

# Exhibit C

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 KRISTIN M. PERRY, et al., )

4 Plaintiffs, )

5 v. ) No. 09-CV-2292 VRW

6 ARNOLD SCHWARZENEGGER, in )

7 his official capacity as )

8 Governor of California, )

9 et al., )

10 Defendants. )

11

12 Washington, D.C.

13 Friday, October 30, 2009

14 Deposition of LOREN DEAN MARKS, called for

15 examination by counsel for Plaintiffs in the

16 above-entitled matter, the witness being duly sworn

17 by CHERYL A. LORD, a Notary Public in and for the

18 District of Columbia, taken at the offices of COOPER

19 & KIRK PLLC, 1523 New Hampshire Avenue N.W.,

20 Washington, D.C., at 9:31 a.m., and the proceedings

21 being taken down by Stenotype by CHERYL A. LORD, RPR,

22 CRR.

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<p>1 terminal -- not just your terminal degree, but where 2 you receive your degrees. Nothing more complex than 3 that.</p>	<p>1 difference. 2 Q. What fields of research do family science 3 or family studies draw upon?</p>
<p>4 Q. I note that your major at -- your 5 undergraduate major at Brigham Young was family 6 sciences, and your major in your master's program was 7 family sciences and human development.</p>	<p>4 A. Psychology, sociology, and of course 5 family studies as well. You know, like -- like any 6 discipline, we borrow a little bit here and there 7 from others, history, demography, et cetera, but 8 primarily psychology and sociology.</p>
<p>8 What does the study of family sciences 9 entail?</p>	<p>9 Q. Turning now -- oh, before I leave 10 education, can -- how many years were you at Brigham 11 Young as an undergraduate?</p>
<p>10 A. There -- there are a number different 11 aims. The primary aim is to -- to do our best to -- 12 to understand -- and -- and these are my terms -- to 13 figure out why some families struggle and why some 14 families succeed. In -- in laymen's terms, that's 15 the way that I'd put it.</p>	<p>12 A. I began at Brigham Young in January of 13 1994, I believe, 1994, and finished up there in 1997. 14 I applied, admitted -- and was admitted to the M.S. 15 program, which you see here. And that took me just 16 about exactly 2 calendar years, so January 1994 17 through early July of 1999.</p>
<p>16 Q. What would you define as -- or how would 17 the field of family sciences define success as a 18 family?</p>	<p>18 Q. So 2 years as a graduate student and 3 and 19 a half years or thereabouts as an undergraduate 20 student?</p>
<p>19 A. There are 2 different units of analysis 20 that are typically looked at.</p>	<p>21 A. Yeah, about 3 and a half.</p>
<p>21 One would be individuals, and if 22 individuals are flourishing, doing well</p>	<p>22 Q. Turning now to the employment section.</p>
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<p>1 developmentally. Also, we look at the marital level. 2 I might say 3 levels instead of 2.</p>	<p>1 A. M-hm. 2 Q. In what position are you currently 3 employed?</p>
<p>3 The individual level, you know, is the 4 individual doing well. Number 2, is the marriage 5 doing well, has it ended in divorce, are they still 6 married, are they reporting that they're satisfied 7 that they're happy. And at the family level are the 8 relationships strong, encouraging, nurturing.</p>	<p>4 A. I'm the Kathryn Norwood and Claude Fussel 5 alumni professor in the college of agriculture, 6 specifically within the school of human ecology in 7 the division of family, child, and consumer sciences. 8 I know that's a mouthful, but --</p>
<p>9 There -- there are many, many, many 10 different ways that each of those are measured in 11 different studies by different individuals, but 12 that's -- that's the bottom line.</p>	<p>9 Q. Is the Kathryn Norwood and Claude Fussel 10 alumni professorship -- is that reserved for people 11 in a particular field or from a particular 12 background?</p>
<p>13 Q. Your major at the University of Delaware 14 was family studies?</p>	<p>13 A. You know, that's a good question, Matt, 14 and I don't know if it is or not. I just -- I 15 actually haven't even met the donors yet. I just 16 received it a month ago plus or minus or so.</p>
<p>15 A. M-hm.</p>	<p>17 But it's -- I will tell you that it's a 18 teaching -- a teaching-based professorship at the 19 research -- research excellence was also factored in, 20 but that was the merit basis, teaching and -- and 21 research.</p>
<p>16 Q. Is that different in any way from family 17 sciences?</p>	<p>22 Q. Unfortunately, you won't meet Mrs. Norwood</p>
<p>18 A. Not significantly.</p>	
<p>19 I think it's a terminology difference. 20 Sometimes it's called family studies, sometimes 21 family science, sometimes family sciences.</p>	
<p>22 But there's -- there's not a significant</p>	

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<p>1 One of the -- let's see, it's been a 2 little while since I taught 7051, but typically in 3 that course, which I taught a couple of times I 4 think, I required 9 texts, 9 texts or books, several 5 journal articles that were largely up to the 6 discretion of the students. They got to pick those. 7 One of the books that was required reading 8 was Judith Stacey's In the Name of the Family, which 9 addresses same-sex -- I don't know how much depth it 10 goes into in terms of parenting, but it does address 11 same-sex issues at some length. 12 We also read chapters from different 13 handbooks that addressed same-sex issues in 7051. 14 Q. Do you recall the names, titles of any of 15 those handbooks? 16 A. Charlotte Patterson's Journal of Marriage 17 and Family Review in 2000. I think it's the 18 November -- not that that's important, but November 19 2000 Journal of Marriage and Family. She has a 20 review in that issue that we -- that we read. 21 I taught the class twice, once before and 22 once after the 2004 handbook that I mentioned earlier</p>	<p>1 Q. When you addressed it last week, what -- 2 what texts did you use? 3 A. When it was addressed last week, I had a 4 student give a presentation based on her review of 5 literature to the class. 6 Q. Do you recall what literature she 7 reviewed? 8 A. She -- she used the Patterson review that 9 I mentioned earlier. She -- she also referenced -- 10 which did she use? -- Patterson actually has a 11 number of -- a number of studies in this area as 12 you're probably aware. I believe the Wain- -- some 13 of the Wainright literature may have been used and 14 also some of the Golombok studies from England. 15 The presentation was a few minutes, not 16 comprehensive, but a research paper that she 17 selected. 18 Q. Would you say that you yourself are 19 familiar with the research of Patterson, Golombok, 20 Wainright? 21 A. Yes. 22 Q. In your -- in the course of your teaching</p>
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<p>1 came out. I can't -- I can't remember who authored 2 the same-sex chapter or chapters in that book, but 3 that was a book that we would refer to pretty 4 regularly. 5 There may well be others that -- '03, '05, 6 taught several classes since then, I'm a little -- 7 I'm a little fuzzy, but certainly those I'd stand by. 8 Q. Have you taught in any of your classes 9 since 2005 any issues relating to either marriage or 10 parenting as among lesbians or -- and gay men? 11 A. Since 2005? 12 And you're talking about undergraduate and 13 graduate classes? 14 Q. That's correct. 15 A. It comes up and is addressed at some level 16 in just about every -- every class that I teach. 17 I'm trying to think if there's -- the 18 easier answer would be, are there any classes 19 where -- where I do not address it at some level. 20 2065 is a course -- although it says here, 21 2008, I'm currently teaching that. We addressed it 22 in that course just last week.</p>	<p>1 emerging lifestyles in 2002 at the University of 2 Delaware, did you in the context of that class 3 address parenting and marriage in the lesbian and gay 4 context? 5 A. We did. 6 Q. Did you reference the same texts as you 7 use now? 8 A. Many of -- many of the ones that we use 9 now were unavailable then. And I was -- I was less 10 familiar with the literature then as well. 11 As -- as a result, I did bring in -- we 12 had a guest expert lecturer come in to help fill in 13 that gap, since I had a working knowledge of the 14 literature, at that point, but thought it was 15 important to have -- have an expert come in. 16 Q. Who was the guest expert? 17 A. Tara Woolfolk. 18 When I say, guest expert, she knew a lot 19 more than me, you know, at that point in time about 20 the literature, not nationally renowned. 21 Q. Since emerging lifestyles in 2002, what 22 new texts have you added to your teachings of these</p>

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1 primarily considered in connection with preparing the  
 2 report?  
 3 MR. THOMPSON: Objection, mischaracterizes  
 4 the testimony, and objection, asked and answered.  
 5 A. These -- these materials that are listed  
 6 here were considered in formulation of my expert  
 7 report. But again, they're -- they're in no way  
 8 exclusive.  
 9 BY MR. MCGILL:  
 10 Q. How did you distinguish between the  
 11 references to list and the references not to list?  
 12 A. That's a good question.  
 13 And in the case -- in the case of this  
 14 expert report, some of my judgments were based on not  
 15 just what studies were available to me, but I wanted  
 16 to focus on the highest-quality studies available.  
 17 And I believe that most of the studies, most of the  
 18 work that you'll find cited here is -- is of high  
 19 quality, Nobel laureates.  
 20 Akerlof as an economist, several pieces by  
 21 Paul Amato, and others, who are premier. So among  
 22 the available sources, I tried to select from -- from

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1 the best.  
 2 MR. THOMPSON: We've been going about an  
 3 hour. We'd like to take a break.  
 4 MR. MCGILL: As you wish.  
 5 MR. THOMPSON: Okay.  
 6 THE VIDEOGRAPHER: This ends videotape  
 7 number 1. The time is now 10:27 AM.  
 8 (Recess.)  
 9 THE VIDEOGRAPHER: We're now back on the  
 10 record.  
 11 This is the beginning of videotape number  
 12 2. The time is now 10:40 AM. You may proceed.  
 13 BY MR. MCGILL:  
 14 Q. So when we left off, Professor Marks,  
 15 the -- just to close the loop on where we were, you  
 16 said, do I understand you correctly to say that you  
 17 distinguished between the materials that you chose to  
 18 list on your index of materials considered and those  
 19 you chose not to list by listing only those materials  
 20 of the highest quality on your index?  
 21 A. The sources that I list I believe are of  
 22 high quality, but -- and indicate ones in most cases

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1 I took a close look at again. There certainly was a  
 2 quality factor.  
 3 Q. And the sources that are not listed here  
 4 presumably are of lesser quality?  
 5 A. Well, there are some that are -- I'm sure  
 6 there are some very high-quality studies generally  
 7 that aren't on here, but, yes, of the ones that I've  
 8 considered, these are -- these are high-quality  
 9 studies for the most part.  
 10 Q. What are your primary areas of research  
 11 interest?  
 12 A. My primary research interests are faith  
 13 and families and African American families. I spend  
 14 quite a bit of time in both of those.  
 15 I do dabble in, you know, some other  
 16 areas, but those are focal.  
 17 Q. How does your research on faith and  
 18 families and strong African American families relate  
 19 to your opinions and your report in this case?  
 20 MR. THOMPSON: Objection, vague.  
 21 Go ahead.  
 22 A. With -- with maybe one, 2 contextualizing

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1 exceptions, I don't believe I cite my own work  
 2 directly in this -- this expert report.  
 3 So in terms of my direct impact, minimal  
 4 to -- to moderate, although I -- although those are 2  
 5 focal areas of my -- there -- there are probably a  
 6 hundred different subdisciplines within family  
 7 studies that I'm responsible for in some -- some  
 8 level as a teacher that I cover, that I read, so --  
 9 BY MR. MCGILL:  
 10 Q. Is parenting by gay men and lesbians among  
 11 the hundreds of subdisciplines that you're  
 12 responsible for?  
 13 A. Yes.  
 14 Q. You're a peer reviewer on several  
 15 journals.  
 16 Correct?  
 17 A. I am.  
 18 Q. And what do you do as a peer reviewer?  
 19 A. As a peer reviewer, the editor of a  
 20 journal will send -- will send you a study, usually a  
 21 study that is within your interest area, you know,  
 22 your specialty area. And they will ask -- ask you to

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<p>1 carefully read, respond to issues that -- that are</p> <p>2 raised.</p> <p>3 In my instance, I have a methods specialty</p> <p>4 as well, and sometimes I'm asked to give some -- some</p> <p>5 input on the research method that's used.</p> <p>6 Q. Why is peer reviewing important?</p> <p>7 A. Peer reviewing is an effort to maintain</p> <p>8 minimal standards in the field.</p> <p>9 Q. Does work that is peer-reviewed presumably</p> <p>10 meet minimal standards in the field?</p> <p>11 A. It depends on the journal.</p> <p>12 There -- there are a variety -- variety of</p> <p>13 journals. There's also a great degree of</p> <p>14 subjectivity that comes into play in terms of -- in</p> <p>15 terms of reviewers as most within the field will tell</p> <p>16 you.</p> <p>17 Social scientists are not immune from</p> <p>18 cultural or biases -- cultural opinions, et cetera.</p> <p>19 Q. Now, you mentioned before -- I just want</p> <p>20 to circle back to your statement that you have a</p> <p>21 specialty in methodology.</p> <p>22 Could you elaborate on that?</p>	<p>1 that's rarely hit.</p> <p>2 You have your biases. I do. Anybody who</p> <p>3 is reviewing carries those with them as well. They</p> <p>4 should try to check them, but whether they do or not,</p> <p>5 I don't know for sure.</p> <p>6 Q. What are your biases?</p> <p>7 A. That's a -- that's a good question.</p> <p>8 Can you -- can you be a little bit more</p> <p>9 specific in terms of a given area?</p> <p>10 Biases can be broad certainly.</p> <p>11 Q. You said to me that some researchers have</p> <p>12 their biases and you have yours. And I'm just really</p> <p>13 asking you to elaborate on that statement.</p> <p>14 A. One of -- one of my biases is that</p> <p>15 research should be very, very thoroughly documented,</p> <p>16 referenced, even meticulously so, including reports.</p> <p>17 I think that many within my field would say that</p> <p>18 having an appreciation of qualitative methods can be</p> <p>19 a bias as well.</p> <p>20 Q. Any others that you can think of?</p> <p>21 A. I think that -- that a bias I have</p> <p>22 relative to many in my field is an optimism.</p>
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<p>1 A. My focus in terms of methods is</p> <p>2 qualitative, and there are 2 broad types of methods</p> <p>3 that are used, qualitative and quantitative.</p> <p>4 Quantitative tends to deal with</p> <p>5 statistics, qualitative with nonnumerical data. Any-</p> <p>6 -- anyone in my field -- just about anyone deals with</p> <p>7 both.</p> <p>8 Q. And your work with strong African American</p> <p>9 families exemplifies that qualitative method of</p> <p>10 research?</p> <p>11 A. It does.</p> <p>12 Q. And with respect to your work as a peer</p> <p>13 review, you mentioned that authors of social science</p> <p>14 are not immune from -- from bias.</p> <p>15 What do peer reviewers do to ferret out</p> <p>16 bias?</p> <p>17 A. That's a good question, Mr. McGill. I</p> <p>18 don't have an empirical response to that question.</p> <p>19 I think it's -- it's cause for speculation</p> <p>20 on my part. My professional opinion would be that</p> <p>21 you don't, that there's a scientific objective, you</p> <p>22 know, an ideal of objectivity, but it's a target</p>	<p>1 What I mean by that with specific</p> <p>2 reference to my discipline is, I -- I prefer to look</p> <p>3 at strengths over weaknesses or pathologies as -- as</p> <p>4 a general rule.</p> <p>5 Q. Do you have -- have you published or do</p> <p>6 you have in press any writings other than those</p> <p>7 listed on your CV?</p> <p>8 A. I don't believe so, Mr. McGill.</p> <p>9 As I said earlier, and this is -- this is</p> <p>10 fairly recent. With the exception that we addressed</p> <p>11 earlier, this should be accurate.</p> <p>12 Q. Are there any publications on that list</p> <p>13 that you no longer believe represent high-quality</p> <p>14 social science?</p> <p>15 A. On -- on the list that I --</p> <p>16 Q. Of your own publications.</p> <p>17 A. Oh, of my own.</p> <p>18 Q. Correct.</p> <p>19 A. I -- I am, what, in my eighth year as a</p> <p>20 professor.</p> <p>21 One of my biases is that we should aim for</p> <p>22 the gold standard. While I've had research that's</p>

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1 A. In the areas of faith and families and  
 2 specifically strong African American families, yes,  
 3 yes, I would.  
 4 Q. Are you an expert in child adjustment?  
 5 MR. THOMPSON: Objection, vague.  
 6 A. Child adjustment is one of -- again one of  
 7 the many, many areas that I'm responsible for knowing  
 8 something about.  
 9 Is it one of my focal interest areas?  
 10 No, it is not.  
 11 BY MR. MCGILL:  
 12 Q. But you still consider yourself to be an  
 13 expert in child adjustment?  
 14 A. By the standards of my field, I don't  
 15 study the specific concept of child adjustment. I do  
 16 study child outcomes at some length, and family  
 17 outcomes.  
 18 Q. And you would not have contended in --  
 19 earlier than your date of being a tenured professor  
 20 that you were an expert in any field, would you?  
 21 MR. THOMPSON: Objection, mischaracterizes  
 22 the testimony.

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1 A. In -- in the content areas that I  
 2 mentioned, by the field standard, I think tenure as I  
 3 mentioned earlier is as good of a bar as any.  
 4 BY MR. MCGILL:  
 5 Q. Prior to your engagement as an expert in  
 6 this case, had you ever undertaken research on the  
 7 effective family structure on child outcomes?  
 8 A. Yes.  
 9 Q. When?  
 10 A. I am -- at the outset, I was a fathering  
 11 scholar. My research interests transformed a little  
 12 bit over time from fathering to family.  
 13 Much of the fathering literature links  
 14 fathers to children's outcomes, so from the very --  
 15 the very inception of -- my inception into the  
 16 research world of family studies, it was child  
 17 outcome-related, father-child outcomes.  
 18 Q. Have you published any original research  
 19 concerning the effect of family structure on  
 20 childhood outcomes?  
 21 A. If I can go back to the qualitative,  
 22 quantitative question for just a moment, which was

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1 asked -- which was asked previously.  
 2 Quantitative methods like -- meet precise  
 3 concepts like specific child outcomes. You mentioned  
 4 I believe earlier child adjustment.  
 5 Qualitative research tends to be a little  
 6 bit more holistic. Most of the research I've done  
 7 that would deal with relationships between adults  
 8 and -- and children would focus more on the process  
 9 and the interaction that takes place as opposed to  
 10 specific outcomes.  
 11 Most of my field would view that as a  
 12 difference in methodology and focus.  
 13 Q. So you study parenting processes more than  
 14 parenting structures?  
 15 A. I've studied both.  
 16 Q. Do you have an opinion on what causes  
 17 better child outcomes as between processes and  
 18 structure?  
 19 MR. THOMPSON: Objection, vague.  
 20 A. That, then, is a central question in the  
 21 social sciences.  
 22 Again, as you're probably aware, I would

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1 based on my reading of the empirical literature say  
 2 that both play an important role. Many -- many  
 3 within the social sciences are -- tend to be from the  
 4 more traditional set -- argue very hard for  
 5 structure. Some argue for processes.  
 6 I think both are very, very important, and  
 7 it's difficult to -- to disentangle the 2. The  
 8 exception that I would draw would be 2-parent married  
 9 biological family.  
 10 That -- that structure empirically stands  
 11 out as unique in the empirical work that I've read.  
 12 BY MR. MCGILL:  
 13 Q. And in the empirical work that you have  
 14 read, is it that the -- that family structure  
 15 correlates to good child outcomes, or is it that  
 16 itself causes good child outcomes?  
 17 MR. THOMPSON: Objection, vague.  
 18 A. The research is almost always in any --  
 19 any area of social science correlational and not  
 20 causal, and that's true across subdiscipline and  
 21 topic. There -- to rephrase it, there are many, many  
 22 significant unanswered questions in social sciences

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1 cause of good adjustment outcomes?  
 2 A. I know of no empirical research in the  
 3 social sciences that to the satisfaction of the field  
 4 has been able to say, this is causal rather than  
 5 correlational. That is true for biology and many  
 6 other factors.  
 7 Social science generally does not -- does  
 8 not have the rigor and the strength to make causal  
 9 statements.  
 10 Q. Are you saying that social science could  
 11 not even say that parenting skills, high parenting  
 12 skills cause good child outcomes?  
 13 MR. THOMPSON: Objection, vague.  
 14 A. There -- there are 3 -- there are 3  
 15 necessary components to -- to make a causal statement  
 16 that are -- that are usually associated in the social  
 17 sciences -- or in I should say science.  
 18 One is that the cause -- and we'll use  
 19 parenting skills. Cause has to precede the effect.  
 20 That's kind of the low-hanging fruit and obvious.  
 21 Another is that you have to establish some  
 22 kind of a link between the 2, which we often refer to

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1 as correlation.  
 2 A third is that you have to rule out all  
 3 other alternative explanations. That would be called  
 4 from a scientific vantage a purely experimental  
 5 design, and we cannot execute that in the social  
 6 sciences because of ethical considerations.  
 7 You can't raise a kid in a lab, and so  
 8 even though we can correlate parenting skills perhaps  
 9 with better outcomes, we can never -- "never" is a  
 10 strong word, but it's one that I use cautiously.  
 11 It's very difficult to make any causal  
 12 statement about child outcomes, which is the topic of  
 13 my expert report because of that third one.  
 14 1 and 2, we can get in place. Third, we  
 15 cannot, not for biology, not -- not for --  
 16 BY MR. MCGILL:  
 17 Q. Have --  
 18 MR. THOMPSON: Let him finish.  
 19 Not for biology what?  
 20 A. And not for most other variables that I  
 21 mentioned.  
 22 You can look at them, study them, and get

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1 correlation. Cause and effect is tough.  
 2 BY MR. MCGILL:  
 3 Q. Are you aware of any study that has  
 4 compared biological married parents -- and I'm using  
 5 biological as you have defined it here.  
 6 A. Intact.  
 7 Go ahead.  
 8 Q. And that, just so we're clear: And that  
 9 is as -- that is how you say the researchers you rely  
 10 upon define the term?  
 11 A. Yes.  
 12 Q. So is there any study of which you're  
 13 aware that compares biological parents to -- who are  
 14 married and have similar money, contact, warmth,  
 15 education with adopted children who have -- with  
 16 married parents similar money, contact, warmth,  
 17 education?  
 18 A. I follow you.  
 19 The adoption literature is nascent.  
 20 It's -- it's very, very new from a social science  
 21 perspective.  
 22 The most recent study that I've read that

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1 looks at adoption issues and, you know, the study --  
 2 a study would fit the bill that you just described, a  
 3 study by Wilcox and Wilson says that that -- that  
 4 that field is embryonic. That's their word, not  
 5 mine. It's brand-new.  
 6 Coming back to directly respond to your  
 7 question, a handful at best I would say -- that I'm  
 8 aware of, including one by Lansford and colleagues,  
 9 2001 Journal of Marriage and Family, maybe a couple  
 10 of others.  
 11 That's -- that's a tough -- it's a tough  
 12 study to pull off, especially meeting the standards  
 13 that I discussed earlier.  
 14 Q. Do you think parenting processes are  
 15 important?  
 16 A. I do. I think process is -- is very  
 17 important.  
 18 As I said earlier, I also think that  
 19 structure is important in -- at least in the case of,  
 20 you know, intact families as we defined them earlier.  
 21 Q. And in your opinion, it is simply not  
 22 known whether processes as opposed to structure



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<p>1 Well, I've listed here that that was drawn 2 from Popenoe.</p> <p>3 Q. Is your reference to intact families 4 accurate?</p> <p>5 A. May -- may include adopted as well, but 6 memory doesn't -- doesn't serve me there.</p> <p>7 Q. Onward we go. 8 Paragraph 37.</p> <p>9 A. M-hm.</p> <p>10 Q. Here you quote at some length from 11 Lorraine Blackmon's review: For African American 12 children, parental marriage produces important 13 benefits.</p> <p>14 And then it ends by saying: Marriage 15 itself appears to be contributing strongly to better 16 outcomes for black children.</p> <p>17 And then you drop a footnote, footnote 59.</p> <p>18 And you state there that: The researchers 19 are again referring to marriage between the 20 biological father and the mother.</p> <p>21 Are you sure that's the case?</p> <p>22 A. Well, as we've seen in a few of these</p>	<p>1 although in several of the studies that we've pulled 2 out, they mention that they include in -- different 3 social scientists want to be -- and, you know, more 4 or less inclusive or claiming the definition of who 5 they include in the study. We've seen in several of 6 these cases that they decide to include adoptive 7 families, which are a small, small minority in the 8 general population, a small minority. I don't know 9 the exact figures.</p> <p>10 But when you're dealing as these 11 researchers are with broad national-based samples, 12 they are as I mentioned earlier, sometimes painting 13 with a broad brush.</p> <p>14 If some of these studies we're talking 15 about, they use the term biological or intact and 16 they throw in some -- some adopted studies, we would 17 call that noise at some level, that there's a little 18 bit of -- there's a little bit of muddying of 19 concepts, but unless we -- unless we know that 20 conceptually, they're including so many adoptive 21 families, I find that very hard to believe to 22 overthrow the general conclusion of a study based on</p>
<p>Page 183</p> <p>1 studies, they include -- some of them include intact, 2 adoptive families under -- under biological. That 3 certainly is possible if not probable in some of 4 these studies cited by Blackmon, since it's a review 5 where they cite -- they claimed to cite 120 or so.</p> <p>6 In this case, I would anticipate that they 7 would probably have at least some studies. They 8 included a handful of adopted marriage-based families 9 in there.</p> <p>10 Q. Do you wish to revise your statement that 11 the phrase parental marriage refers to marriage 12 between the biological father and mother?</p> <p>13 A. I think that what I would do there is say 14 typically, conceptually, although some of the 15 studies, Johnson, et al., and others do include in 16 their definition adoptive families under that 17 heading.</p> <p>18 Q. So we couldn't conclude from Blackmon's 19 conclusion here that the benefits of marriage to -- 20 for black children are in any way limited to 21 biological parents?</p> <p>22 A. I think that that's an overstatement,</p>	<p>Page 185</p> <p>1 thousands and thousands of people.</p> <p>2 It's --</p> <p>3 Q. Well, but --</p> <p>4 A. Well, it's -- it's conceptually an 5 inconvenience to -- to have a nonclear-cut 6 definition, but the points that are being made, if -- 7 if adoptive families comprise 1 or 2 or 3 percent of 8 the subgroup of what they're calling intact 9 biological families, we're talking about a study 10 that's still 97 percent pure.</p> <p>11 It doesn't overthrow -- it makes my 12 definition, which is necessarily messy upfront, less 13 convenient, less clean, but it -- you don't throw out 14 the baby with the bath water because they decided to 15 include a few adoptive families under the intact 16 heading. That's ridiculous.</p> <p>17 Further if -- if they decided to put the 18 intact families or the marriage-based adoptive 19 families in for whatever reason in with stepparent 20 families, and it only accounted for a very small 21 minority of the studies in that total population, 22 it's -- it's again impure conceptually, but it</p>

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1 Do I impose it on others?  
 2 I believe in cleaning up my own backyard.  
 3 Q. And for clarity sake, the -- the dogma  
 4 that you referred to just in your last response,  
 5 that's known as the law of chastity.  
 6 Correct?  
 7 A. That is correct.  
 8 Q. Did your religious convictions impact your  
 9 opinion that the ideal family structure is marriage  
 10 between man and a woman and a child biologically  
 11 related to each in any way?  
 12 A. My exposure to -- to that -- that dogma  
 13 I'm sure is one of many factors that -- that ran  
 14 around in my head.  
 15 But again I was called as an expert  
 16 witness in the same sense that I wouldn't come in  
 17 here and make my argument based on what's stated in  
 18 the family proclamation to the world. I took that  
 19 same approach in my scholarly -- my scholarly work.  
 20 I think I've addressed again and again  
 21 that I acknowledge potential for bias and that that  
 22 makes challenge fair play. However, please remember

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1 my earlier statement that I also have taken upon me  
 2 the burden of challenge. This is -- you know,  
 3 scholarship is about strengths and challenges, not  
 4 just dogmatically presenting one.  
 5 Q. When is the first time you held the belief  
 6 that the ideal family structure is marriage between a  
 7 man and a woman and a child biologically related to  
 8 each?  
 9 MR. THOMPSON: Objection, relevance.  
 10 A. Mr. McGill, I don't know. I don't know  
 11 how to answer that question.  
 12 BY MR. MCGILL:  
 13 Q. Is it -- is it fair to say that you held  
 14 that view, you held that belief before your  
 15 engagement as an expert in this case?  
 16 A. Yes.  
 17 Q. Is it fair to say you held that belief  
 18 before you received your Ph.D. degree?  
 19 A. Yes.  
 20 Q. Did you hold that belief before you  
 21 graduated from college?  
 22 A. Yes.

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1 Q. So that belief predates your work as a  
 2 social scientist?  
 3 A. Yes.  
 4 MR. MCGILL: We'll take a 1- , 2-minute  
 5 break and find out if there are any last questions.  
 6 MR. THOMPSON: Sound good.  
 7 THE VIDEOGRAPHER: We're going off the  
 8 record. The time is now 6:09 PM.  
 9 (Recess.)  
 10 THE VIDEOGRAPHER: The time is now 6:13  
 11 PM. You may proceed.  
 12 BY MR. MCGILL:  
 13 Q. Dr. Marks, earlier in the deposition  
 14 today, we addressed paragraph 15 of your report,  
 15 which is marked as exhibit 2.  
 16 A. Okay.  
 17 Q. Can you go back to that.  
 18 A. I'll try -- I'll try and get there  
 19 quickly. Okay.  
 20 Q. And addressing the last sentence: Wilcox  
 21 and colleagues state that teens living with both  
 22 biological parents are significantly less likely to

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1 illicit drugs alcohol and tobacco.  
 2 And you said that on reflection, having  
 3 reviewed with me the Johnson study, you would delete  
 4 the word biological.  
 5 A. Said, delete.  
 6 I probably would have contextualized it  
 7 differently, added to it to make it accurate for the  
 8 1996 study and more precisely consistent with 1996.  
 9 Q. So you might have said, teens living with  
 10 both biological and adoptive families?  
 11 A. Including adoptive, yeah.  
 12 Q. And my question, which is my very last  
 13 question, is, are there any other changes you would  
 14 make to this report that you would -- or any words  
 15 you would like to delete before trial?  
 16 A. No.  
 17 I would want to be more precise on the  
 18 definitions than I was in a couple of cases. It's  
 19 the danger of large studies. I would want to be more  
 20 precise, but I stand behind the report as is.  
 21 Q. Do you stand behind the -- do you  
 22 recall -- excuse me -- do you recall when we went --