

Testimony before the Senate Committee on the Judiciary, S.598

July 20, 2011

Tom Minnery

Senior Vice President

Focus on the Family

Mr. Chairman, and members of the committee, thank you for inviting my testimony before you this morning. Please allow me to introduce my organization.

Focus on the Family is a global Christian ministry dedicated to helping families thrive in a difficult and complex society. We provide help and resources for couples to build healthy marriages that reflect God's design, and for parents to raise their children according to morals and values grounded in biblical principles.

We accomplish this through radio broadcasts, websites, simulcasts, conferences, interactive forums, magazines, books, counseling and public policy activities. We have 13 international offices, and our radio programs are broadcast in 26 languages to more than 230 million people around the world each day.

I: This bill undermines state laws and the expressed will of the people.

In recent years, the states have seen an abundance of popular votes and legislative activity in defense of one man, one woman marriage. Since 1998, voters in thirty-one states have unapologetically endorsed the traditional definition of marriage in state ballot initiatives or referenda. Typically, these votes pass with an overwhelming majority – with an average of 67% of the vote supporting marriage representing the affirmation of more than 39 million Americans. Forty four states now have either constitutional amendments or statutes defining marriage as the union of one man and one woman.

One of this bill's most serious impacts has been largely ignored in the run-up to today's hearing; that is the repeal of Section 2¹ of DOMA, entitled "Powers reserved to the states." That is the section of DOMA that protects states from being forced to recognize an out-of-state same-sex marriage, or any right or claim arising from such relationship. In all the public pronouncements about the lack of "federal" rights and benefits for same-sex couples and the supposed need to repeal Section 3² of DOMA - which defines marriage as one man and one woman for purposes of all federal laws and programs such as the tax code and Social Security - no one has explained to the American people why a repeal of Section 2 is even necessary.

Please don't misunderstand me here. The repeal of the entirety of DOMA is a serious policy mistake and contrary to the will of the vast majority of the American people. But there are no public policy reasons given for the repeal of Section 2. It does not affect "federal" rights or benefits. How does removing language that protects 44 states in their public policy efforts to define and protect marriage as the union of one man and one woman affect the federal benefits going to couples in other states that have gay marriage?

The simple answer is that it has no connection. This bill's revocation of Section 2 of DOMA is an attempt to undermine the public policies, laws and constitutions of the vast majority of the states for whom traditional marriage is a settled issue, and the only possible reason for doing so is to place the issue of marriage once again into the hands of judges. What's worse is that the bill's proponents won't often talk about this particular aspect of the repeal bill.

II: The High Cost of Defending Marriage: Parental Rights

Parental rights are of immense concern because parents – not the state – are the primary educators of their children, especially in matters that involve sexuality. Should DOMA be repealed, parents in those states which have registered their approval of traditional marriage at the ballot box, will be faced with the problems of coping with marriages of which they overwhelmingly disapprove. To understand what this means, we need look no further than Massachusetts—the first state to legalize same-sex marriage.

Not long after it was legalized, teachers in that state began discussing homosexuality in detail with children in the classroom, regardless of parental concerns. For instance, National Public

¹ DOMA Section 2. POWERS RESERVED TO THE STATES.(a) In General. –Chapter 115 of title 28, United States Code, is amended by adding after section 1738B the following: "Section 1738C. Certain acts, records, and proceedings and the effect thereof. No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."

² DOMA Section 3. DEFINITION OF MARRIAGE. (a) In General. –Chapter 1, United States Code, is amended by adding at the end the following: "Section 7. Definition of 'marriage' and 'spouse'. In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

Radio (NPR) featured an interview with an eighth-grade teacher, Ms. Deb Allen, who was exuberant about her new-found freedom to explicitly discuss homosexual behavior with kids.

“In my mind, I know that, ‘OK, this is legal now.’ If somebody wants to challenge me, I’ll say, ‘Give me a break. It’s legal now,’ ” she told NPR.

The NPR reporter went on to explain that the teacher now discusses “gay sex” with students “thoroughly and explicitly with a chart.”

Ms. Allen herself offered more details about exactly how she explains this chart to kids: “All right. So can a woman and a woman kiss and hug? Yes. Can a woman and a woman have vaginal intercourse?, and they will all say no. And I’ll say, ‘Hold it. Of course, they can. They can use a sex toy. They could use’—and we talk—and we discuss that. So the answer there is yes.”³

Even parents of *elementary age* children in Massachusetts have discovered that any control they once had over when, how and if their kids are exposed to controversial sexual topics disappeared after same-sex marriage became the law of the land.

Robb and Robin Wirthlin, for instance, never dreamed the issue would affect them so quickly and in such a personal way: In 2006, their seven-year-old son Joey came home and told them about a book his teacher had read to his first grade class. In the book, *King and King*, a prince searches for a princess to marry, but instead chooses to marry another prince. The book concludes with a picture of the two princes kissing.

The Wirthlins thought that perhaps their son had confused the details; they didn't believe this subject would arise before sex education classes several years later. But after investigating the matter, they learned that the teacher had indeed read a book to the whole first grade class promoting same-sex relationships. The Wirthlins requested that the school inform them of future class discussions on this topic, but they were turned down.

Likewise, David and Tonia Parker discovered that their 6-year-old son, Jacob, had been given a book featuring same-sex relationships. Called *Who's in a Family?*, the book features images of same-sex couples interspersed with pictures of animals, including an all-male elephant herd depicted as another type of family. Jacob's father went to the school to request that educators notify him in the future before homosexuality topics were discussed with his kindergarten-age son—and that he be given the ability to opt his son out of such teaching.

But he never got those assurances; instead he got thrown in jail.

³ Tovia Smith, “Massachusetts Schools Weigh Gay Topics.” National Public Radio. All Things Considered. Sept. 13, 2004. Audio version of interview accessible at: <http://www.npr.org/templates/story/story.php?storyId=3915906>

David Parker “met with school officials to gain those assurances and then refused to leave until he got them. Parker stayed at the Eastabrook School for more than two hours ... Finally, they arrested him for trespassing,” reported *The Boston Globe*.⁴

“I’m just trying to be a good dad,” Parker said after his arraignment. The family acknowledged that they were Christians attempting to follow their faith: “We’re not intolerant,” said his wife, Tonia. “We love all people. That is part of our faith.”⁵

But sadly, they discovered that, along with parental rights, respect for families’ deeply held religious convictions, had also disappeared with the state’s same-sex marriage law.

The fact is, that many states education codes only specifically make allowances for parents to be notified or opt their children out of homosexuality lessons when it is categorized as health or sex education instruction. So when same-sex marriage becomes the law of the land, public school officials can argue that it is now part of the general culture and civil society, and therefore can be brought up at any time in any subject or grade level—without any parental notification or consent.

Take for instance, the school officials’ response to the Massachusetts parents’ concerns, as reported by *The Associated Press*: “Officials there say that since same-sex marriage is a part of life in Massachusetts, it comes up naturally and it’s impossible to notify parents every time the issue is discussed.”

“It certainly strengthens the argument that we need to teach about gay marriage because it’s more of a reality for our kids,” Lexington Schools Superintendent Paul Ash said.⁶

Even worse--the federal court system also backed the school officials’ lack of respect for parental rights. In *Parker vs. Hurley*,⁷ Judge Mark Wolf ruled against the Wirthlins and the Parkers. He concluded that since same-sex marriage is now part of Massachusetts society and culture, it can be taught to public school students without parental permission. So now, homosexuality lessons can be brought up in any Massachusetts classroom under any number of topics—such as “diversity” and “citizenship”—whether parents like it or not.

⁴ Cramer, Maria and Ralph Ranalli. “Arrested Father Had Point to Make. Disputed School’s Lesson on Diversity.” *The Boston Globe*. April 29, 2005. Accessible for a fee at: http://www.boston.com/news/local/articles/2005/04/29/arrested_father_had_point_to_make/

⁵ *Parker v. Hurley*. 474 F. Supp. 2nd 261 (D. Mass. 2007). Decision accessible at: <http://pacer.mad.uscourts.gov/dc/cgi-bin/recentops.pl?filename=wolf/pdf/parker%20opinion%20mlw.pdf>

⁶ Jay Lindsay, “Gay Marriage Foes Face Issue in Schools.” *Associated Press*. May 5, 2006. Copy of story accessible: <http://www.freerepublic.com/focus/f-news/1627818/posts>.

⁷ *Parker v. Hurley*. 474 F. Supp. 2nd 261 (D. Mass. 2007). Decision accessible at: <http://pacer.mad.uscourts.gov/dc/cgi-bin/recentops.pl?filename=wolf/pdf/parker%20opinion%20mlw.pdf>

Here's how the judge's reasoning went: "Students today must be prepared for citizenship in a diverse society. ... As increasingly recognized, one dimension of our nation's diversity is differences in sexual orientation. In Massachusetts, at least, those differences may result in same-sex marriages."

The judge even went on to conclude that the younger children are exposed to those topics the better—"As it is difficult to change attitudes and stereotypes after they have developed, it is reasonable for public schools to attempt to teach understanding and respect for gays and lesbians to young students ..."

As we've said many times before, we believe that all human beings should be respected as sacred creations of the loving God and equally protected from harm—and children should be taught that basic tenet.

But teaching "respect" should never translate to mandatory same-sex marriage and homosexuality lessons against parents' will. Unfortunately though, as Massachusetts illustrates, once same-sex marriage becomes the law of the land, parents can lose control over those decisions.

Meanwhile in California, the fate of parents in that state also demonstrates how—once state-sanctioning of homosexual relationships is moved out of the category of sex education and into general civil and social law--parents lose their rights and religious freedoms.

In May 2009, the Alameda school board mandated lessons about homosexuality and same-sex relationships for elementary-age children—whether their parents liked it or not.

First-graders would be introduced to the same storybook that was at issue in the Massachusetts case--*Who's in a Family?* --featuring images of same-sex couples interspersed with pictures of animals, including an all-male elephant herd. In the second grade, kids would listen to *And Tango Makes Three*, a story about two male penguins who supposedly fall in love and hatch a chick together.

Parents who objected discovered they could not opt their kids out of this teaching—even if it conflicted with their family's most deeply held religious convictions or they just didn't think their children were psychologically prepared to handle the topics.

The parents tried to protect their rights by filing a lawsuit asking for the right to opt out their kids. To make their case, the parents cited a provision in the California education code granting parents the right to opt kids out of school health instruction if it conflicted with families' religious beliefs.

But a judge determined the lessons didn't qualify as health instruction—and therefore the opt-out provision didn't apply. The judge also specified that "any opt out right" is "outweighed by the

policies against discrimination and harassment of students from LGBT [lesbian, gay, bisexual, transgender] families.”⁸

Thus, the precedent has already been set in California and elsewhere that statewide laws which elevate homosexual relations to a government-sanctioned level can and will be used to undermine parental rights and family’s religious freedoms. To date, laws promoting homosexuality automatically trump parental rights and religious freedoms. In light of these facts and public news accounts, there is little question about how legalizing gay marriage will tangibly and concretely affect our public schools and parental rights. \

III: The High Cost of Defending Marriage: Voter Beware

In addition, I cannot let the opportunity pass to highlight for this committee the tremendous harassment and intimidation of voters in this country who have publicly supported efforts to define marriage as between one man and one woman. Churches, adoption agencies, business owners and parents aren’t the only ones whose rights are threatened by the advancement of same-sex marriage. I’m referring to voters – everyday folks like the people who live in your home states – not political operatives or ideological activists-- who have been ridiculed and threatened for exercising their rights as Americans.

While proponents of this bill attempt to portray this as a “civil rights” struggle for gays and lesbians, the facts are that the civil rights of traditional Americans, including people of faith, are being trampled for taking an opposing point of view in this cultural conflict.

In the public debate leading up to the passage of California’s 2008 ballot initiative known as Prop 8 (defining marriage in California as between one man and one woman), the attitudes and actions of those seeking Prop 8’s defeat turned ugly. Some of the examples of the ugliness perpetrated by supporters of Prop 8 are well-documented in the Heritage Foundation paper entitled “The Price of Prop 8.”⁹ The examples collected from public sources included instances of harassment, intimidation, vandalism, racial scapegoating, blacklisting, loss of employment, angry protests, violence, and at least one death threat. Catholic, Protestant and Mormon churches were all vandalized. And why? Simply because they had shown support for a definition of marriage that has served society well for thousands of years.

⁸ *Balde v. Alameda Unified School District* (2009). Superior Court of California, County of Alameda, Order No. RG 09-468037. Accessible at: <http://apps.alameda.courts.ca.gov/domainweb/service?ServiceName=DomainWebService&PageName=itree&Action=23772358>; News release. “Parents Can’t ‘Opt Out’ of Lessons About Family Diversity.” Dec. 3, 2009. Groundspark. Accessible at: <http://groundspark.org/3457>

⁹ Thomas M. Messner, "The Price of Prop 8 | The Heritage Foundation." *Conservative Policy Research and Analysis | The Heritage Foundation*. 22 Oct. 2009. Web. 18 July 2011. <http://www.heritage.org/research/reports/2009/10/the-price-of-prop-8>

In Washington State, there was a public referendum to repeal a 2009 civil union law, and gay activist organizations sought the identities of anyone who had signed a petition in favor of initiating the public vote, as well as the identities of anyone who gave campaign contributions for the repeal effort. The organizations that supported the repeal had learned the lessons of California's ugly backlash over Prop 8, and sought legal protection for those petition signers and campaign donors. In court documents ¹⁰ filed in that case, the instances of intimidation and threats against known traditional marriage supporters filled several pages. Many were too vile to be recounted here, but here is a representative sampling:

"I will kill you and your family."

"I'm going to kill the pastor."

"If I had a gun I would have gunned you down along with each and every other supporter."

"We're going to kill you"

"You're dead. Maybe not today, maybe not tomorrow, but soon...you're dead."

In addition to the verbal threats, churches had graffiti scrawled across their walls and artwork, swastikas were left on lawns and walls, bricks were thrown through their windows and glass doors, adhesive was poured in their locks, and suspicious packages filled with white powder were mailed to their sanctuaries.

IV: Social Sciences and Benefit of Married Mother/Father Family

One of the more compelling reasons for preserving marriage as one man and one woman is its impact on children. The last forty years have seen a great deal of change in family formation in the United States, Canada and most of Europe. There has been an a wealth of research published in leading scientific journals across the spectrum on how these changes – dramatic increases in divorce, cohabitation, fatherlessness/unmarried child-bearing and step-families – have impacted both child and adult well-being.

One would be very hard-pressed to find evidence in the vast social science, psychological and medical literature on ways that any of these new family forms have improved any important measure of well-being for children, adults and the society at large. Each of them has largely served to seriously diminish the well-being of children, women, men and society at large.

It is a strong and dramatically consistent finding in the social science, psychological and medical literature that children do best when living with their own married mother and father.¹¹

¹⁰ Plaintiff's Motion for Summary Judgment and Brief in Support of Motion for Summary Judgment, Doe v. Reed, United States District Court, Western District of Washington, filed 06/29/11, Case No. 3:09-cv-05456-BHS. <http://www.jamesmadisoncenter.org/cases/files/2011/06/209-Plaintiffs-Motion-Brief-for-Summary-Judgment.pdf>

¹¹ Susan Brown, "Marriage and Child Well-Being: Research and Policy Perspectives," *Journal of Marriage and Family*, 72 (2010) 1059-1077; Paul Amato, "The Impact of Family Formation Change on the Cognitive, Social and

In fact, the U.S. Department of Health and Human Services explains in its new and exhaustive report, *Family Structure and Children's Health in the United States: Findings from the National Health Interview Survey, 2001-2007*, that children living with their own married biological or adoptive mothers and fathers were generally healthier and happier, had better access to health care, less likely to suffer mild or severe emotional problems, did better in school, were protected from physical, emotional and sexual abuse and almost never live in poverty, compared with children in any other family form.¹²

Emotional Well-Being of the Next Generation,” in *The Future of Children*, “Marriage and Child Wellbeing,” Volume 15, Number 2, Fall 2005, (Woodrow Wilson School of Public and International Affairs at Princeton and The Brookings Institution), 75-96; Cynthia Harper and Sara McLanahan, “Father Absence and Youth Incarceration,” *Journal of Research on Adolescence* 14 (2004) 369-397; Wendy Sigle-Rushton and Sara McLanahan, “Father Absence and Child Well-Being: A Critical Review,” in Daniel P. Moynihan, Timothy M. Smeeding and Lee Rainwater, eds., *The Future of the Family*, (New York, New York: Russell Sage Foundation, 2004), 116-155; Kristin Anderson Moore, et al., “Marriage From a Child’s Perspective: How Does Family Structure Affect Children, and What Can We Do about It?” *Child Trends Research Brief*, June 2002; Mary Parke, “Are Married Parents Really Better for Children?” *Center for Law and Social Policy Policy Brief*, May 2003; Linda J. Waite and Maggie Gallagher, *The Case for Marriage: Why Married People are Happier, Healthier, and Better Off Financially*, (New York Doubleday, 2000); David Popenoe, *Life Without Father: Compelling Evidence that Fatherhood and Marriage Are Indispensable for the Good of Children*, (New York, The Free Press, 1997); Glenn T. Stanton *Why Marriage Matters: Reasons to Believe in Marriage in Postmodern Society*, (Colorado Springs, Pinon Press, 1997); Ronald P. Rohner and Robert A. Veneziano, “The Importance of Father Love: History and Contemporary Evidence,” *Review of General Psychology* 5.4 (2001): 382-405; Kyle D. Pruett, *Fatherhood: Why Father Care is as Essential as Mother Care for Your Child*, (New York: The Free Press, 2000); David Blankenhorn, *Fatherless America: Confronting Our Most Urgent Social Problem*, (New York: Basic Books, 1994); Sara McLanahan and Gary Sandefur, *Growing Up with a Single Parent: What Hurts, What Helps*, (Cambridge: Harvard University Press, 1994); Deborah Dawson, “Family Structure and Children’s Health and Well-Being: Data from the 1988 National Health Interview Survey on Child Health,” *Journal of Marriage and the Family* 53 (1991): 573-584; Scott Coltrane, “Father-Child Relationships and the Status of Women: A Cross-Cultural Study,” *American Journal of Sociology*, 93 (1988) 1060-1095; Michael Gordon, “The Family Environment of Sexual Abuse: A Comparison of Natal and Stepfather Abuse,” *Child Abuse and Neglect*, 13 (1985): 121-130; Michael Stiffman, et al., “Household Composition and Risk of Fatal Child Maltreatment,” *Pediatrics*, 109 (2002), 615-621; Frank Putnam, “Ten Year Research Update Review: Child Sexual Abuse,” *Journal of the American Academy of Child and Adolescent Psychiatry* 42 (2003) 269-279; Richard Koestner, et al., “The Family Origins of Empathic Concern: A Twenty-Six Year Longitudinal Study,” *Journal of Personality and Social Psychology* 58 (1990): 709-717; E. Mavis Hetherington, “Effects of Father Absence on Personality Development in Adolescent Daughters,” *Developmental Psychology* 7 (1972): 313 –326; Irwin Garfinkel and Sara McLanahan, *Single Mothers and Their Children: A New American Dilemma* (Washington D.C.: The Urban Institute Press, 1986), pp. 30-31; Sara L. McLanahan, “Life Without Father: What Happens to Children?” Center for Research on Child Wellbeing Working Paper #01-21. Princeton University, August 15, 2001; Paul R. Amato and Fernando Rivera, “Paternal Involvement and Children’s Behavior Problems,” *Journal of Marriage and the Family* 61 (1999): 375-384; David Ellwood, *Poor Support: Poverty in the American Family* (New York: Basic Books, 1988); Ronald J. Angel and Jacqueline Worobey, “Single Motherhood and Children’s Health,” *Journal of Health and Social Behavior* 29 (1988): 38-52; L. Remez, “Children Who Don’t Live with Both Parents Face Behavioral Problems,” *Family Planning Perspectives*, January/February 1992; Judith Wallerstein, et al., *The Unexpected Legacy of Divorce: A 25 Year Landmark Study*, (New York: Hyperion, 2000); Nicholas Zill, Donna Morrison, and Mary Jo Coiro, “Long-Term Effects of Parental Divorce on Parent-Child Relationships, Adjustment, and Achievement in Young Adulthood,” *Journal of Family Psychology*, 7 (1993):91-103; Wendy D. Manning and Kathleen A. Lamb, “Adolescent Well-Being in Cohabiting, Married and Single-Parent Families,” *Journal of Marriage and Family*, 65 (2003) 876-893.

¹² D.L. Blackwell, *Family Structure and Children's Health in the United States: Findings from the National Health Interview Survey, 2001-2007*, National Center for Health Statistics, U.S Department of Health and Human Services, Vital Health Statistics, 10 (246), 2010.

In fact, in all the ways we know how to measure child well-being, having a married mother and father is consistently shown to be the ideal family form across all important measures. And as I will point out next, no reliable data indicates that same-sex parenting comes anywhere close to rivaling married mothers and fathers for optimum child well-being outcomes.

If we are concerned for the well-being of children in all important measures, the published science compels us to elevate the cross-culturally tested form of natural marriage over the experimentation of same-sex parenting in our nation's policies and cultural values.

Weaknesses of Same-Sex Parenting (SSP) Studies

Social scientists need two things to reach strong, reliable conclusions: 1) large, diverse and representative samples, and 2) decades to collect and observe data on these diverse populations.

We have had each of these in research on the various family forms we have seen in our nation: divorce, cohabitation, fatherlessness and unmarried child-bearing. We have not had either of these in research on same-sex parenting. Yet, this has not kept some from publishing studies claiming that same-sex parenting is of no concern, but in fact can boost child well-being.

The only reliable conclusion that can be drawn from the current body of studies on same-sex parenting is that we don't have any good data to make real conclusions yet. Our organization is very familiar with the politics of the current body of research on same-sex parenting. First, nearly every study published to date on same-sex parenting is conducted by scholars with track records closely connected to GLBT causes and outcomes. This does not mean they cannot do fair work, but it is important to note these connections. There are three primary problems with the current body of same-sex parenting research that must be observed and appreciated.

a) Ambiguous Conclusions

The first major statement in support for same-sex parenting came in 2002 from the well-respected American Academy of Pediatrics (AAP). Here is the first line of the abstract from the AAP's initial statement on same-sex parenting.

“a growing body of scientific literature demonstrates that children who grow up with 1 or 2 gay and/or lesbian parents fare as well in emotional, cognitive, social, and sexual functioning as do children whose parents are heterosexual.”¹³

First, the issue is not about the sexual orientation of the parents per se, but the formation of the family itself. Is the child being raised by his or her own mother and father? Second, the question is what kind of heterosexual homes did the AAP compare the children raised by same-sex parents: single, unmarried, fatherless, cohabiting, step, divorced or married intact? This is *the* vital question for each of these forms of heterosexual homes have dramatically different well-being outcomes for adults and children. But the AAP, nor any of the studies they cite, address or clarify this fundamentally important question. Therefore, it is a practically meaningless statement in terms of telling us anything about same-sex parenting.

¹³ Ellen C. Perrin, MD, “Technical Report: Coparent and Second-Parent Adoption by Same-Sex Parents,” *Pediatrics*, Vol. 109 No. 2, (2002) p. 341. <http://aappolicy.aappublications.org/cgi/reprint/pediatrics;109/2/339.pdf>

b) Notoriously weak methodologically

The studies to date looking at same-sex parenting relying nearly exclusively on very poor, narrow samples which effectively deem the findings practically useless.

William Meezan and Jonathan Rauch, two strong supporters of same-sex marriage, have provided perhaps the most recent and thorough review of the research on how same-sex parenting could impact children (published in late 2005). In their fair and careful article — published jointly by Princeton University and the Brookings Institute — they could only recommend four studies out of the total body of current research examining same-sex parenting as “methodologically rigorous.” Elsewhere in their article, they conclude, “In other words, virtually no empirical evidence exists on how same-sex parents’ marriage might affect their children.”¹⁴

The research published since their review of the literature has not improved the situation. Nearly all the research published to date on same-sex child-rearing is conducted on lesbian homes of largely white, middle-class moms in larger urban areas, using mothers who have volunteered to participate in such studies or were gained through their use of sperm banks.¹⁵

The two leading studies on same-sex parenting published in respectable research journals in 2010 merit close examination. This first study, published in the *Journal of Marriage and Family* compares the literature on children raised in same-sex homes with a dramatically small fraction of the literature of those raised in heterosexual two-parent homes. They admit that the studies on the heterosexual homes are methodologically “relatively stronger” national representative samples, while those on lesbian parenting are “somewhat weaker” samples.¹⁶

The methodological problems in the second study, published by the American Academy of Pediatrics are also clear to even the casual reader.¹⁷ The data examined was collected on only 78 children through the mothers’ self-reporting on their child’s welfare. The study explains it used snowball samples also - mothers recruited by volunteering for the study (rather than randomly selected) via announcements at “lesbian events, women’s bookstores, and in lesbian newspapers throughout metropolitan areas of Boston, Washington DC and San Francisco.”¹⁸

So these were mothers from more urban and suburban areas, participants in ideological lesbian-thought culture and therefore, likely highly motivated study participants. They knew they were participating in something called the National Longitudinal Lesbian Family Study (NLLFS), evidenced by a remarkable and very uncommon 93% retention rate over the life of the study.

¹⁴ William Meezan and Jonathan Rauch, “Gay Marriage, Same-Sex Parenting, and America’s Children,” in *The Future of Children* 15 (2005): 104, 105, 107.

¹⁵ Timothy J. Biblarz and Judith Stacey, “How Does The Gender of Parents Matter?” *Journal of Marriage and Family* 72 (2010): 3-22, p. 6, 10; Nanette Gartrell and Henny Bos, “US National Longitudinal Lesbian Family Study: Psychological Adjustment of 17-Year-Old Adolescents,” *Pediatrics*, 126 (2010) 1-9.

¹⁶ Timothy J. Biblarz and Judith Stacey, “How Does The Gender of Parents Matter?” *Journal of Marriage and Family* 72 (2010): 3-22, p. 6.

¹⁷ Nanette Gartrell and Henny Bos, “US National Longitudinal Lesbian Family Study: Psychological Adjustment of 17-Year-Old Adolescents,” *Pediatrics*, 126 (2010) 1-9.

¹⁸ Gartrell and Bos, 2010, p. 3.

Professor Mark Regnerus, a research sociologist at the University of Texas at Austin, one of the leading research centers on sociology of the family in the world, explains the qualitative difference between these two methods:

The bottom line is that snowball samples are nice for undergrads to learn about data collection, but hardly high-quality when you're a professional sociologist working on a complex research question with significant public ramifications. It's not fair - not even close - to compare parenting and child outcomes from a national probability sample of hetero parents and a snowball sample of lesbian parents¹⁹

c) Dramatically Overstate Their Case

These articles overplay their hands by not merely saying that same-sex parented can do as well as mom and dad homes, but by saying two moms do better:

In fact, based strictly on the published science, one could argue that two women parent better on average than a woman and a man... Lesbian coparents seem to outperform comparable married heterosexual, biological parents on several measures even while being denied the substantial privileges of marriage.²⁰

The second study explains,

“According to their mothers’ reports, the 17-year-old daughters and sons of lesbian mothers were rated *significantly higher* in social, school/academic, and total competence and *significantly lower* in social problems, rule-breaking, aggressive and externalizing problem behavior than their age-matched counterparts in [a] normative sample of American Youth.”²¹ (emphasis added)

And that when their moms broke up, it had no effect on the children whatsoever:

“Within the lesbian family sample, no...differences were found among adolescent offspring...whose mothers were still together and offspring whose mothers had separated.”²²

If this data is to be believed, this means that lesbian homes are now the new super-homes for kids!

First, apparently children raised by two lesbian moms do better than kids in heterosexual parents at receiving the good and avoiding the bad in life.

Second, even if a child’s two moms split, these kids seem to be completely unaffected, Teflon-like, by this dramatic family change! This is in dramatic contrast to what mountains of research has consistently found when children’s mothers and fathers end

¹⁹ Correspondence between Dr. Regnerus and Glenn T. Stanton, Director of Family Formation Studies, Focus on the Family, August 12, 2010.

²⁰ Biblarz and Stacey, 2010, p. 17.

²¹ Gartrell and Bos, 2010, p. 1.

²² Gartrell and Bos, 2010, p. 1.

their relationships; the negative impact upon children is significant both in degree and duration.²³

Are we really to believe that we disadvantage children by giving them fathers as active participants in their lives, rather than minimally as sperm-donors?

This first study also points to another very serious problem with same-sex marriage and relationships. They are notoriously short-lived.

Weaknesses of Same-Sex Marriage Relationships

Both research and the writings of same-sex advocates tell the story that same-sex marriage and relationships are indeed qualitatively different than natural man/woman marriage. Three key components are outlined here.

a) Greater Likelihood of Divorce/Break-up

Same-sex relationships, even those that enjoy the benefit of legal protection, are less durable and long-lived than heterosexual marriages.

Research from Scandinavia, where same-sex relationships enjoy significantly strong legal and social support, shows that “divorce-risk levels are considerably higher in same-sex marriages”²⁴ compared to natural male/female marriages. What is more, “the divorce risk for female partnerships is double that for male partnerships.”²⁵ The male/male relationships divorce rates are 50 percent higher than opposite sex marriages.²⁶

The first Biblarz and Stacey study (2010) cited in the previous section explained that the “double-dose” of mother care which is supposedly so good for children can be, the authors admit, toxic to the relationship causing these homes to break-up at disturbingly high rates.

“...a double-dose of maternal investment sometimes fostered jealousy and competition between comothers which the asymmetry of the women’s genetic, reproductive, and breast-feeding ties to their infant could exacerbate.”²⁷

They cite one major comparative study between heterosexual and lesbian homes where, in the 5-year period of the study, 6 of the 14 lesbian-mother-headed homes had broken up compared to only 5 of the 38 mom and dad-headed homes. This is supposedly explained because the

²³ E. Mavis Hetherington, *For Better or For Worse: Divorce Reconsidered*, (W.W. Norton, 2002); Judith Wallerstein, *et al.*, *The Unexpected Legacy of Divorce: A 25 Year Landmark Study*, (Hyperion, 2000); Judith Wallerstein, “The Long-Term Effects of Divorce on Children: A Review,” *Journal of the American Academy of Child and Adolescent Psychiatry* 30 (1991) 349-360; Cynthia Osborne and Sara McLanahan, “Partnership Instability and Child Well-Being,” *Journal of Marriage and Family* 69 (2007) 1065-1083; Andrew J. Cherlin, *The Marriage-Go-Round: The State of Marriage and Family in America Today* (New York: Alfred A. Knopf, 2009) p. 10-12.

²⁴ The Scandinavian countries of Denmark, Norway and Sweden did not have legalized marriage per se at the time this study was published, but the gay-friendly author referred to them as marriage in his study because they legally approximate marriage in both their legal form and function. See p. 84 in citation following.

²⁵ Gunnar Andersson, *et al.*, “The Demographics of Same-Sex Marriage in Norway and Sweden,” *Demography*, 43 (2006) 79-98, p. 79.

²⁶ Andersson, 2006, p. 93.

²⁷ Biblarz and Stacey, 2010, p. 11.

“comparatively high standards lesbians bring to their intimate unions correlate with higher dissolution rates.”²⁸ But these scholars fail to make any mention of how the break-up of a parental relationship profoundly impacts children in negative ways.²⁹

b) Differing Definition of Monogamy

Influential leaders in the gay community – and supporters of same-sex marriage – hold a different view of what marital fidelity means in mainstream culture. Dan Savage – the founder of the “It Gets Better Project,” that President Barack Obama has supported and participated in³⁰ – proposes that we replace our social expectation for marital fidelity and monogamy with what the *New York Times* explained as the “American Gay Male, after that community’s tolerance for pornography, fetishes and a variety of partnered arrangements, from strict monogamy to wide openness.”³¹ He says that good, healthy marriages have to be “game” for additional outside sexual encounters. This is more natural to same-sex relationships than it is for male and female marriages.

How Mothers and Fathers are Essential to Healthy Child Development

The overwhelming majority of same-sex parenting homes are headed by women. This means the growth of same-sex homes are also the growth of more intentionally fatherless homes.

Presidents Clinton, Bush and Obama have all initiated strong and vibrant fatherhood promotion programs in their administrations to increase the number of children growing up being raised by their mother and father.

A great wealth of research has consistently shown that when both boys and girls are raised apart from their father, they face serious set-backs in all the important measures of child development and well-being.³²

²⁸ Biblarz and Stacey, 2010, p. 12.

²⁹ E. Mavis Hetherington, *For Better or For Worse: Divorce Reconsidered*, (W.W. Norton, 2002); Judith Wallerstein, et al., *The Unexpected Legacy of Divorce: A 25 Year Landmark Study*, (Hyperion, 2000); Judith Wallerstein, “The Long-Term Effects of Divorce on Children: A Review,” *Journal of the American Academy of Child and Adolescent Psychiatry* 30 (1991) 349-360; Cynthia Osborne and Sara McLanahan, “Partnership Instability and Child Well-Being,” *Journal of Marriage and Family* 69 (2007) 1065-1083; Andrew J. Cherlin, *The Marriage-Go-Round: The State of Marriage and Family in America Today* (New York: Alfred A. Knopf, 2009) p. 10-12.

³⁰ See <http://www.whitehouse.gov/blog/2010/10/21/president-obama-it-gets-better>

³¹ Mark Oppenheimer, “Married, With Infidelities,” *New York Times Magazine*, June 30, 2011.

³² Paul R. Amato and Fernando Rivera, “Paternal Involvement and Children’s Behavior Problems,” *Journal of Marriage and the Family* 61 (1999): 375-384; Ronald P. Rohner and Robert A. Veneziano, “The Importance of Father Love: History and Contemporary Evidence,” *Review of General Psychology* 5.4 (2001): 382-405; Cynthia Harper and Sara McLanahan, “Father Absence and Youth Incarceration,” *Journal of Research on Adolescence* 14 (2004) 369-397; Wendy Sigle-Rushton and Sara McLanahan, “Father Absence and Child Well-Being: A Critical Review,” in Daniel P. Moynihan, Timothy M. Smeeding and Lee Rainwater, eds., *The Future of the Family*, (New York, New York: Russell Sage Foundation, 2004), 116-155; David Popenoe, *Life Without Father: Compelling Evidence that Fatherhood and Marriage Are Indispensable for the Good of Children*, (New York, The Free Press, 1997); Kyle D. Pruett, *Fatherhood: Why Father Care is as Essential as Mother Care for Your Child*, (New York: The Free Press, 2000); David Blankenhorn, *Fatherless America: Confronting Our Most Urgent Social Problem*, (New York: Basic Books, 1994); K. Alison Clarke-Stewart, “And Daddy Makes Three: The Father’s Impact on Mother and Young Child,” *Child Development*, 49 (1978): 466-478; Richard Koestner, Carol Franz and Joel Weinberger, “The Family Origins of Empathic Concern: A 26-Year Longitudinal Study,” *Journal of Personality*

There are many scholars who explain how the differences in mothers and father's way of parenting benefits and enhances child development in important ways. One source worth noting is Professor Emeritus of Psychology at Stanford University, Eleanor Maccoby.³³ In her work, she outlines a number of important ways that mothers and fathers are wired, how this impacts their parenting styles and how these are important for healthy child development.

Play

Mothers' way of play tends to stimulate fine-motor skill development while fathers stimulates large motor development.³⁴ Fathers are also more likely to roughhouse with their children, both boys and girls, and in doing so, teach their children about how to be mindful of not playing too rough, thus teaching children to regulate their physical energy and actions.

Protect and Prepare

Mothers are more likely to protect their children from the dangers of the world. Fathers are more likely to work to prepare their children for to be able to meet the dangers of the world.³⁵

Take Proper Chances

Fathers are more likely to help their children take the right kind of chances in life, thus helping them learn the important life lessons of calculating and managing risk. This starts with helping both boys and girls jump off the next highest step of the porch or climb to the next highest limb in the tree. This builds confidence in both boys and girls.

Language Development

Mothers and fathers stimulate different kinds of language development in children. Mothers speak more on the level of the child. Fathers are not as likely to moderate their vocabulary for the sake of the child. This often ends in an impromptu vocabulary lesson for the child. Male parents also make more use of non-verbal cues – verbal noises like grunts as well as eye and head movement. Both boys and girls with fathers have more opportunity to learn how men communicate non-verbally and what such cues really mean.³⁶

Empathy

Children get more of their empathic development from their fathers. Research also shows that children with involved fathers have greater levels of self-regulation and control as well as lower

and *Social Psychology*, 58 (1990): 709-717; Cheri A. Vogel, *et al.*, "Relation Between Father Connectedness and Child Outcomes," *Parenting: Science and Practice*, 6 (2006): 189-209;

³³Eleanor E. Maccoby, *The Two Sexes: Growing Up Apart; Coming Together*, (Cambridge, MA: Harvard University Press, 1998).

³⁴ Maccoby, 1998, p. 267-268.

³⁵ Popenoe, 1997, p. 140.

³⁶ Maccoby, 1998, p. 269.

levels of demonstrated aggression. A number of studies show that “fathers may be particularly important for helping very young children gain control over intense emotions.”³⁷

Probably the most sophisticated study on the subject – a longitudinal examination - initiated in the mid-1950s and the conclusions published in 1990 - found the strong influence fathers have on children developing a sense of concern and compassion was “quite astonishing.” The research found that the strongest factor in impacting whether or not children demonstrated greater levels of empathic concern in their 30s and beyond was father’s participation in child-care. The study’s authors explain that this factor of paternal child-care was in fact stronger than the three strongest maternal factors combined. The 26-year-long study concludes with the recognition, “These results appear to fit with previous findings indicating that pro-social behaviors such as altruism and generosity in children were related to active involvement in child care by fathers.”³⁸

In a nutshell - an analysis of more than 100 studies on parent-child relationships found that having a loving and nurturing father was *as important* for a child’s happiness, well-being, and social and academic success *as having a loving and nurturing mother*. Some studies indicated father-love was a *stronger* contributor than mother-love to some important positive child well-being outcomes. The study concludes:

*“Overall, father love appears to be as heavily implicated as mother love in offsprings’ psychological well-being and health.”*³⁹

For all of these reason, I ask that the members of the Senate Judiciary Committee uphold, rather than undermine, the manifold protections embodied in the state constitutional amendments and statutes which are in place to protect the traditional definition of marriage.

Thank you.

³⁷ Cheri A. Vogel, *et al.*, “Relation Between Father Connectedness and Child Outcomes,” *Parenting: Science and Practice*, 6 (2006): 189-209, P. 204.

³⁸ Richard Koestner, Carol Franz and Joel Weinberger, “The Family Origins of Empathic Concern: A 26-Year Longitudinal Study,” *Journal of Personality and Social Psychology*, 58 (1990): 709-717, p. 713.

³⁹ Ronald P. Rohner and Robert A. Veneziano, “The Importance of Father Love: History and Contemporary Evidence,” *Review of General Psychology* 5.4 (2001): 382-405.