

EXHIBIT 16B

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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 14 COUNTY OF SAN FRANCISCO
 15 UNLIMITED CIVIL JURISDICTION

15 Coordination Proceeding
 Special Title (Rule 1550(b))
 16 MARRIAGE CASES

17 RANDY THOMASSON, et al.,
 18 Petitioners/Plaintiffs,

19 vs.

20 GAVIN NEWSOM, et al.,
 21 Respondents/Defendants.

22 PROPOSITION 22 LEGAL DEFENSE AND
 23 EDUCATION FUND, et al.,

24 Petitioners/Plaintiffs,

25 vs.

26 CITY AND COUNTY OF SAN
 FRANCISCO, et al.,
 27 Respondents/Defendants
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JUDICIAL COUNCIL COORDINATION
 PROCEEDING NO. 4365

Case No. 428-794
 (Consolidated with Case No. 503-943)

DECLARATION OF STEVEN L.
 NOCK IN OPPOSITION TO
 PLAINTIFFS' MOTION FOR
 SUMMARY JUDGMENT

Date Action Filed: March 11, 2004
 Trial Date: Not set

1 I, STEVEN L. NOCK, declare as follows:

2 I am a Professor of Sociology at the University of Virginia. I set forth my qualifications in the
3 earlier declaration I filed in this matter.

4 My research has indicated that encouraging marriage creates a social good. This is not only
5 because it encourages those who wish to procreate to get married, but that even for those who do
6 not procreate, marriage as an institution provides significant benefits to the two persons in the
7 marriage and to society as a whole.

8 1. I have reviewed the declaration of Maggie Gallagher submitted in this matter. She
9 does not base her declaration on any studies that she herself has conducted but rather relies on
10 the results of others.

11 2. I agree generally that valid social science studies have shown that children from intact
12 families have better outcomes than children from other types of family structures. These studies
13 show that children that are either born into a single parent home, or are children of divorced
14 parents who either do or do not remarry, or children of a heterosexual couple who cohabit and
15 do not marry, have worse outcomes than those from intact, married families. These studies
16 cannot, however, compare the relevant factors necessary to make a conclusion regarding the
17 potential outcome for children raised in an intact, married family that has two same sex parents.
18 Because marriage of same sex couples in the United States is an extremely recent and limited
19 phenomena, we have yet to design a demographic or sociological study that would address the
20 effect of marriage on same sex couples who marry and their children (or, for that matter, the
21 effect of marriage of same sex couples on marriage of heterosexual couples) in the United States.

22 3. In 2002, I conducted a study to examine the correlation of kinship on the outcomes of
23 children. I published an article on a study that examined the affect of "kin care," which is a
24 system whereby the biological kin of a child raise the child rather than having the child placed in
25 foster care and/or sent out for adoption by non-kin. (Brinig and Nock, How Much Does Legal
26 Status Matter: Adoption by Kin Care Givers, Family Law Quarterly, Vol. 36, No. 3, Fall 2002.)
27 As part of that study of approximately 18,000 children, I examined and compared the outcomes
28 for children who had been adopted (i.e., were not biologically related to the one or two parents

1 with whom they lived) with the outcome of children living with one or two biological parents..
2 We also examined children living in foster families, including foster families where the adults
3 and foster children were related (kin). We compared well-being issues such as perceived
4 morbidity (i.e., the chances of dying young), juvenile delinquency, depression, and drug use. We
5 discovered that children living with their adopted parent or parents fared about equally with
6 those living with a biological parent or parents. Both fared better than those living in foster
7 homes, including those foster homes where the foster parents were related to the foster children
8 (although this pattern was not found for Black children). This study suggests that adoption may
9 serve as well as living with biological parents in matters such as those we studied in this
10 research.

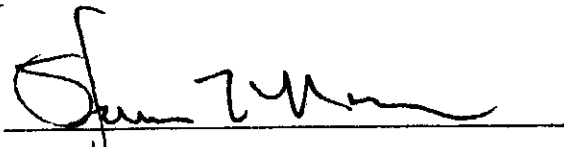
11 4. I have also reviewed the declaration of Allan Carlson, an historian who comments on
12 various aspects of marriage. He does not cite any studies in his declaration, so I cannot comment
13 on the scientific validity of any studies upon which he relies.

14 5. I have also reviewed the declaration of George Rekers, who is a psychologist, not a
15 sociologist. He relies in part on an article by Sotirios Sarantakos, Children in Three Contexts:
16 Family, Education and Social Development, Children Australia, Vol. 21, No. 2, 1996, pp. 23-31.
17 I have reviewed that article, and believe it to be scientifically flawed for a number of reasons.
18 First, as Sarantakos noted, the sample is quite small. Second, the method Sarantakos used for
19 sampling is a method known "snowball sampling." Snowball sampling is an unreliable sampling
20 method. In this type of sample, the subjects are identified when one person in the study
21 identifies someone they know, who identifies another they know, and so on. Studies based on
22 these types of sampling are biased in unknown ways. Also, people who are well known are more
23 likely to become part of the sample than those who are less well known, and thus tend to be
24 different. Furthermore, this study specifically states all of the children with homosexual parents
25 used in the study were "born in a previous relationship (marriage, cohabitation, or unmarried
26 motherhood)," and thus, unlike the married or cohabiting couples, they are not born and raised
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28

1 continually by two parents but rather come from divorced families. I do not believe that this
2 study can be used to generalize about children born into a homosexual relationship.

3 I declare under the penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. Signed this 24 day of November, in

5 Charlottesville Virginia

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8 STEVEN L. NOCK

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