

Testimony of
Christopher E. Harris, M.D.

Assistant Professor of Pediatrics
Vanderbilt University School of Medicine
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Assistant Professor of Pediatrics,
Vanderbilt University School of Medicine
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Civil Rights, and Property Rights
"An Examination of the Constitutional Amendment on Marriage"
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I appreciate the opportunity to speak to this Subcommittee as it considers a proposed amendment to the Constitution that would deprive gay and lesbian couples and their children of important protections they now enjoy. I appear before you today as a pediatrician, a father, and a gay African-American. I also appear before you as a former president of the Gay and Lesbian Medical Association, an organization of health care providers devoted to equitable health and health care for lesbian, gay and bisexual people.

By way of introduction, I am a graduate of the University of Wisconsin, both the School of Pharmacy and the Medical School. During my time in medical school, I started my life's devotion to the care of children. This continued with residency training at Vanderbilt University and a fellowship in Pediatric Pulmonary Medicine at the University of North Carolina at Chapel Hill. I subsequently spent 4 years at Children's Hospital Medical Center in Cincinnati involved in basic science research of children's lung disease. However, throughout all of this, I felt compelled to work toward having my own child. As an openly gay man, I realized this would be a difficult process but, instilled with the values of my parents and previous generations, I was undeterred. The two-and-a-half year process culminated nearly three years ago when I was matched with a birth mother and became the father of a darling daughter. Because of this, these discussions today are more than mere political rhetoric. They affect my family and me deeply--most importantly my daughter who I am raising to be a loving, caring member of our society.

I felt compelled to testify before you today not only because of my personal story as a gay, African-American, single father but also because as a pediatrician, I hope my expertise can provide some clarity to the flurry of misinformation regarding the effect of parental sexual orientation on children.

Some supporters of the "Marriage Protection Amendment" claim that the welfare of children will be advanced by a constitutional amendment denying the legal protections of marriage to gay and lesbian couples and their families. I disagree. Willfully injuring children through the denial of legal rights to their parents serves no purpose. Regardless of one's individual feelings regarding

same-sex relationships, I think everyone agrees that ALL children need the care and concern of a loving family and the legal protections this structure can provide. The value of a loving family cuts across sexual orientation. In fact, the American Academy of Pediatrics states clearly that 'civil marriage is a legal mechanism by which societal recognition and support is given to couples and families. It provides a context for legal, financial and psychosocial well-being, an endorsement of interdependent care, and a form of public respect for personal bonds.'

As a pediatrician, I deal with children and families first hand. I have treated children for nearly twenty years and I can tell you what children need most is love and affection. They need parents who care about them and can protect them. I can tell you whether those parents are gay or straight, kids need the same things and whether those parents are gay or straight has no bearing on whether they can be good parents to their children. This has been my personal observation while working directly with children and their parents. Although my anecdotal evidence is grounded in many years of clinical experience, I will not ask you to solely rely on my experience to determine what is best for children.

In my capacity as a professor of pediatrics, I regularly analyze peer reviewed medical studies. In preparation for this testimony, I reviewed the scientific evidence regarding the welfare of children in gay and lesbian families. Judith Stacey's and Timothy Biblarz's article in the American Sociological Review entitled, "(How) Does the Sexual Orientation of Parents Matter?" is one of the most comprehensive reviews of the scientifically reputable literature on the subject of same-sex parenting to date. Stacey and Biblarz's review confirms that successful child rearing is unaffected by a parent's sexual orientation. For instance, there is simply no significant difference between children of lesbian mothers and heterosexual mothers in such factors as anxiety level, depression or self esteem. This difference holds true through studies that test children directly, their parents and their teachers.

In fact, every relevant study of the effect of parental sexual orientation on children shows NO measurable effect on the quality of parent-child relationships or the children's mental health and successful socialization. I therefore concur with previous testimony given before this subcommittee that children raised by lesbian mothers or gay fathers are as healthy and well-adjusted as other children.

Given this body of real scientific evidence, it is not surprising that the American Academy of Pediatrics supports both joint and second-parent adoptions by gay and lesbian parents. Thus, those professionals that provide care and have detailed knowledge of the parenting skills of gay and lesbian parents approve of their ability to raise healthy, socially well-adjusted children. This finding affirms the importance of ensuring that the legal rights of children extend to both parents. That is also why I have signed a letter to Congress by the Pro-Family Pediatricians opposing any federal marriage amendment to the Constitution. This letter, signed by over 750 of my fellow pediatricians, expresses our strong opposition for a constitutional amendment we know, as caregivers, would hurt children and their families.

But one need not rely solely on these analytical studies to see that denying the legal benefits of marriage to some citizens does all Americans a disservice. For instance, in my home state of Tennessee, families headed by same-sex couples are at risk of being kept out of crucial family medical decisions, denied visitation rights and having inadequate medical and life insurance

coverage due to their legal status. On the other hand, the real world experience of the Commonwealth of Massachusetts shows that protecting families in this manner benefits children and their families. A year after recognizing that same-sex couples and their children are real families under the law, the people of the Bay State are continuing to do the same things they always do--bake beans, fish for scrod and root for the Red Sox. In fact, the people of the Bay State are doing something even more: they are protecting ALL the children of Massachusetts by ensuring that NO family is left outside of the protection of the law. Crucial benefits such as health insurance, life insurance, and the custodial arrangements required during times of family crisis have provided a level of security for the children of Massachusetts that those who care about children should seek to emulate, not prohibit.

Unfortunately, the so-called "Marriage Protection Amendment" prohibits exactly this type of security for children. If enacted, the MPA would deny the parents of millions of American children the ability to secure the same legal benefits available to children of all other two-parent families. This is a step backwards that our children and our country can ill afford.

As an African-American, I cannot express how strongly I feel about the prospect of adopting a discriminatory amendment into the Constitution of the United States. Much like the first article of the Constitution, relegating African-Americans to subhuman status, the "Marriage Protection Amendment" seeks to reduce the rights of some American citizens to a fraction of those enjoyed by others. I urge the members of this subcommittee to learn from the mistakes of our past and not again condemn another class of Americans to second-class citizenship for future generations to witness. Though repealed, Section 2 of Article 1 will never disappear. Every time an African-American citizen reads the Constitution, they are reminded of the less-than-human status that my people once held in this country. The Constitution does not have an eraser. It retains all of our missteps and mistakes from now until nigh the end of time.

I commend this subcommittee for its focus on the welfare of families and thus of children. Though this issue is an emotional one, each of us must ask if the proposed constitutional amendment prohibiting the marriage of gay and lesbian parents would support the welfare of all families and all American children, including those millions of children whose parents are gay or lesbian. With all due respect, for me as a pediatrician and scientist, the answer is clear. The Marriage Protection Amendment will only hurt the well-being of children in this country.

Thank you for your time and the opportunity to speak here today.