

Testimony
before the Rhode Island Senate Judiciary Committee
on SB 0038 and SB 0708, March 21, 2013
by Susan Yoshihara¹

Some people claim that it makes no difference whether a child is raised by her mother and father or raised by a adults engaged in a homosexual lifestyle. Some go even further and say that two lesbians make better parents than a single mom or a mother and a father together. Any scholarly basis for such claims has been shattered by the latest and best social science research.

Children of mothers with lesbian relationships fared worse than children in biological families on 25 out of 40 life outcomes variables in a groundbreaking new study. And on 11 of the 40 outcomes, children of fathers in gay relationships fared poorly on the same comparison. In no category did those children fare better than the children of intact biological families.

Those are just some of the findings published last June in the peer-reviewed journal *Social Science Research*.ⁱ The lead researcher has provided charts for you which I have included with my written testimony. That team of social scientists screened more than 15,000 Americans between the ages of 18 and 39, and interviewed nearly 3,000 of them. Also notable is the focus of this study, which looked specifically at children raised by parents engaged in same-sex relationships in comparison with six other types of family arrangements.

Not only did children raised in biological families fare better in health, education, employment and many other categories, but so did those raised in other family structures--including those *involving* divorce, remarriage, adoption, and single-parenting.

As you can imagine, the study was immediately subjected to intense criticism and scrutiny due to the ramifications of its findings. Not only were the authors and the findings vindicated in every

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one of these investigations, but the study's conclusions emerged even stronger after accounting for the myriad scholarly critiques.

In particular, critics charged that the research showed only that stability in marriage matters. That claim was not supported by the data. It is family structure that was consistently statistically significant in the resultant life outcomes.

So why did previous studies get it wrong? A second paper in the same peer-reviewed journal debunked the American Psychological Association's (APA) position that there are "no differences" in life outcomes for children. The 59 studies that the APA based that assertion on were all deeply flawed with sampling and design problems, inadequate statistical rigor, and conclusions about the "no differences" theory that could not be justifiably generalized to the larger population.ⁱⁱ

You and I as Rhode Islanders want--in fact we deserve--a full consideration of the latest research.

And that includes the medical research. Calls for marriage equality charge that traditional marriage somehow violates equal protection laws, likening sexual orientation to sex or race. Medical experts, on the other hand, "do not know enough about what sexual orientation is, what causes it, and why and how it sometimes changes" to say it is immutable.ⁱⁱⁱ This according to the longtime head of Psychiatry at Johns Hopkins University School of Medicine, Dr. Paul McHugh. As Dr. McHugh noted in his *amicus curiae* brief to the U.S. Supreme Court, certain types of sexual orientation may invite discrimination in particular circumstances, but "it does not follow that sexual orientation is the characteristic of a discrete class...in contrast with race and sex, which are well-defined and understood" by the medical community.^{iv} In other words, there is nothing in the scientific or medical literature showing traditional marriage laws discriminate against a discrete class.

And let us also consider the legal scholarship. All of us have inherent rights because we are human. But despite the popular discourse, it is a misunderstanding to say there is a human right

to homosexual marriage. No UN human rights treaty mentions sexual orientation or gender identity. In fact, the United States is party to human rights documents recognizing marriage between men and women--the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights.^v And so, nothing in human rights law requires the U.S. or its constituent states to recognize homosexual marriage. Rather, it is the duty of the law to protect marriage and the family.^{vi}

These economic and social factors are not peripheral to the current debate on marriage which is often couched simply in terms of personal rights. Marriage is not just a personal matter. It has a social character. It is the only human arrangement designed to generate and foster human life. No other relationship fills this essential social role. It is precisely because marriage entails the raising of children that the State has an interest in regulating this particular relationship.

As a mother to a preschool-aged daughter with another on the way, I am deeply concerned about how redefining marriage will impact the future of families in Rhode Island. As you are well aware, the state is already under siege. There is human flight from our borders. The fertility rate is the lowest in the Union and the state is aging ever more rapidly--in an era when children are seen as an economic liability rather than an asset.

Restoring family formation is not just essential to socioeconomic vitality and but also to reversing these worrisome demographic trends.^{vii} Yet, it is at this very critical juncture in our state's history, the legislature is being asked to consider a bill that will further undermine the marriage culture and family formation.

The impulse to redefine marriage is a symptom and not the cause of the present crisis in our marriage culture. Yet the urge must be resisted.

It is the duty of law to protect marriage and the family. Please reject SB 38.

ⁱ Mark Regnerus, "How different are the children of parents who have same-sex relationships? Findings from the New Family Structures Study," <http://www.sciencedirect.com/science/article/pii/S0049089X12000610>

For an interactive website presenting the findings of the study, see

<http://www.familystructurestudies.com/outcomes/>

Abstract: The results reveal numerous, consistent differences, especially between the children of women who have had a lesbian relationship and those with still-married (heterosexual) biological parents. The results are typically robust in multivariate contexts as well, suggesting far greater diversity in lesbian-parent household experiences than convenience-sample studies of lesbian families have revealed. The NFSS proves to be an illuminating, versatile dataset that can assist family scholars in understanding the long reach of family structure and transitions.

ⁱⁱ Loren Marks, "Same-sex parenting and children's outcomes: A closer examination of the American psychological association's brief on lesbian and gay parenting,"

<http://www.sciencedirect.com/science/article/pii/S0049089X12000580>

Abstract: In 2005, the American Psychological Association (APA) issued an official brief on lesbian and gay parenting. This brief included the assertion: "Not a single study has found children of lesbian or gay parents to be disadvantaged in any significant respect relative to children of heterosexual parents" (p. 15). The present article closely examines this assertion and the 59 published studies cited by the APA to support it. Seven central questions address: (1) homogeneous sampling, (2) absence of comparison groups, (3) comparison group characteristics, (4) contradictory data, (5) the limited scope of children's outcomes studied, (6) paucity of long-term outcome data, and (7) lack of APA-urged statistical power. The conclusion is that strong assertions, including those made by the APA, were not empirically warranted. Recommendations for future research are offered.

ⁱⁱⁱ *Amicus Curiae* brief of Dr. Paul McHugh in the U.S. Supreme Court cases of *Hollingsworth v. Perry* and *United States v. Windsor*, http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/briefs-v2/12-144-12-307_merits-reversal-dpm.authcheckdam.pdf

^{iv} Ibid.

^v The 1948 Universal Declaration of Human Rights (UDHR) Article 16 states that "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family," and the 1966 International Covenant on Civil and Political Rights (ICCPR) Article 23 recognizes "the right of men and women of marriageable age to marry and to found a family." For UDHR see

<http://www.un.org/en/documents/udhr/index.shtml>; for ICCPR see

<http://www1.umn.edu/humanrts/instrtree/b3ccpr.htm>

Nations defined "gender" twice in international documents, including the Rome Treaty that established the International Criminal Court. The term is defined as "men and women" in the "ordinary and accepted usage."

^{vi} Universal Declaration of Human Rights, Article 16, International Covenant on Civil and Political Rights, Article 23.

^{vii} See, for example Phillip Longman and David Gray, "A Family-based Social Contract," Washington, D.C.: New America Foundation, 2008, http://www.newamerica.net/files/family_based_social_contract.pdf