in literature.

Lamb: To refer to genetic, DNA sharing link. In

many studies, the term is used more inclusively to include indivs in intact families, including children who've been adopted would often be included with biological family.

McGill: It would include parent that had no genetic relationship to child.

McGill: Robert Johnson's study on substance abuse. First relation "mother" might be biological or adoptive mother. Is that consistent with way it's used in pschy?

Lamb: Frequently used in literature.

McGill: Read bottom:

Most studies do not distinguish biological families from adoptive parents since the latter is a rare family form.

McGill: You were shown a great number of documents by Mr. Thompson. One was a lit review by Brad Wilcox.

McGill: Data on national household survey. Teens living w/both biological parents significantly less likely to use drugs, alcohol, and tobacco. How do you suspect Wilcox using biological?

Lamb: Assume he was using it to include biological parents.

McGill: Second clip on Wilcox and Johnson.

McGill: Moving now to paragraph 15, specifically last sentence of paragraph 15. Marked as exhibit 2. You say, recent interview Wilcox and Roberts. significantly less likely to use illicit drugs, alcohol, and tobacco. You italicize both biologicla parents?

Marks: Was going back to biology is important in connection with marriage.

McGill: Read sentence on 24 and 25. Data from national household survey on drug abuse, after controlling for age, race,

etc, teens living w/both biological parents. Wilcox and Collins do not account for biological parents.

Marks: I don't know if they do or not.

McGill: Just as you said before, you used those in same manner, would you expect Wilcox and Collins to use in same manner in which research cited them.

Marks: Always exceptions.

McGill: If Wilcox and Collins define biological parents differently from authority they cite, wouldn't that suggest that proposition that Wilcox makes not supported by citation?

Marks: Standard.

McGill [reads where the underlying report details that "biological" includes "adoptive"] Had you read that before you signed your report?
[Continues reading] "Most studies consider intact families including adoptive." Do you believe that's accurate?

Marks: I would withdraw that.

McGill: Would you withdraw emphasis on biological?

Marks: I would.

McGill: Do you think he was correct to withdraw emphasis on biological.

Thompson: We would object to judicial notice of a snippet of the deposition, Dr. Marks' report should come in so the record can be seen in totality.

Walker: Let's sort this out at another time. What I'm interested in rightnow is page and reference number.

McGill: Book. Fatherless America. You mentioned

that you wrote a book review concerning Fatherless America. Is that right? Do you recall what you wrote?

Lamb: I was concerned that Blankenhorn had misrepresented much of the research, particularly gender differentiated parenting. There was a second concern which was the fact that Blankenhorn's book confused the issues of correlation and causality. Misrepresented state of knowledge at that point regarding ways in which children's experience might be

Blankenhorn's tendency to paint alternative visions in absurd or ridiculous terms in order to facilitate his dismissal of them leads him in at least one important case to undermine his own theseis.

McGill: Would you consider that a favorable review?

Lamb: No.

McGill: Do you remember brief review of Seranticos study. Is there anything else you want to say about the study.

Lamb: Problems that Seranticos acknowledges in this report. 2 hetero parent married, 2 hetero cohabiting, 2 G&L parents, not comparable in important ways. Children in cohabiting and same sex groups had frequently experienced divorce of parents. Substantial body of evidence showing that experience of parents divorce, and fact that many of these children moved home. That would need to be taken into account in trying to interpret the results. More illustrative on effects of divorce than it does on same sex parenting. Second, all of data gathered by interviewing teachers. Recognizes particular problem, many teachers acknowledge having homophobic attitudes. Finally used very different ways of selecting samples for study. While results are out of step with results of research. Understanding particulars makes it clear why it's so far out of step.

McGill: Have findings ever been replicated by another study?

Lamb: They have not. There's no other study that finds that in the nature of the report. A couple of studies show difference one way or another. You'd expect to find local variations. No other study that shows in this way major problem on part of children

McGill: Recall where Seranticos study published.

Lamb: Children Australia.

McGill: Peer reviewed? Electronic databases?

Lamb: I don't think so, not in databases. I think most of the people in field have same concerns about study.

McGill: Why 100s of studies reliable?

Lamb: Consistent. The fact that patterns of results obtained in wider body of research. Children whose lesbian who have conflictual relationship have more probs than children whose lesbian parents have more harmonious. Same factors that predict outcomes as we do when children have hetero parents. Having gay or lesbian parent does not make them more likely to be maladjusted.

McGill; Fewer studies of gay parents than lesbian parents? WHY are you comfortable opining that their chilren no less likely to be well adjusted?

Lamb: Totality of evidence base. We do have a good understanding of what it is that affects adjustment.

McGill: Did the corporation on public broadcasting affect your opinion in this case?

Lamb: No, it did not.