

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 1:09-cv-10309

NANCY GILL & MARCELLE LETOURNEAU,)
MARTIN KOSKI & JAMES FITZGERALD,)
DEAN HARA,)
MARY RITCHIE & KATHLEEN BUSH,)
MELBA ABREU & BEATRICE HERNANDEZ,)
MARLIN NABORS & JONATHAN KNIGHT,)
MARY BOWE-SHULMAN &)
DORENE BOWE-SHULMAN,)
JO ANN WHITEHEAD & BETTE JO GREEN,)
RANDELL LEWIS-KENDELL, and)
HERBERT BURTIS,)

Plaintiffs,)

v.)

OFFICE OF PERSONNEL MANAGEMENT,)
UNITED STATES POSTAL SERVICE,)
JOHN E. POTTER, in his official capacity as)
the Postmaster General of the United States of)
America,)
MICHAEL J. ASTRUE, in his official capacity)
as the Commissioner of the Social Security)
Administration,)
ERIC H. HOLDER JR., in his official capacity)
as the United States Attorney General, and)
THE UNITED STATES OF AMERICA,)
Defendants.)

AFFIDAVIT OF MICHAEL LAMB, Ph.D.

I, Michael Lamb, Ph.D., hereby depose and say as follows:

PRELIMINARY STATEMENT

1. I am Professor of Psychology in the Social Sciences, Head, Department of Social and Developmental Psychology, Faculty of Social and Political Sciences, Cambridge University. I have been retained by counsel for Plaintiffs and by the Commonwealth of Massachusetts as a consultant in connection with both the above-referenced litigation (“*Gill*”) and in *Commonwealth of Massachusetts v. United States Dept. of Health and Human Services, et. al*, Civ. A. No. 1:09-11156 JLT (D. Mass). I have actual knowledge of the matters stated in this affidavit and could and would so testify if called as a witness.

2. My background, experience, and list of publications from the last 10 years are summarized in my curriculum vitae, which is attached as Exhibit A to this report.

3. I hold a Bachelor’s degree in psychology and economics from the University of Natal in Durban, South Africa (1972), Master’s degrees in psychology from Johns-Hopkins University (1974) and Yale University (1975), and a Ph.D. in psychology from Yale University (1976).

4. I have held academic positions as Assistant Professor of Psychology at the University of Wisconsin, Assistant Professor of Psychology at the University of Michigan, and Professor of Psychology, Psychiatry, and Pediatrics at the University of Utah. In 2004, I took a position as Professor and Head of the Department of Social and Developmental Psychology at Cambridge University in the United Kingdom, where I am now employed.

5. From 1987 until 2004, I was head of the Section on Social and Emotional Development and a Senior Research Psychologist at the United States' National Institute of Child Health and Human Development, an institute within the National Institutes of Health (NIH).

6. I have authored more than 500 publications that have appeared either in peer-reviewed professional journals or in professional books published by academic presses primarily for the readership of other professionals. I have written or edited about 40 books in the field of developmental psychology, development in infancy, mother-child relationships, father-child relationships, the role of the father, sibling relationships, the effects of nontraditional rearing circumstances, the effects of daycare, child abuse, and forensic interview practices. A number of my books, including my books on nontraditional families, are used widely as texts in graduate courses.

7. I have been a peer-reviewer for various professional journals regularly for more than 30 years. I currently average two reviews of other professionals' work per week. In connection with my work as a peer-reviewer, I have peer-reviewed dozens of articles that address the parenting abilities of gay men and/or lesbians and/or their children's adjustment.

8. Over the past 35 years, I have pursued two broad areas of research. One line of research has focused on forensic issues such as the credibility of children and the best ways of eliciting accurate information from victims of child abuse. This work is not directly relevant to the present litigation. The other line of research is concerned with children's development and adjustment, especially the formative effects of the relationships that children establish with their parents and the ways in which these

relationships shape children's development over time. In this context, I have also examined factors that are likely to have an adverse effect on development, such as child abuse, and I have explored variations in rearing experiences that might affect child development, such as the effects of various types of nontraditional family forms. I am familiar with the research on families headed by gay and lesbian individuals and couples.

9. My initial research in the United States was about the formation of relationships between babies and their parents in households with a mother and a father. When I began my research, I focused on the role played by fathers in children's development. I later expanded my research in order to understand better the role that fathers play in children's lives – when they live with their children and when they do not, in both divorced and married families, and when they are highly involved or uninvolved in childcare.

10. In preparing this Affidavit, I reviewed the Amended Complaint in *Gill*, the Complaint in the *Commonwealth of Massachusetts* case, and the materials listed in the attached Bibliography. I may rely on those documents, in addition to the documents specifically cited as supportive examples in particular sections of this Affidavit, as additional support for my opinions. I have also relied on my years of experience in this field, as set out in my curriculum vitae (Exhibit A), and on the materials listed therein.

I. Summary Of Ultimate Conclusions

11. Children and adolescents raised by same-sex parents are as likely to be well-adjusted as children raised by heterosexual parents, including 'biological' parents. Numerous studies of youths raised by same-sex parents conducted over the past 25 years

by respected researchers and published in peer-reviewed academic journals conclude that children and adolescents raised by same-sex parents are as successful psychologically, emotionally, and socially as children and adolescents raised by heterosexual parents, including ‘biological’ parents. Furthermore, the research makes clear that the same factors, as elaborated below, affect the adjustment of youths, whatever the sexual orientation of their parents.

12. It is beyond scientific dispute that the factors that account for the adjustment of children and adolescents are the quality of the youths’ relationships with their parents, the quality of the relationship between the parents or significant adults in the youths’ lives, and the availability of economic and socio-emotional resources. These factors affect adjustment in both traditional and nontraditional families. The parents’ sex or sexual orientation does not affect the capacity to be good parents or their children’s healthy development. There is also no empirical support for the notion that the presence of both male and female role models in the home promotes children’s adjustment or well-being.

II. The Factors That Determine Children’s and Adolescents’ Adjustment

13. Psychologists use the term “adjustment” to refer to psychological well-being. “Adjustment” refers to characteristics (including the absence of psychological or psychiatric symptoms and the absence of behavior problems) that allow children or adolescents to function well in their everyday life. Well-adjusted youths have sufficient social skills to get along with others, to get along and comply with adults, to function well in school, to function effectively in the workplace, and establish meaningful intimate

relationships later in life. In contrast, maladjustment might be manifested by behavior problems, such as bullying and acting aggressively with others, or deficient social skills making it difficult for individuals to establish relationships with others, thus leaving them socially isolated.

14. Over the last 50 years, more than 1000 studies have examined the factors that predict healthy adjustment in children and adolescents. As a result of this significant body of research, psychologists have reached consensus on the factors that predict healthy development and adjustment. Among these are:

- a) the quality of children's or adolescents' relationships with their parents or parent figures;
- b) the quality of the relationship between the parents and other significant adults; conflict between them is associated with maladjustment while harmonious relationships between the adults support healthy adjustment;
- c) the availability of adequate economic and social resources, with poverty and social isolation being associated with maladjustment, and adequate resources supporting healthy adjustment.

15. The quality of parent-offspring relationships is determined by the degree to which parents offer love and affection, emotional commitment, reliability and consistency, as well as the extent to which the parents 'read' their children or adolescents effectively and provide appropriate stimulation, guidance, and limit-setting. The better the quality of parent-child relationships, the better the children's or adolescents' adjustment is likely to be, whether the parents have same- or opposite-sex orientations.

16. Not all differences between youths are differences in adjustment. Many ways in which children or adolescents differ from each other are simply normal variations among people, and are unrelated to adjustment. For example, there has been considerable research on intelligence, but individual differences in intelligence are not viewed as markers of adjustment or maladjustment. Other normal variations can result from cultural differences (such as in assertiveness or individualism) or differences in personality (e.g., some children are extroverted while others are introverted).

III. The Factors Predicting Healthy Adjustment Are The Same For Traditional and Nontraditional Families, and Children or Adolescents In Nontraditional Families Are Just As Capable Of Healthy Adjustment As Those In Traditional Settings

17. In the social sciences, the term “traditional family” refers to the childrearing environment that social scientists formerly considered the norm -- a middle-class family with a bread-winning father and a stay-at-home mother, married to each other and raising their biological children. “Nontraditional” family forms, by definition, involve any kind of variation from this pattern. Thus, families with fathers who assume responsibility for childcare would qualify as nontraditional, as would families with employed mothers, with two employed parents, with one parent, or that rely on childcare centers instead of performing childcare exclusively within the home. Nontraditional families constitute the vast majority of families in the United States today.

18. Society’s early assumptions about the superiority of the traditional family form have been challenged by the results of empirical research. Early in the Twentieth Century, it was widely believed that traditional family settings were necessary in order for children to adjust well. This view derived directly from psychoanalytic thinking that

was based on clinical observations, but not on empirical research. As psychoanalysis yielded to more empirically-based psychology over the early parts of the last century, it became clear that this notion was unsupported. Research beginning in the late 1940's and continuing until the present has tested many of the hypotheses that flowed from the assumption that children and adolescents need to be raised in traditional families in order to develop healthily. Specifically, there have been over 50 years of research into the effects on children or adolescents of having one parent, of divorce, and of maternal employment. Intense interest in the effects of daycare began in the 1970's, as did interest in highly involved fathers (stay-at-home fathers or families in which mothers and fathers share childcare responsibilities) and in same-sex families and households.

19. This research has demonstrated that the correlates of children's or adolescents' adjustment listed above are important regardless of whether children and adolescents are raised in traditional family settings or in nontraditional families. Children's or adolescents' adjustment depends overwhelmingly upon such qualities as the parents' affection, consistency, reliability, responsiveness, and emotional commitment, as well as on the quality and character of the relationships between the parents and their intimates, and on the availability of sufficient economic and social resources. Since the end of the 1980's, as a result, it has been well established that children and adolescents can adjust just as well in nontraditional settings as in traditional settings.

A. Difficulties in one-parent families have nothing to do with parental gender or sexual orientation; the absence of a father or of a mother, by itself, is not a predictor of healthy adjustment.

20. Numerous large-scale studies show that most of the children and adolescents who grow up in one-parent families are well adjusted. However, there is a

significant body of research on the impact of father absence, divorce, and one-parent family life demonstrating that children and adolescents in one-parent families are more likely to have adjustment difficulties than children and adolescents in two-parent families. Research shows that the reasons for this disparity are consistent with the predictors of adjustment generally. The primary causes of increased risk of maladjustment among children or adolescents in one-parent families are the reduced resources available when there is one parent, and the disruptive effects of and conflict associated with parental separation.

21. Many children and adolescents of parents whose relationships dissolve lose one of their supportive parental relationships, and do not get the benefit of both psychological and financial support from their non-resident parents. Additionally, many divorces expose children and adolescents to parental conflict both preceding and following the separation, may also involve rejection by or separation from one of the parents, and possible dislocations, such as moving to a new neighborhood and school. Finally, families headed by single mothers, in particular, often suffer considerable degrees of financial hardship because of a combination of factors including the continuing disparity in pay received by men and by women, and because many women, whether or not they were once married, have taken time out from the workforce to raise children.

B. Male and female parents can be equally competent; the absence of male or female parents in the home does not impair development.

22. Fifty years ago, it was widely assumed that the absence of a male parent figure accounted for the problems in adjustment encountered by some children and adolescents in single-parent families. However, extensive empirical research on

nontraditional families has demonstrated that father absence is not itself important to adjustment; instead, it is the quality of the children's experiences more broadly and, specifically the quality of the parent-child relationships, the quality of the relationship between the parents, and the adequacy of resources that explain the higher levels of maladjustment on the part of children and adolescents in one-parent families. It is well-established that both men and women have the capacity to be good parents, and that having parents of both genders does not enhance adjustment.

23. Studies have shown that, at the time that parents first receive their children, whether by birth or adoption, men and women are equivalently competent (or incompetent) at parenting. Most parenting skills are learned 'on the job.' Because women in this society on average spend more time on the job, they often become more skillful at it over time. However, this disparity in parenting skills simply reflects women's greater experience and greater opportunities to learn rather than a biologically given capacity. When men actively care for their children, they become more skillful, too. Nothing about a person's sex determines the capacity to be a good parent.

24. Many studies have pointed to differences between the ways in which mothers and fathers interact with their children, but this is not significant to adjustment. These studies suggest that, on average, men's patterns of interaction are dominated by a more boisterous, playful, unpredictable interaction, while women's patterns are more soothing, containing, and restrictive. However, these differences do not apply across the board to all men or to all women, nor is it harmful when parents do not assume traditional gender roles with respect to interactive parenting styles.

25. Male and female adults can adopt sensitive or authoritative parenting styles. When fathers are the primary caregivers, for example, the style of interaction between fathers and children often becomes more like typical mother-child interaction. The observed differences in parenting style appear to reflect, in large part, differences in the type of responsibility that the parent has within the home (i.e., differences between being the primary or secondary parent). Many children do not have parents who offer both of these parenting styles and this does not appear to be harmful.

26. There also is no empirical support for the notion that the presence of both male and female role models in the home enhances the adjustment of children and adolescents. Society is replete with role models from whom children and adolescents can learn about socially prescribed male and female roles. Some normal variations do characterize children and adolescents raised in some nontraditional settings, however. For example, such children often have distinctive attitudes about sex-role norms. Within the field, sex-role norms refer to the awareness of and beliefs in behavioral differences between boys and girls or men and women. In nontraditional families, children may have more flexible sex-role standards. This means, for example, that the children are more likely to think that both boys and girls can be astronauts or doctors, and that it is acceptable for both girls and boys to play with both trucks and dolls. By contrast, children raised in traditional family settings tend to have more sex-stereotypical notions about appropriate gender roles. Again, this variation with respect to sex-role norms is a normal variation, and has nothing to do with adjustment.

IV. Research Specific To Same-Sex Parenting Demonstrates That The Children and Adolescents of Same-Sex Parents Are Just As Well-Adjusted As Those With Heterosexual Parents.

A. Based on a significant and well-respected body of research, the scientific community has reached consensus that parental sexual orientation does not affect adjustment.

27. The body of research that has examined children's and adolescents' adjustment in the specific context of same-sex parenting represents approximately 30 years of scholarship and includes more than 50 peer-reviewed empirical reports. The earliest reports from studies of same-sex parenting were published in the late 1970's, and research has continued to the present. More than 100 articles about same-sex parents and/or their offspring have been published in respected academic journals or as chapters in books for use by other professionals. These present both qualitative research (relying primarily on interviews and discussions with either the youths or with the parents) and quantitative research.

28. The results of these studies support and are consistent with the results of the broader body of research on socialization in both traditional and nontraditional families. They demonstrate that the adjustment of children and adolescents of same-sex parents is determined by the quality of the youths' relationships with the parents, the quality of the relationship between the parents, and the resources available to the families.

29. They further demonstrate that adjustment is not affected by the gender or sexual orientation of the parent(s). Research comparing the adjustment of children and adolescents of same-sex parents with the children and adolescents of heterosexual parents consistently shows that the children or adolescents in both groups are equivalently

adjusted. The children and adolescents of same-sex parents are as emotionally healthy, and as educationally and socially successful, as children and adolescents raised by heterosexual parents. The social science literature overwhelmingly rejects the notion that there is an optimal gender mix of parents or that children and adolescents with same-sex parents suffer any developmental disadvantages compared with those with two opposite-sex parents.

30. There is consensus within the scientific community that parental sexual orientation has no effect on children's and adolescents' adjustment. Numerous organizations representing mental health and child welfare professionals have issued statements confirming that same-sex parents are as effective as heterosexual parents in raising well-adjusted children and adolescents and should not face discrimination. See Exhibit B. These organizations include the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, the American Psychiatric Association, the American Psychological Association, the American Psychoanalytic Association, the National Association of Social Workers, the Child Welfare League of America, and the North American Council on Adoptable Children.

B. Studies identifying differences in the children or adolescents of same-sex parents have identified only normal variations, and not differences in adjustment.

31. Like children and adolescents in other nontraditional families, children and adolescents with same-sex parents have sometimes been found to have less sex-stereotyped beliefs, and to be more open in their views of societal norms and standards about appropriate behavior for males and females. For example, some studies of young children suggest that girls raised by lesbian mothers may play with both dolls and trucks,

and be more willing to think that being an astronaut or being a doctor are appropriate aspirations for girls as well as boys, than girls raised by heterosexual mothers. Although there was a time when some developmental psychologists believed that conformance to sex-based stereotypes was a component of healthy adjustment, this view has been discredited and abandoned. The differences seen in sex-stereotyped beliefs and behavior between children of lesbian and heterosexual parents are not differences in adjustment. Children and adolescents raised by same-sex parents do not differ from those raised by heterosexual parents with respect to gender identity, which is an aspect of psychological adjustment.

C. The methodology of the research examining same-sex parenting is standard, reliable, and accepted in the field.

32. Social scientists use and value diverse methodologies, research designs, and types of data that vary depending on the discipline involved, the specific area of research, the questions being raised, and the theories being applied and evaluated. Developmental psychologists (and psychologists more generally) tend to emphasize intensive examination of relatively small numbers of individuals, often studied in the context of social relationships and influences. Developmental psychologists rarely use research methods based on statistically representative national samples. Such large-scale survey research methods are often too blunt to address adequately the complex and nuanced questions that generally are at issue when scholars attempt to assess and compare the course of development in different circumstances. It is more common for researchers to use what might be called “convenience” samples, and to explore those samples intensively, rather than to study large samples more superficially.

33. The methodologies used in the major studies of same-sex parenting meet the standards for research in the field of developmental psychology and psychology generally. Proper research methods and standards in social sciences are determined through a rigorous peer review process that is conducted by established scholars in individual disciplines and sub-fields. When scholarly papers are submitted for publication, the research methods used, the analyses conducted, and the findings drawn are critically reviewed. In order to be published, an academic's work must satisfy the scrutiny and standards of scholars considered to be experts in the field of research under review.

34. The studies specific to same-sex parenting from which I draw my conclusions were published in leading journals in the field of child and adolescent development, such as *Child Development*, *Developmental Psychology*, and *The Journal of Child Psychology and Psychiatry*. The journals *Child Development*, published by the Society for Research in Child Development, *Developmental Psychology*, published by the American Psychological Association, and *The Journal of Child Psychology and Psychiatry* are the flagship peer-review journals in the field of child development. Most of the studies on which I rely appeared in these (or similar) rigorously peer-reviewed and highly selective journals, whose standards represent expert consensus on generally accepted social scientific standards for research on child and adolescent development. Prior to publication in these journals, these studies were required to go through a rigorous peer-review process, and as a result, they constitute the type of research that members of the respective professions consider reliable. The body of research on same-sex families is consistent with standards in the relevant fields and produces reliable conclusions.

D. Data concerning one-parent families does not support conclusions about the preferred gender of parents.

35. Research showing that children and adolescents in one-parent families are at greater risk of maladjustment than those raised by two parents is sometimes used to support the view that youths need both mothers and fathers, and therefore that heterosexual couples make the best parents. This mischaracterizes the research into one-parent families, which typically does not explore the effects of parental sexual orientation or gender.

36. Studies on the impact of one-parent family life generally compare one-parent and married-couple *heterosexual* parents; I am aware of no study that includes same-sex couples. Consequently, it is inappropriate to attribute the differences resulting from the number of parents and resources in a household to parental gender or sexual orientation, or to draw conclusions about the children of same-sex parents from these studies. The relevant studies do suggest, however, that, all other things being equal, children and adolescents tend to do better with two parents than one, and therefore, that children and adolescents with same-sex parents, like their peers, likely would benefit if their parents could choose to marry and solidify their family and parental ties.

V. Research Concerning The Benefits Of Being Raised By ‘Biological’ Parents Does Not Support Arguments That Same-Sex Couples Are Inferior Parents.

37. Others claim that children thrive in families with ‘biological’ parents and, by implication, claim that same-sex parenting is bad for children because same-sex parents cannot provide children with the advantages of being raised by their two biological parents. This argument is misleading. In many of the relevant studies, the

term ‘biological’ is used to distinguish between children raised by biological or adoptive parents, on the one hand, and those raised in nontraditional families, on the other.

Children adopted early in life have similar outcomes to biological children. These studies thus provide no evidence in support of the argument that the children and adolescents raised by same-sex parents would be at psychological risk.

38. While some studies show that children do better when raised by their ‘biological’ parents than when raised by one ‘biological’ parent and the parent’s new partner, these studies do not examine children being raised by same-sex couples, including the many who jointly planned to bring children into their families either by birth or adoption, and are jointly raising the children. Children in one-parent families or step-families are at a higher risk for adverse outcomes for reasons explained earlier (i.e., these children may have endured their parents’ separations, exposing the children to parental conflict and related dislocations, the children may have experienced separation from or abandonment by parents, and the step-parents may have entered their lives relatively late in their development, affecting the quality of the parent-child relationships). One would not expect to see these difficulties in same-sex families who jointly plan to marry and have children. As explained above, the research comparing children with same-sex and opposite-sex parents shows no differences in outcome.

39. There is a substantial body of research on parents who have chosen to raise biologically unrelated children rather than remain childless. These studies show that such parents are at least as competent as parents raising their biological children; indeed, many studies show that these parents are more competent or committed in some respects.

VI. Children and Adolescents With Same-Sex Parents Would Benefit If Their Parents Were Permitted To Marry.

40. Marriage can yield important benefits for youths and families, including state and federal legal protections and social legitimacy. These benefits would be equally advantageous for children and adolescents in same-sex and opposite-sex families. Many lesbians and gay men already are parents, and it is in the best interests of their children for their parents to have equal access to the state and federal protections and benefits afforded through marriage.

41. The 2000 Census identified 594,000 households headed by same-sex partners. About a quarter of these had co-resident children. A total of 416,000 children were living in such households. Many more children (estimates vary from 6 million to 12 million) live with single gay or lesbian parents.

Signed under the pains and penalties of perjury under the laws of the
United States this 11th day of November 2009.

By: /s/ Michael Lamb
Michael Lamb, PhD

BIBLIOGRAPHY

Table of Contents

Factors predicting children’s adjustment.....	19
The sexual orientation of parents does not predict their children’s adjustment	20
Same sex couples can provide stable environments within which children can thrive.....	23
Children do not need dual-gendered parenting or two parents in order to be well adjusted.....	23
Children raised by same-sex parents are not more likely to have same-sex orientations themselves	24
Sexual orientation does not affect the likelihood that people will abuse children.....	24
Non-biologically related parents are capable of raising children as effectively as biological parents.....	26

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/s/ Gary D. Buseck
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