

WHERE THE HOLY SEE AND SCIENCE AGREE: CHILDREN DO BEST IN A STABLE NATURAL FAMILY

*William Monte**

INTRODUCTION

Not many years ago the traditional notion that children do best when raised in a stable natural family with a married mother and father would not have been questioned. Today, however, this orthodoxy is being challenged by same-sex parenting both domestically¹ and internationally.² In this paper, I will argue that

*J.D. candidate, 2013, Ave Maria School of Law, Naples, FL; Associate Editor, Ave Maria School of Law International Law Journal; Master of Public Health Degree (M.P.H.) (epidemiology), Columbia University School of Public Health, New York, NY. The author would like to extend a very special thank you to Professor Jane Adolphe of Ave Maria School of Law for her expert guidance, wisdom, and encouragement.

¹ See Leah C. Battaglioli, *Modified Best Interest Standard: How States Against Same-Sex Unions Should Adjudicate Child Custody and Visitation Disputes between Same-Sex Couples*, 54 CATH. U. L. REV. 1235, 1235-36 (2005) (“[In the United States] [a]n estimated six to ten million individuals in same-sex relationships are parents of between six and fourteen million children.”).

² See Jennifer J. Power et al., *Understanding Resilience in Same-Sex Parented Families: The Work, Love, Play Study*, 10 BMC PUB. HEALTH 115 (2010), available at <http://www.biomedcentral.com/1471-2458/10/115> (“Data from the 2001 Australian census indicates that one in five lesbian couples, and up to five percent of gay male couples, have a child or children living with them at home.”). As of 2007, eleven European nations have created laws allowing joint or second-parent adoption by same-sex partners including Denmark, Iceland, the Netherlands, Norway, Sweden, Germany, Spain, England and Wales, Scotland, and Belgium, and to a more limited degree in France. Lynne Marie Kohm et al., *An International Examination of Same-Sex Parent Adoption*, 5 REGENT J. INT’L L. 237, 244-250 (2007) (citing laws in eleven European countries: in particular, The Netherlands (“The Netherlands was among the first of the major European nations to provide adoption rights to same-sex couples.” *Id.* at 244.); England and Wales (“Domestic adoption is regulated throughout the United Kingdom by the Adoption Act of 1976 . . . Same-sex adoption is currently permitted in all the United Kingdom except Northern Ireland.” *Id.* at 246.); Scotland (“As of 2007, Scotland is the most recent nation to allow same-sex partners to adopt.” *Id.* at 247.); The Nordic Nations (Denmark, Iceland, Norway, and Sweden) and Germany (“The Nordic nations were among the first to grant relationship rights to same-sex partners. Yet, in Denmark, Norway, and Germany, joint adoption is not allowed. Denmark was the first European nation to allow same-sex adoption in May 1999. However, it has maintained a consistent position allowing only same-sex, second-parent adoption despite early action to provide homosexual rights in other areas of law such as protection from discrimination and the legal right to a registered partnership. With adoption, one partner must be a biological parent of the child in order for his or her partner to adopt. Similarly, the laws in Iceland only allow same-sex, second-parent adoption when the partner is a biological parent of the child and there is a registered partnership. Sweden, in contrast to the other Nordic nations, allows same-sex couples in a registered partnership to jointly adopt children.” *Id.* at 247-48.); Spain (“In June 2005, Spain authorized full gay marriage for same-sex couples. With this right to marriage came all the rights afforded to heterosexual couples, including the right to adopt. Therefore, in Spain both joint adoption and second-parent adoption of a partner’s child were completely legalized upon the sanction of same-sex marriage.” *Id.* at 248-49.); Belgium (“Belgium allows both joint adoption and second-parent adoption of a partner’s biological children.” *Id.* at 249.); France (“A recent ruling [2006] in France by the Court of Cassation, the nation’s highest court, allowed limited access to parental rights for same-sex partners . . . It is

the Holy See's dialogue with the Committee on the Rights of the Child on the Convention on the Rights of the Child is in the best interest of children and is supported by scientific evidence, as well as scholarly research. Part I will review a recent scientific study which found that children do best in a stable family with a married mother and father, a Brief which proposes the opposite conclusion, and scientific studies which refute the Brief's findings. Part II will explain the nature and mission of the Holy See, the origin and administration of the Convention on the Rights of the Child, and the Holy See's position on the Convention on the Rights of the Child as articulated in the Holy See's Second Periodic Report to the Committee on the Rights of the Child on the Convention on the Rights of the Child. Part III will argue that the Holy See is correct in supporting marriage between a man and a woman, the natural family based on marriage as the basis of society, and the natural family as the best environment for children. Further, that its argumentation is bolstered by scientific evidence and scholarly research. Lastly, Appendix A provides the reader with a summary of studies supporting same-sex parenting, while Appendix B provides summaries of scientific evidence that show that all the studies in Appendix A have no basis in good science because they are all scientifically flawed.

PART I:

THE SCIENCE

A. *The New Family Structures Study*

The 2012 New Family Structures Study (hereinafter NFSS) is an important study because it is very large³ and the most recent study on same-sex parenting providing solid evidence that same-sex parenting is not in the best interests of children.⁴ In fact, the study showed that children do best when raised in a stable

still unclear, however, exactly what this decision means for same-sex parent adoption in the future, and how the case will be used as precedent in light of its unique facts." *Id.* at 249-50)).

³ROBERT LERNER & ALTHEA NAGAI, NO BASIS: WHAT THE STUDIES *DON'T* TELL US ABOUT SAME-SEX PARENTING 107 (2001) ("[The scientist must] [u]se a large enough sample. The studies . . . [supporting] homosexual parenting that rely on inferential statistical testing have samples that are much too small to arrive at any genuine conclusions of 'no statistical difference' between the study and comparison groups. These studies must be replicated with significantly larger samples before their non-statistically significant findings can be taken seriously. These calculations can be done before a study is executed and future research should include and report their power calculations as a matter of course.").

⁴Mark Regnerus, *How Different are the Adult Children of Parents who have Same-Sex Relationships? Findings from the New Family Structures Study*, 41 SOC. SCI. RES. 766 (2012), available at http://ac.els-cdn.com/S0049089X12000610/1-s2.0-S0049089X12000610-main.pdf?_tid=3b8ef4a6-9701-11e2-8236-00000aacb35d&acdnat=1364404412_b21b49f92e3fab1d920fca8b9d3f3b98.

family by a married mother and father.⁵ A “stable family” can be inferred from the author’s conclusions: “when they [children] spend their entire childhood with their married mother and father, and especially when the parents remain married to the present day.”⁶ The NFSS is uniquely nationally representative; the NFSS screened over 15,000 subjects, surveyed Americans between the ages of eighteen and thirty-nine, and fully completed surveys with 2,988 subjects.⁷ The NFSS collected data from young American adults using random sampling who had been raised in a variety of family arrangements.⁸ This was unusual because most other studies on same-sex parenting have sought responses from parents rather than directly from the children.⁹ Young adult children of a parent who had a same-sex relationship were compared with six other family-of-origin types and forty different social, emotional, and relational variables were analyzed.¹⁰

The author of the NFSS stated that although the study results showed children do best when raised in a stable family by a married mother and father, these findings might – in part – be explained by “a variety of forces uniquely problematic for child development in lesbian and gay families . . . [such as] a lack of social support for parents, stress exposure resulting from persistent stigma, and modest or absent legal security for their parental and romantic relationship statuses.”¹¹ However, the author emphasized the fact that “the empirical claim that no notable differences exist must go.”¹² The findings of the NFSS derived from a large, nationally-representative, population-based sample of young Americans indicate that the family experiences of a large number [of children raised by same-sex parents] may be affected.¹³ The study concluded that “[T]he NFSS . . . clearly reveals that children appear most apt to succeed well as adults – on multiple counts and across a variety of domains – when they spend their entire childhood with their married mother and father, and especially when the parents remain married to the present day.”¹⁴

The study results of the NFSS, however, were not well received by everyone. After the author – Regnerus – published his research in June, 2012, he came under

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 756, 766.

⁸ *Id.* at 752.

⁹ Angela O’Brien, *Author of controversial ‘gold standard’ study on gay parenting being investigated by university*, LIFESITENEWS.COM (July 16, 2012), <http://www.lifesitenews.com/news/author-of-controversial-gold-standard-study-on-gay-parenting-being-investig>.

¹⁰ Regnerus, *supra* note 4, at 752.

¹¹ *Id.* at 766.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

attack. “[A] writer on LGBTQ issues”¹⁵ accused him of scientific misconduct which led Regnerus’ employer, the University of Texas, to launch a scientific misconduct investigation.¹⁶ In August, the University of Texas decided to drop its investigation of Regnerus stating: “no formal investigation is warranted.”¹⁷ The University of Texas initially had decided to investigate Regnerus because of accusations by a “LGBT activist and blog writer”¹⁸ claiming that Regnerus had “designed [a study] so as to be guaranteed to make gay people look bad, through means plainly fraudulent and defamatory . . . and of harboring anti-gay prejudices because he is Catholic.”¹⁹ Walter Schumm, a professor at Kansas State University, recently stated that “Regnerus conducted eminently defensible scientific research . . . [and] Regnerus can consider himself fully vindicated as a scholar.”²⁰ Schumm’s backing of Regnerus was further supported by a written statement posted on the Baylor University website and signed by twenty-seven social scientists defending Regnerus’ study.²¹

The relevance of the above discussion is that one, non-scientist attempted to sabotage the entire NFSS and destroy a researcher’s reputation by means less-than-fair merely because he did not agree with the findings of the study, but that the social science scholarly community solidly rallied to defend Regnerus’ study as properly conducted, good scientific research, and an important contribution to the social science field of parenting.

In support of Proposition 8 and DOMA, Regnerus’ vindicated research²² has been cited by Professor Helen M. Alvare of George Mason University in her Brief

¹⁵ O’Brien, *supra* note 9.

¹⁶ *Id.*

¹⁷ Kathleen Gilbert, *University upholds study finding children do better with straight parents than homosexuals*, LIFESITENEWS (Aug. 30, 2012), http://www.lifesitenews.com/news/university-upholds-study-finding-children-do-better-with-straight-parents-t?utm_source=LifeSiteNews.com+Daily+Newsletter&utm_campaign=11ac129787-LifeSiteNews_com_US_Headlines_08_30_2012&utm_medium=email.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Matthew J. Franck, *The vindication of Mark Regnerus*, LIFESITENEWS (Nov. 20, 2012), http://www.lifesitenews.com/news/the-vindication-of-mark-regnerus?utm_source=LifeSiteNews.com+Daily+Newsletter&utm_campaign=70b7b7d2e2-LifeSiteNews_com_US_Headlines_11_20_2012&utm_medium=email.

²¹ Institute for Studies of Religion, Baylor University, *A Social Scientific Response to the Regnerus Controversy*, BAYLORISR.ORG (June 20, 2012), <http://www.baylorisr.org/2012/06/a-social-scientific-response-to-the-regnerus-controversy/> (“We are disappointed that many media outlets have not done their due diligence in investigating the scientific validity of prior studies, and acknowledging the superiority of Regnerus’s sample to most previous research.”); *See also* O’Brien, *supra* note 9 (“The statement [by the twenty-seven social scientists posted on the Baylor University website] affirms the scientific integrity of Regnerus’ methods, answering the primary accusations that had been fired at him, and pointing out the inadequacy of previous studies on the same subject.”).

²² Regnerus, *supra* note 4.

of Amicus Curiae to the United States Supreme Court.²³ Alvare pointed out that Regnerus' study findings may be related to difficulties with same-sex parenting resulting in poorer outcomes of children raised in same-sex households²⁴

B. *The American Psychological Association's Brief in Support of Same-Sex Parenting*

The most influential and significant work advocating same-sex parenting was an eighty-two page 2005 publication by the American Psychological Association, which became commonly referred to as a brief (hereinafter APA Brief).²⁵ The APA Brief set out the following: homosexual orientation is not a mental disorder; societal beliefs that lesbian women or gay men cannot be competent parents lack any empirical foundation; sexual identity in children is not influenced by same-sex parents; children of same-sex parents are not more likely to suffer from emotional and mental disorders; children of same-sex parents do not experience problems with social relationships; and that there are abundant empirical studies, as well as legal reviews, that support same-sex parenting.²⁶

The APA Brief cites fifty-nine published research manuscripts in support of same-sex parenting in a section titled "Empirical Studies Specifically Related to

²³ Helen M. Alvare, Brief of Amicus Curiae to the Supreme Court of the United States, (Nos. 12-144, 12-307) 20-
²¹ (Jan. 29, 2012), available at <http://www.adfmedia.org/files/HollingsworthAmicusAlvare.pdf>.

²⁴ *Id.* at 21 ("Since the district court rendered its decision in Perry, a peer-reviewed journal issued the first nationally representative study [NFSS] of children reared in a same-sex household. These children's outcomes across a host of emotional, economic and educational outcomes were diminished as compared with children reared by their opposite-sex parents in a stable marriage. The author of the study [Regnerus] acknowledged that the question of causation remains unknown; however, the children's outcomes might indicate problems with same-sex parenting.").

²⁵ AMERICAN PSYCHOLOGICAL ASSOCIATION, LESBIAN & GAY PARENTING (2005) [hereinafter APA Brief], available at <http://www.apa.org/pi/lgbt/resources/parenting-full.pdf>; In law, the word "brief" is a legal term. The APA Brief, however, is not a legal brief, even though its objective was to be useful in family law cases. See *id.* at 3 ("[T]he focus of the publication . . . [is] to serve the needs of psychologists, lawyers, and parties in family law cases . . . Although comprehensive, the research summary is focused on those issues that often arise in family law cases involving lesbian mothers or gay fathers . . . We hope the publication will be useful to clinicians, researchers, students, lawyers, and parents involved in legal and policy issues related to lesbian and gay parenting."); See also BLACK'S LAW DICTIONARY 217 (9th ed. 2009) (defining brief as "[a] written statement setting out the legal contentions of a party in litigation, esp. on appeal; a document prepared by counsel as the basis for arguing a case, consisting of legal and factual arguments and the authorities in support of them").

²⁶ APA Brief, *supra* note 25, at 7-15, 23-45, 57-58 ("[T]here is no evidence to suggest that lesbian women or gay men are unfit to be parents or that psychological development among children of lesbian women or gay men is compromised relative to that among offspring of heterosexual parents. 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. Indeed, the evidence to date suggests that home environments provided by lesbian and gay parents are as likely as those provided by heterosexual parents to support and enable children's psychological growth.").

Lesbian and Gay Parents and Their Children.”²⁷ Appendix A provides a summary of all fifty-nine studies.

C. Scientific Criticism of the APA Brief’s Cited Studies Supporting Same-Sex Parenting

Claims made in studies supporting same-sex parenting have been the target of criticism.²⁸ Opponents of same-sex parenting claim that the research supporting same-sex parenting has relied on methodologically flawed and inadequate social science studies when comparing the effects of same-sex and opposite-sex child rearing.²⁹ This research has ignored serious adverse effects of same-sex parenting on children, including a tendency of development of homosexual orientation in children, emotional and cognitive disadvantages due to the lack of opposite-sex parents, and economic security.³⁰

Experts in the area of quantitative analysis, Lerner and Nagai critically evaluated forty-nine studies on same-sex parenting.³¹ Six critical research tasks were analyzed in all forty-nine studies.³² These research tasks are the following: “(1) formulating a hypothesis and research design; (2) controlling for unrelated effects; (3) measuring concepts (bias, reliability and validity); (4) sampling; (5) statistical testing; and (6) addressing the problem of false negatives (statistical power).”³³ Their analyses found the following problems in the studies: “Unclear hypotheses and research designs; Missing or inadequate comparison groups; Self-constructed, unreliable and invalid measurements; Non-random samples, including participants who recruit other participants; Samples too small to yield meaningful results; and Missing or inadequate statistical analysis.”³⁴

“Lerner and Nagai found at least one fatal research flaw in all forty-nine studies. As a result, they conclude that no generalizations can reliably be made on

²⁷ Eight of sixty-seven studies are “unpublished doctoral dissertations” with no information provided and, thus, cannot be evaluated. Therefore, analysis is limited to the fifty-nine studies that were published. *Id.* at 23-45 (citing sixty-seven studies).

²⁸ Lynn D. Wardle, *The Potential Impact of Homosexual Parenting on Children*, 1997 U. ILL. L. REV. 833 (1997), available at <http://d.scribd.com/docs/1glhgznbt2rt6rjlmfji.pdf>.

²⁹ *Id.* at 833.

³⁰ *Id.*

³¹ LERNER & NAGAI, *supra* note 3, at 3; *See generally id.* Lerner and Nagai’s book also serves as an invaluable educational tool as a primer on basic epidemiological principles and statistical methodology regarding study design and data analysis. Thus, their book not only showed that studies on same-sex parenting were scientifically unsound, but the book has a pedagogical role as a tool for future researchers to help them design and conduct better studies and to apply the proper statistical methodology, with the goal of avoiding the mistakes that have been made in the past.

³² *Id.* at 3.

³³ *Id.*

³⁴ *Id.*

any of these studies. For these reasons the studies are no basis for good science or good public policy.”³⁵ As discussed above, the APA Brief reported fifty-nine empirical studies in support of same-sex parenting (see Appendix A).³⁶ It is interesting to note that Lerner and Nagai had critically evaluated forty-nine studies supporting same-sex parenting and that thirty³⁷ of the forty-nine studies were cited in the APA Brief to bolster their advocacy of same-sex parenting but had already been soundly rejected as flawed and bad science by Lerner and Nagai four years earlier.³⁸ Studies one through thirty in Appendix B (1a-30a) provide a summary of analyses by Lerner and Nagai of studies cited in the APA Brief.³⁹

A 2012 study by Marks represents a serious defeat for the APA Brief’s empirical studies supporting same-sex parenting because he finds fault with not just thirty of the studies but all fifty-nine of APA Brief’s fifty-nine cited studies.⁴⁰ Marks revealed that more than three-fourths of the APA Brief’s cited studies were based on small, non-representative, convenience samples with less than one hundred subjects (one study had only five participants).⁴¹ Only thirty-three of the fifty-nine studies had a heterosexual comparison group.⁴² None of the APA Brief’s cited studies addressed the societal concerns of “intergenerational poverty, collegiate education and/or labor force contribution, serious criminality, incarceration, early childbearing, drug/alcohol abuse, or suicide.”⁴³ Neither did any of the cited studies examine late adolescent outcomes of any kind.⁴⁴ The fifty nine studies prematurely concluded that heterosexual couples and gay and lesbian couples produce parental outcomes that are not different because the analytical

³⁵ *Id.*; See also *id.* at 4, Foreword by David Orgon Coolidge, Director, Marriage Law Project (“What do existing studies tell us about the impact of same-sex parenting on children? Nothing. That’s right, nothing. You would never know that, however, if you were to read most court decisions, law review articles, commission reports or newspaper articles. You would hear the opposite.”).

³⁶ APA Brief, *supra* note 25, at 23-45; See also Appendix A.

³⁷ See Appendix A, studies 1-30.

³⁸ LERNER & NAGAI, *supra* note 3, at 3; See also Appendix B.

³⁹ See Appendix A, studies 1-30.

⁴⁰ Loren Marks, *Same-Sex Parenting and Children’s Outcomes: A Closer Examination of the American Psychological Association’s Brief on Lesbian and Gay Parenting*, 41 SOC. SCI. RES. 735, 736-749 (2012); See also Matthew J. Franck, *Mark Regnerus and the storm over his controversial gay parenting study*, LIFESITENEWS.COM (Nov. 19, 2012), http://www.lifesitenews.com/news/mark-regnerus-and-the-storm-over-his-controversial-gay-parenting-studd?utm_source=LifeSiteNews.com+Daily+Newsletter&utm_campaign=1b1fa4fe3a-LifeSiteNews_com_US_Headlines_11_16_2012&utm_medium=email (“But as Loren Marks showed, the 59 studies grounding the APA’s statement were all deeply flawed, with sampling and design problems, inadequate statistical rigor, and conclusions about ‘no differences’ that could not be justifiably generalized to the larger population.”).

⁴¹ Marks, *supra* note 40, at 736.

⁴² *Id.* at 739.

⁴³ *Id.* at 743-44.

⁴⁴ *Id.* at 744.

basis for making this conclusion was not proven to be statistically significant.⁴⁵ Overall, all of the fifty-nine studies suffered from one or more of the following: the sampling was homogeneous;⁴⁶ there was an absence of a comparison group,⁴⁷ if there was a comparison group, the nature of that comparison group was flawed;⁴⁸ data often showed contradictory results;⁴⁹ the children's outcomes studied were

⁴⁵ *Id.* at 745.

⁴⁶ *Id.* at 736-738 (“Lack of representativeness often entails lack of diversity as well. A closer examination of the APA-cited literature from the ‘Empirical Studies’ (pp. 23–45) section of the APA Brief reveals a tendency towards not only non-representative but racially homogeneous samples. For example: 1. ‘All of [the fathers in the sample] were Caucasian’ (Bozett, 1980, p. 173). 2. ‘Sixty parents, all of whom were White’ comprised the sample (Flaks et al., 1995, p. 107). 3. ‘[All 40] mothers. . . were white’ (Hoeffler, 1981, p. 537). 4. ‘All the children, mothers, and fathers in the sample were Caucasian’ (Huggins, 1989, p. 126). 5. ‘The 25 women were all white’ (Rand et al., 1982, p. 29). 6. All of the women . . . [were] Caucasian’ (Siegenthaler and Bigner, 2000, p. 82). 7. ‘All of the birth mothers and co-mothers were white’ (Tasker and Golombok, 1998, p. 52). 8. ‘All [48] parents were Caucasian’ (Vanfraussen et al., 2003, p. 81). Many of the other studies do not explicitly acknowledge all-White samples, but also do not mention or identify a single minority participant – while a dozen others report ‘almost’ all-white samples.”)

⁴⁷ *Id.* at 739 (“Of the 59 publications cited by the APA in the annotated bibliography section entitled ‘Empirical Studies Specifically Related to Lesbian and Gay Parents and Their Children’ (pp. 23–45), 33 included a heterosexual comparison group . . . 26 of the studies (44.1%) on same-sex parenting did not include a heterosexual comparison group. In well-conducted science, it is important to have a clearly defined comparison group before drawing conclusions regarding differences or the lack thereof. We see that nearly half of the ‘Empirical Studies Specifically Related to Lesbian and Gay Parents and Their Children’ referenced in the APA Brief allowed no basis for comparison between these two groups.”)

⁴⁸ *Id.* at 741 (“We see that in selecting heterosexual comparison groups for their studies, many same-sex parenting researchers have not used marriage-based, intact families as heterosexual representatives, but have instead used single mothers . . . In total, in at least 13 of the 33 comparison studies listed in the APA Brief’s list of ‘Empirical Studies’ (pp. 23–45) that include heterosexual comparison groups, the researchers explicitly sampled ‘single parents’ as representatives for heterosexual parents. The repeated (and perhaps even modal) selection of single-parent families as a comparison heterosexual-parent group is noteworthy, given that a Child Trends (2002) review has stated that ‘children in single-parent families are more likely to have problems than are children who live in intact families headed by two biological parents’.”)

⁴⁹ *Id.* at 742 (“There is at least one notable exception to the APA’s claim that ‘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.’ In the ‘Summary of Findings’ section, the APA Brief references a study by Sarantakos (1996), but does so in a footnote that critiques the study (p. 6, Footnote 1). On page 40 of the APA Brief’s annotated bibliography, a reference to the Sarantakos (1996) article is offered, but there is no summary of the study’s findings, only a note reading ‘No abstract available.’ Upon closer examination, we find that the Sarantakos (1996) study is a comparative analysis of 58 children of heterosexual married parents, 58 children of heterosexual cohabiting couples, and 58 children living with homosexual couples that were all ‘matched according to socially significant criteria (e.g., age, number of children, education, occupation, and socio-economic status).’ The combined sample size (174) is the seventh-largest sample size of the 59 published studies listed in the APA Brief’s ‘Summary of Research Findings on Lesbian and Gay Parenting’ . . . However, the six studies with larger sample sizes were all adult self-report studies, making the Sarantakos combined sample the largest study (APA Brief, pp. 23–45) that examined *children’s developmental outcomes* . . . Based on teacher (not parent) reports, Sarantakos found several significant differences between married families and homosexual families . . . Sarantakos concluded, ‘Overall, the study has shown that children of married couples are more likely to do well at school in academic and social terms, than children of cohabiting and homosexual couples’ . . . By objective standards, compared with the studies cited by the APA Brief,

limited in scope;⁵⁰ there was little long-term data to draw any conclusions from;⁵¹ and statistical power was lacking.⁵² Marks concluded by stating that the data from the APA Brief's fifty-nine cited studies⁵³ are inadequate to prove what the APA Brief posits, that large studies are needed, and that the APA Brief's argument is not "grounded in science."⁵⁴ As mentioned above, Marks found fault with all fifty-

the 1996 Sarantakos study was: (a) *The largest comparison study to examine children's outcomes*, (b) *One of the most comparative* (only about five other studies used three comparison groups), and (c) *The most comprehensively triangulated* study (four data sources) conducted on same-sex parenting. Accordingly, this study deserves the attention of scientists interested in the question of homosexual and heterosexual parenting, rather than the footnote it received.”).

⁵⁰ *Id.* at 744 (“In the same-sex parenting research that undergirded the 2005 APA Brief, it appears that gender-related outcomes were the dominant research concern . . . More than 20 studies have examined gender-related outcomes, but there was a dearth of peer-reviewed journal articles from which to form science-based conclusions in myriad areas of societal concern . . . In any less-developed area of empirical inquiry it takes time, often several decades, before many of the central and most relevant questions can be adequately addressed. This seems to be the case with same-sex parenting outcomes, as several issues of societal concern were almost entirely unaddressed in the 2005 APA Brief.”).

⁵¹ *Id.* at 745 (“Did any published same-sex parenting study cited by the 2005 APA Brief (pp. 23–45) track the societally significant long-term outcomes into adulthood? No. Is it possible that ‘the major impact’ of same-sex parenting might ‘not occur during childhood or adolescence. . . [but that it will rise] in adulthood as serious romantic relationships move center stage?’ Is it also possible that ‘when it comes time to choose a life mate and build a new family’ that the effects of same-sex parenting will similarly ‘crescendo’ as they did in Wallerstein’s study of divorce effects? In response to this or any question regarding the long-term, adult outcomes of lesbian and gay parenting we have almost no empirical basis for responding.”).

⁵² *Id.* at 745 (“In social science research, questions are typically framed as follows: ‘Are we 95% sure the two groups being compared are different?’ (p < .05). If our statistics seem to confirm a difference with 95% or greater confidence, then we say the two groups are ‘significantly different.’ But what if, after statistical analysis, we are only 85% sure that the two groups are different? By the rules of standard social science, we would be obligated to say we were unable to satisfactorily conclude that the two groups are different. However, a reported finding of ‘no statistically significant difference’ (at the p < .05 level; 95%-plus certainty) is a grossly inadequate basis upon which to offer the science-based claim that the groups were conclusively ‘the same.’ In research, incorrectly concluding that there is no difference between groups when there is in fact a difference is referred to as a Type II error. A Type II error is more likely when undue amounts of random variation are present in a study. Specifically, small sample size, unreliable measures, imprecise research methodology, or unaccounted for variables can all increase the likelihood of a Type II error. All one would have to do to be able to come to a conclusion of ‘no difference’ is to conduct a study with a small sample and/or sufficient levels of random variation. These weaknesses compromise a study’s ‘statistical power’ (Cohen, 1988). It must be re-emphasized that a conclusion of ‘no significant difference’ means that it is unknown whether or not a difference exists on the variable(s) in question (Cohen, 1988). This conclusion does not necessarily mean that the two groups are, in fact, the same on the variable being studied, much less on all other characteristics. This point is important with same-sex parenting research because . . . the 2005 APA Brief seem[s] to draw inferences of sameness based on the observation that gay and lesbian parents and heterosexual parents appear not to be statistically different from one another based on small, non-representative samples – thereby becoming vulnerable to a classic Type II error.”).

⁵³ APA Brief, *supra* note 25, at 23–45; *See also* Appendix A.

⁵⁴ Marks, *supra* note 40, at 748 (“Not one of the 59 studies referenced in the 2005 APA brief (pp.23–45) compares a large, random, representative sample of lesbian or gay parents and their children with a large, random, representative sample of married parents and their children. The available data, which are drawn primarily from small convenience samples, are insufficient to support a strong generalizable claim either way. Such a statement would not be grounded in science. To make a generalizable claim, representative, large-sample studies are needed – many of them.”).

nine of the APA Brief's cited studies;⁵⁵ his analyses of the fifty-nine studies are summarized in Appendix B (1b-59b).

In summary, both the studies by Lerner and Nagai⁵⁶ and by Marks⁵⁷ (see Appendix B) demonstrate that no scientific conclusions can be reached in any of the APA Brief's fifty-nine cited studies (see Appendix A).⁵⁸

PART II

THE HOLY SEE AND THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

A. *The Holy See*

The Holy See is a “sovereign subject of international law having an original, non-derived legal personality independent of any authority or jurisdiction,”⁵⁹ the government of the Roman Catholic Church with the Pope as its leader and of all of the institutions which emanate from him,⁶⁰ and a sovereign territory known as Vatican City located within Rome, Italy.⁶¹ Therefore, the Holy See is immensely more than what is commonly called “the Vatican.”

⁵⁵ See Appendix A, studies 1-59.

⁵⁶ LERNER & NAGAI, *supra* note 3; See also Appendix B.

⁵⁷ Marks, *supra* note 40; See also Appendix B.

⁵⁸ APA Brief, *supra* note 25, at 23-45; See also Appendix A.

⁵⁹ THE HOLY SEE'S SECOND PERIODIC REPORT TO THE COMMITTEE ON THE RIGHTS OF THE CHILD ON THE CONVENTION ON THE RIGHTS OF THE CHILD, CRC/C/VAT/2, para. 1 [hereinafter THE HOLY SEE'S SECOND REPORT ON CRC] available at http://www.bayefsky.com/reports/holysee_crc_c_vat_2_2011.pdf (“The Holy See has diplomatic relations with 179 States and participates as a Member and/or non-Member Permanent Observer to the United Nations (UN) and several specialized Agencies of the UN System, as well as various universal or regional Intergovernmental Organizations.”); See Jane Adolphe, *The Holy See in Dialogue with the Committee on the Rights of the Child*, 1 AVE MARIA INT'L L. J. 141, 150 (2011), available at <http://legacy.avemarialaw.edu/LLJ/assets/articles/2011.Adolphe.TheHolySeeInDialogue.final.pdf> (“This point alludes to the divine constitution of the Catholic Church as established by Jesus Christ.”).

⁶⁰ THE HOLY SEE'S SECOND REPORT ON CRC, *supra* note 59, para. 2; See Adolphe, *supra* note 59, at 150 (“[Reading canon law closer] reveals that one might describe the Holy See as the Pope, in the narrow sense, or the Pope and the Roman Curia, in the broader sense.”).

⁶¹ THE HOLY SEE'S SECOND REPORT ON CRC, *supra* note 59, para. 3 (“The Holy See also exercises its sovereignty over the territory of Vatican City State (VCS), established in 1929 to ensure the Holy See's absolute and evident independence and sovereignty for the accomplishment of its worldwide mission, including all actions related to international relations.”); THE HOLY SEE'S SECOND REPORT ON CRC, *supra* note 59, at para. 4 (“The International personality of the Holy See has never been confused with that of the territories over which it has exercised State sovereignty (e.g. the Papal States from 754 AD to 1870 and VCS since 1929). Indeed, following the end of the traditional Papal States in 1870 until the establishment of VCS in 1929, the Holy See continued to act as a subject of international law by concluding concordats and international treaties of States, participating in international conferences, conducting mediation and arbitration missions, and maintaining both active and passive diplomatic relations.”).

B. *The Convention on the Rights of the Child*

The international community was becoming ever more concerned over the exploitation of children and the paucity of international law on the subject. The Convention on the Rights of the Child (hereinafter CRC) was created with the purpose of protecting children worldwide and was adopted and opened for signature, ratification and accession by the United Nation's General Assembly resolution 44/25 in 1989 and entered into force in 1990 in accordance with article 49.⁶² The CRC contains a Preamble and fifty-four Articles divided into three parts.⁶³ The Preamble is not legally binding but "sets out basic principles that should guide interpretation of the Convention."⁶⁴ It emphasizes "the importance of protecting the "natural family," the "natural environment for the growth and well-being of children."⁶⁵ To date, 193 parties (countries) have ratified the CRC by a variety of methods (ratification, acceptance, accession, or succession).⁶⁶ The Holy See participated in the drafting of the CRC⁶⁷ and signed and ratified the CRC in 1990,⁶⁸ but with two reservations and one declaration.⁶⁹ The United States

⁶² CONVENTION ON THE RIGHTS OF THE CHILD, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (Nov. 20, 1989) [hereinafter CRC], available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

⁶³ *Id.*

⁶⁴ Adolphe, *supra* note 59, at 146.

⁶⁵ *Id.*

⁶⁶ United Nations Treaty Collection, Convention on the Rights of the Child, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en.

⁶⁷ Adolphe, *supra* note 59, at 143.

⁶⁸ United Nations Treaty Collection, *supra* note 66.

⁶⁹ *Id.*, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en#EndDec ("Reservations: a) [The Holy See] interprets the phrase 'Family planning education and services' in article 24.2, to mean only those methods of family planning which it considers morally acceptable, that is, the natural methods of family planning. b) [The Holy See] interprets the articles of the Convention in a way which safeguards the primary and inalienable rights of parents, in particular insofar as these rights concern education (articles 13 and 28), religion (article 14), association with others (article 15) and privacy (article 16). c) [The Holy See declares] that the application of the Convention be compatible in practice with the particular nature of the Vatican City State and of the sources of its objective law (art. 1, Law of 7 June 1929, n. 11) and, in consideration of its limited extent, with its legislation in the matters of citizenship, access and residence. Declaration: The Holy See regards the present Convention as a proper and laudable instrument aimed at protecting the rights and interests of children, who are 'that precious treasure given to each generation as a challenge to its wisdom and humanity' (Pope John Paul II, 26 April 1984). The Holy See recognizes that the Convention represents an enactment of principles previously adopted by the United Nations, and once effective as a ratified instrument, will safeguard the rights of the child before as well as after birth, as expressly affirmed in the 'Declaration of the Rights of the Child' [Res. 136 (XIV)] and restated in the ninth preambular paragraph of the Convention. The Holy See remains confident that the ninth preambular paragraph will serve as the perspective through which the rest of the Convention will be interpreted, in conformity with article 31 of the Vienna Convention on the Law of Treaties of 23 May 1969. By acceding to the Convention on the Rights of the Child, the Holy See intends to give renewed expression to its constant concern for the well-being of children and families. In consideration of its singular nature and position, the Holy See, in acceding to this Convention, does not intend to prescind in any way from its specific mission which is of a religious and moral character.").

signed the CRC in 1995, but is only one of a couple of countries in the world that has not ratified the CRC,⁷⁰ mainly due to strong domestic opposition.⁷¹

⁷⁰ *Id.*

⁷¹ See Luisa Blanchfield, *The United Nations Convention on the Rights of the Child: Background and Policy Issues*, CONGRESSIONAL RESEARCH SERVICE REPORT FOR CONGRESS, 1, 5-6, 9-11, 13, 15-18 (July 2, 2012) <http://www.fas.org/sgp/crs/misc/R40484.pdf> (“Past administrations have generally supported the overall objectives of CRC, but have had concerns as to whether the Convention is the most effective mechanism for addressing children’s rights domestically and abroad. The Ronald Reagan and George H.W. Bush Administrations played significant roles in negotiating the text of CRC; due to concerns regarding the Convention’s possible impact on U.S. sovereignty and on state and federal law, however, neither Administration signed or . . . [sought] ratification. The Bill Clinton Administration . . . signed the Convention . . . [but did not seek ratification] because of opposition from key members of Congress . . . The George W. Bush Administration did not support ratification of CRC, citing ‘serious political and legal concerns’ with the treaty . . . Opponents of CRC argue that U.S. ratification would undermine U.S. sovereignty. . . Some opponents hold that if the United States ratifies the Convention, the CRC – a panel of 18 independent experts that monitors states’ compliance with the treaty – would have authority over U.S. government and private citizens’ actions toward children . . . Some critics have expressed strong concern that the Convention will give the U.N. Committee on the Rights of the Child or the U.S. government authority over the family structure and how parents choose to raise their children . . . [regarding privacy and Article 16(1) of CRC] Some have interpreted this to mean that parents may not have the right to search their children’s rooms or be notified if a child is arrested or undergoes an abortion . . . [regarding freedom of expression and Article 13(1) of CRC] Some contend that this could be interpreted to allow children to speak their minds at all times, regardless of parental authority or discipline . . . [regarding education] Critics assert that Article 28(1), which states that States Parties recognize ‘the right of the child to education,’ could lead to the government or CRC Committee mandating public schooling or interfering with the right of parents to home-school or send their children to private school . . . Critics of U.S. ratification have raised questions regarding the Convention’s possible impact on state parental notification laws for children undergoing abortion . . . Opponents of the Convention express concern with CRC Committee decisions that appear to criticize countries that restrict abortion . . . Some CRC opponents are concerned that Article 24, which focuses on the right of the child to enjoy the highest attainable standard of health, could require parents to make or expose their children to family planning choices that contradict their values. Specifically, Article 24(2)(f) states that States Parties ‘shall . . . take appropriate measures . . . to develop preventive health care, guidance for parents and family planning education and services.’ Some worry that this provision could require contraceptive distribution or ‘pornographic sex education’ in schools. Similarly, some argue that it could allow children access to contraceptives without the knowledge of, or permission from, their parents . . . Critics have also asserted that reservations and declarations that some countries attached to the Convention are at odds with the purpose of the treaty, possibly undermining its intent and effectiveness. A number of Islamic countries, for example, attached reservations stating that the Convention would not apply to provisions that they deem incompatible with Islamic Sharia law or values. Some are concerned that the ambiguity of such reservations could allow for broad interpretations of the Convention’s provisions, particularly in the area of child marriage and education for girls . . . Holy See (the Vatican), for example, included a reservation stating that the application of the Convention [should] be ‘compatible in practice with the particular nature of the Vatican City State and of the sources of its objective law’ . . . Opponents of CRC argue that the United States is the international leader in advancing children’s rights and that U.S. non-ratification does not impact its ability to advocate children’s rights to foreign governments . . . Some critics of ratification also contend that CRC and, more broadly, other international human rights treaties, are designed for countries with lesser human rights traditions. They argue that U.S. laws far exceed the standards established in such agreements, and that ratifying the treaties would not benefit U.S. citizens . . . [regarding the Obama Administration] President Obama has indicated his overall support for the objectives of CRC and has stated his intent to conduct a legal review of the treaty . . . Most recently, in a March 2011, report to a U.N. Human Rights Council working group, the Administration reiterated its support for the goals of CRC and stated that it intends ‘to review how we [the United States] could move towards its ratification’.”).

The Committee on the Rights of the Child (hereinafter Committee) “is the body of independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties.”⁷² All countries that have ratified the CRC have an obligation to submit periodic reports to the Committee regarding the implementation of the rights.⁷³ Parties report to the Committee for the first time two years after accession to the CRC and afterwards at five year intervals.⁷⁴ The Committee studies the submitted reports and “addresses its concerns and recommendations to the State party in the form of ‘concluding observations’.”⁷⁵

Thus, except mainly for the United States, the CRC, as administered by the Committee, has become almost universally accepted as binding international law.

C. *The Holy See’s Position with Regard to CRC*

To fulfill its reporting requirements as mandated by the Committee, the Holy See submitted its second report on September 27, 2011.⁷⁶ With relevance to this paper, the Holy See’s Second Periodic Report to the Committee on the Rights of the Child on the Convention on the Rights of the Child (hereinafter The Holy See’s Second Report on CRC) devotes an entire section to “The Rights and Duties of the Child and Parents” and another section to “The Family.”⁷⁷ The Holy See’s Second Report on CRC states that, “Children’s rights cannot be seen outside the context of the family, the first and most vital unit of society.”⁷⁸ It reaffirms what is stated in the CRC: “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.”⁷⁹ The Holy See’s Second Report on CRC places special protection and promotion for the natural family:

The family based on marriage is a natural society that ‘exists prior to the State or any other community, and has inherent rights which are inalienable.’ Marriage is that ‘intimate union of life in complementarity between a man and a woman,

⁷² Office of the United Nations High Commissioner for Human Rights, Committee on the Rights of the Child [hereinafter Committee], <http://www2.ohchr.org/english/bodies/crc/>.

⁷³ *Id.*

⁷⁴ *Id.* This is the ideal reporting time frame; however, it is common for countries not to conform to this schedule.

⁷⁵ *Id.*

⁷⁶ THE HOLY SEE’S SECOND REPORT ON CRC, *supra* note 59 (The first report, INITIAL REPORT OF THE HOLY SEE TO THE COMMITTEE ON THE RIGHTS OF THE CHILD ON THE CONVENTION OF THE RIGHTS OF THE CHILD, U.N. Doc. CRC/C/3/Add.27, was submitted on March 28, 1994, available at http://www.bayefsky.com/reports/holysee_crc_c_3_add.27_1994.php).

⁷⁷ *Id.* para. 23, 60-71.

⁷⁸ *Id.* para. 23(c).

⁷⁹ *Id.* para. 23(d).

which is constituted in the freely contracted and publicly expressed indissoluble bond of matrimony and is open to the transmission of life.⁸⁰

Continuing: “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”⁸¹ Lastly, the Holy See’s Second Report on CRC demonstrates that it has always maintained a “deep concern” for the family as evidenced through “its plethora of documents and discourses” which promote “the family based on marriage between one man and one woman as the most proper environment for children, and therefore entitled to special protection from society and the State.”⁸²

Thus, the Holy See’s Second Report on CRC strongly supports marriage between a man and a woman, the family based on marriage as the basis of society, and the natural family as the best environment for children.

PART III

EVALUATION OF THE POSITION OF THE HOLY SEE

The Holy See has taken a firm stand based on common sense and traditional Christian teachings which is deserving of respect with regard to the raising of children. The Holy See’s Second Report on CRC makes it clear that the Holy See supports the natural family with a married male father and female mother as the best setting for children.⁸³ The New Family Structures Study by Regnerus affirms scientifically the Holy See’s position: “[C]hildren appear most apt to succeed well as adults – on multiple counts and across a variety of domains – when they spend their entire childhood with their married mother and father, and especially when the parents remain married to the present day.”⁸⁴ Studies to prove the opposite conclusion – same-sex parenting is no different than parenting by a mother and father of opposite sexes (see Appendix A)⁸⁵ – have been shown to be scientifically flawed (see Appendix B),⁸⁶ thus providing further support for the Holy See’s argument.

Research by scholars also affirms the Holy See’s view. Wardle argues that the opponents of same-sex parenting believe that the interests of children have not been given enough consideration in decisions made by society regarding same-sex

⁸⁰ *Id.* para. 23(e).

⁸¹ *Id.* para. 23(f).

⁸² *Id.* para. 61.

⁸³ *Id.*

⁸⁴ Regnerus, *supra* note 4, at 766.

⁸⁵ APA Brief, *supra* note 25, at 23-45; *See also* Appendix A.

⁸⁶ LERNER & NAGAI, *supra* note 3; Marks, *supra* note 40; *See also* Appendix B.

marriage, as well as same-sex parenting.⁸⁷ Regarding adoption, Wilcox and Fretwell Wilson have argued that children should be placed with married parents of opposite sexes because they do best in a family with a married mother and father and that adoption laws should prefer married parents.⁸⁸ Byrd asserts that the social science literature has firmly established that children do best growing up in a home with married parents of opposite sexes.⁸⁹ He further states: “There are gender differences in parental approaches to discipline . . . fathers tend towards firmness . . . [while] mothers tend toward more responsiveness, involving more bargaining . . . and is more often based on more intuitiveness towards the child’s needs.”⁹⁰ Rekers stresses that gay and lesbian relationships are less stable and often short-lived when compared to a married woman and man.⁹¹ Furthermore: “The inherent structure of households with one or more homosexually-behaving member deprives children of vitally needed positive contributions to child adjustment that are only present in heterosexual homes.”⁹² Rekers and Kilgus point out that “the homosexual lifestyle will influence the child’s developing sexual orientation, future sexual choices, gender identity, sex-role development, and risk of social or psychological disturbances.”⁹³ They address concerns over whether a child will suffer when interacting in peer group relationships if the child perceives the social stigma of having a gay or lesbian parent.⁹⁴ Williams writes “[T]he conjugal family has been the preferred site for the placement of children in adoptive homes, because this family form, although imperfect in particular instances, has been the most successful in this country both historically and currently.”⁹⁵ Williams continues: “[T]he married couple has been the norm for stable child rearing.”⁹⁶ Lastly, she asserts that “Historically, and currently, the conjugal family has been, and is, the site for procreation and for childrearing; in

⁸⁷ Wardle *supra* note 28, at 833-34.

⁸⁸ W. Bradford Wilcox & Robin Fretwell Wilson, *Bringing Up Baby: Adoption, Marriage, and the Best Interests of the Child*, 14 WM. & MARY RTS. J. 883, 883 (2005-2006).

⁸⁹ A. Dean Byrd, *Gender Complementarity and Child Rearing: Where Tradition and Science Agree*, 6(2) J. L. & FAMILY STUDIES (2008), available at <http://www.narth.com/docs/GenderComplementarityByrd.pdf>.

⁹⁰ *Id.*

⁹¹ George A. Rekers, *An Empirically-Supported Rational Basis for Prohibiting Adoption, Foster Parenting, and Contested Child Custody by any Person Residing in a Household that Includes a Homosexually-Behaving Member*, 18 ST. THOMAS L. REV. 325, 326 (2006).

⁹² *Id.* at 328.

⁹³ George Rekers & Mark Kilgus, *Studies of Homosexual Parenting: A Critical Review*, 14 REGENT U. L. REV. 343, 343 (2002).

⁹⁴ *Id.*

⁹⁵ Camille S. Williams, *Family Norms in Adoption Law: Safeguarding the Best Interests of the Adopted Child*, 18 ST. THOMAS L. REV. 681, 681 (2006).

⁹⁶ *Id.* at 682.

contrast, historically, and currently, same-sex couples have not been, and are not, usually associated with procreation or with childrearing.”⁹⁷

One crucial factor has been left out of the same-sex parenting equation and has been mired in a debate over rights to parent: the rights of children. The needs of the children – not the parents – must come first and that children thrive growing up in a the natural family with a married mother and father. Some may claim that same-sex couples have the same right to have a child as do opposite-sex couples. William B. May disagrees and states that no person has a right to another person and that children have a right to a mother and a father.⁹⁸

From what has been discussed above in Part III, clearly the argument of the Holy See – marriage is between a man and a woman, the natural family based on marriage is the basis of society, and the natural family is the best environment for children – is more persuasive and supported by science and scholarly research.

CONCLUSION

Yes, it is of crucial importance that children have the opportunity to be raised in a stable natural family by a married mother and father.⁹⁹ The proponents of same-sex parenting would like us to believe that raising children by two individuals of the same-sex is as good as raising children by a married mother and

⁹⁷ *Id.* at 682-83.

⁹⁸ WILLIAM B. MAY, *GETTING THE MARRIAGE CONVERSATION RIGHT: A GUIDE FOR EFFECTIVE DIALOGUE* 51 (2012) (“No one has a right to another person. Does anyone have a right to you? Thinking that way treats a child as property . . . [the] child [has] the fundamental right . . . to be born into a family, and to know and be cared for by both his and her mother and father. It is wrong to intentionally deprive a child of that right.”); *See also* Byrd, *supra* note 83 (“Adoption is not a right. Rather the best interest of the child should always prevail . . . Children’s needs must be placed first.”).

⁹⁹ *See* Pope John Paul II, *Letter to Families* ¶¶ 2, 4, 6-7, 9, 11, 16-17 (1994) (“Among . . . [the many paths along which man walks], the family is the first and the most important . . . He [Christ] labored with human hands . . . and loved with a human heart. Born of Mary the Virgin, he truly became one of us and, except for sin, was like us in every respect. If in fact Christ ‘fully discloses man to himself,’ he does so beginning with the family in which he chose to be born and to grow up. We know that the Redeemer spent most of his life in the obscurity of Nazareth, ‘obedient’ (Lk 2:51) as the ‘Son of Man’ to Mary his mother, and to Joseph the carpenter . . . [T]he family . . . is . . . the basic ‘cell’ of society . . . Man is created from the very beginning as male and female . . . From it there derive the ‘masculinity’ and the ‘femininity’ of individuals . . . Hence one can discover, at the very origins of human society, the qualities of communion and of complementarity . . . The family originates in a marital communion described by the Second Vatican Council as a ‘covenant,’ in which man and woman ‘give themselves to each other and accept each other’ . . . [W]e come to realize that parenthood is the event whereby the family, already constituted by the conjugal covenant of marriage, is brought about ‘in the full and specific sense.’ Motherhood necessarily implies fatherhood, and in turn, fatherhood necessarily implies motherhood. This is the result of the duality bestowed by the creator upon human beings ‘from the beginning’ . . . Through the communion of persons which occurs in marriage, a man and a woman begin a family . . . in the newborn child is realized the common good of the family . . . education then is before all else a reciprocal ‘offering’ on the part of both parents . . . Parents are the first and most important educators of their own children . . . The family is a community of persons and the smallest social unit. As such it is an institution to the life of every society.”).

father of opposite sexes.¹⁰⁰ However, their argument is unpersuasive.¹⁰¹ The Holy See's Second Report on CRC articulates the Holy See's position that the natural family based on marriage between one man and one woman is the most proper environment for children.¹⁰² The scientific research evidence clearly supports the Holy See's argumentation that raising children in a stable natural family with a married mother and father is best for children.¹⁰³ The Holy See's standpoint is further strengthened by scientific evidence showing that studies which promote same-sex parenting¹⁰⁴ have no basis in science.¹⁰⁵ This can be appreciated by comparing Appendix A – a summary of studies supporting same-sex parenting¹⁰⁶ – with Appendix B which provides summaries of scientific evidence that show that all the studies in Appendix A are scientifically flawed.¹⁰⁷ Scholarly research also

¹⁰⁰ APA Brief, *supra* note 25; *See also* Appendix A. *But see* Denise J. Hunnell, M.D., *Male and female He created them: gender is not a choice*, LIFESITENEWS.COM (Jan. 14, 2013), http://www.lifesitenews.com/news/male-and-female-he-created-them-gender-is-not-a-choice?utm_source=LifeSiteNews.com+Daily+Newsletter&utm_campaign=b2f32e84f7-LifeSiteNews_com_US_Headlines_01_14_2013&utm_medium=email (“God created us male and female . . . In his 2012 Christmas address to the Roman Curia, Pope Benedict characterized the rejection of innate male and female sexual identities as a denial of God. He warned that this threatens not only individuals, but also the very existence of families and the well-being of society as a whole: ‘Man and woman in their created state as complementary versions of what it means to be human are disputed. But if there is no pre-ordained duality of man and woman in creation, then neither is the family any longer a reality established by creation. Likewise, the child has lost the place he had occupied hitherto and the dignity pertaining to him . . . The defense of the family is about man himself. And it becomes clear that when God is denied, human dignity also disappears. Whoever defends God is defending man.’ It is interesting that it is often the people who tout diversity as a lynchpin of a healthy society who seek to suppress sexual diversity and create a genderless, androgynous culture. As Pope Benedict points out, this philosophy that radically redefines what it means to be human is at the heart of the assault on marriage and the family. When male and female become meaningless labels then marriage as a union of one man and one woman becomes unnecessary. Indeed, the need to limit marriage to two people no longer makes sense when complementarity is denied. When the unique roles of husband and wife are obliterated, the status of children also changes. They become mere commodities obtained for the benefit of an amorphous adult partnership instead of distinct human persons with intrinsic dignity born of the fruitful union of a man and a woman. It is misguided and dangerous to confuse gender differences with gender inequality. Acknowledging that men and women are different is not tantamount to saying one is better than the other . . . As the Catechism of the Catholic Church states, God’s creation of both man and woman is a reflection of the Creator’s wisdom and goodness. We reject this gift at our peril.”).

¹⁰¹ *See* CATECHISM OF THE CATHOLIC CHURCH ¶ 372 (2d ed. 1997) *available at* http://www.vatican.va/archive/ENG0015/___P1B.HTM (“Man and woman were made ‘for each other’ – not that God left them half-made and incomplete: he created them to be a communion of persons, in which each can be ‘helpmate’ to the other, for they are equal as persons (‘bone of my bones. . .’) and complementary as masculine and feminine. In marriage God unites them in such a way that, by forming ‘one flesh’ they can transmit human life: ‘Be fruitful and multiply, and fill the earth.’ By transmitting human life to their descendants, man and woman as spouses and parents co-operate in a unique way in the Creator’s work.”).

¹⁰² THE HOLY SEE’S SECOND REPORT ON CRC, *supra* note 59.

¹⁰³ Regnerus, *supra* note 4.

¹⁰⁴ APA Brief, *supra* note 25, at 23-45; *See also* Appendix A.

¹⁰⁵ LERNER & NAGAI, *supra* note 3, at 3, 118-23; Marks, *supra* note 40, at 735-38, 748; *See also* Appendix B.

¹⁰⁶ APA Brief, *supra* note 25, at 23-45.

¹⁰⁷ LERNER & NAGAI, *supra* note 3, at 3, 118-23; Marks, *supra* note 40, at 735-38, 748.

firmly affirms the Holy See's stance.¹⁰⁸ Furthermore, we can look at tradition and Biblical teaching. Civilization for thousands of years has found marriage between a man and a woman to be a sacred institution to be protected¹⁰⁹ and that the family unit of a married mother and father served a fundamental role of producing and protecting children and raising them to become happy, healthy and productive adult members of society and the next generation.¹¹⁰ The natural family based on marriage between one man and one woman is the most proper environment for children as articulated in the Holy See's Second Report on CRC¹¹¹ is also congruent with the Biblical teaching of not only the Christian faith, but the Hebrew faith,¹¹² as well: "In the beginning, when God created the heavens and the earth . . . God created man in his image; in the divine image he created him; male and female he created them . . . [and to] be fertile and multiply."¹¹³

¹⁰⁸ See *supra* notes 87-98.

¹⁰⁹ See Jason Wells et al., *Couple at Center of Prop. 8 Supreme Court Case Anxious, Optimistic*, L.A. TIMES, Dec. 8, 2012, available at <http://latimesblogs.latimes.com/lanow/2012/12/couple-at-center-of-prop-8-supreme-court-case-excited-anxious.html> ("[M]arriage between a man and a woman is a universal good that diverse cultures and faiths have honored throughout the history of Western Civilization.").

¹¹⁰ See Byrd, *supra* note 89 ("The Harvard sociologist Pitirim Sorokin (1956) concluded that no society has ceased to honor the institution of marriage and survived. Traditional marriage and parenting contributes to the fulfillment of life's meaning to both individuals and society . . . Enjoying the marital union in its infinite richness, parents freely fulfill many other paramount tasks. They maintain the procreation of the human race. Through their progeny, they determine the hereditary and acquired characteristics of future generations. Through marriage they achieve a social immortality of their own, of their ancestors, and of their particular groups and community. This immortality is secured through the transmission of their name and values and of their traditions and ways of life to their children, grandchildren, and later generations.").

¹¹¹ THE HOLY SEE'S SECOND REPORT ON CRC, *supra* note 59, para. 23, 61.

¹¹² See A Hebrew-English Bible, According to the Masoretic Text and the JPS 1917 Edition, *Genesis*, 1:1, 27-28, <http://www.mechon-mamre.org/p/pt/pt0101.htm>, ("In the beginning God created the heaven and the earth . . . And God created man in His own image, in the image of God created He him; male and female created He them . . . [and to] [b]e fruitful, and multiply.").

¹¹³ *Genesis*, 1:1, 27-28, available at http://www.vatican.va/archive/ENG0839/_P3.HTM.

APPENDIX A

SUMMARIES OF THE APA BRIEF'S FIFTY-NINE CITED EMPIRICAL
STUDIES IN SUPPORT OF SAME-SEX PARENTING

(1.) Bailey et al.: “[A]ny environmental influence of gay fathers on their sons’ sexual orientation is not large.”¹¹⁴

(2.) Bigner and Jacobsen (1989a): “Homosexual subjects reported significant reasons motivating them to become parents. Their marriage and family orientation reflected a traditional attitude toward family life and served to protect against societal rejection.”¹¹⁵

(3.) Bigner and Jacobsen (1989b): “[Homosexual father] subjects did not differ significantly from [heterosexual father] subjects in their reported degree of involvement or in intimacy level with children. [Homosexual father] subjects tended to be more strict and more responsive to children’s needs and provided reasons for appropriate behavior to children more consistently than [heterosexual father] subjects.”¹¹⁶

(4.) Bozett: “[M]any gay fathers disclose their homosexuality to their children. All but one subject reported that their children accepted them as homosexuals. Often the disclosure had the effect of deepening the father-child relationship.”¹¹⁷

(5.) Brewaeys et al.: “The quality of the couples’ relationships and the quality of the mother-child interaction did not differ between lesbian mother families and either of the heterosexual family groups. The quality of the interaction between the social mother and the child in lesbian families was superior to that between the father and the child in both groups of heterosexual families. Children’s own perception of their parents was similar in all family types; the social mother in lesbian families was regarded by the child to be as much a ‘parent’ as the father in both types of heterosexual families.”¹¹⁸

¹¹⁴ APA Brief, *supra* note 25, at 23 (citing Bailey, et al., *Sexual Orientation of Adult Sons of Gay Fathers*, 31 DEV. PSYCHOL. 124 (1995)).

¹¹⁵ *Id.* at 24 (citing J.J. BIGNER & R.B. JACOBSEN, HOMOSEXUALITY AND THE FAMILY, *The Value of Children to Gay and Heterosexual Fathers* 163-72 (1989a)).

¹¹⁶ *Id.* (citing J.J. BIGNER & R.B. JACOBSEN, HOMOSEXUALITY AND THE FAMILY, *Parenting Behaviors of Homosexual and Heterosexual Fathers* 173-86 (1989b)).

¹¹⁷ *Id.* at 25 (citing F.W. Bozett, *Gay Fathers: How and Why they Disclose their Homosexuality to their Children*, FAM. RELATIONS 173-179 (1980)).

¹¹⁸ *Id.* (citing A. Brewaeys et al., *Donor Insemination: Child Development and Family Functioning in Lesbian Mother Families*, HUM. REPROD. 1349-1359 (1997) available at http://humrep.oxfordjournals.org/cgi/content/abstract/12/6/1349?maxtoshow=&HITS=10&hits=10&RESULTFORMAT=&author1=brewaeys&andorexactfulltext=and&searchid=1124897164877_2266&stored_search=&FIRSTINDEX=0&sortspec=relevance&volume=12&resourcetype=1&journalcode=humrep.type=1&journalcode=humrep).

(6.) Chan et al. (1998b): “[C]hildren were developing in a normal fashion and that their adjustment was unrelated to structural variables, such as parental sexual orientation or the number of parents in the household.”¹¹⁹

(7.) Flaks et al.: “Only in the area of parenting did the two groups of couples [lesbian couples vs. heterosexual-parent families] differ: Lesbian couples exhibited more parenting awareness skills than did heterosexual couples.”¹²⁰

(8.) Gartrell et al. (1996): “Subjects are strongly lesbian-identified, have close relationships with friends and extended families, have established flexible work schedules for child rearing, are well educated about the potential difficulties of raising a child in a lesbian household, and have access to appropriate support groups.”¹²¹

(9.) Golombok and Tasker (1996): “[T]he large majority of children who grew up in lesbian families identified as heterosexual.”¹²²

(10.) Golombok et al. (1983): “[R]earing [a child] in a lesbian household per se does not lead to atypical psychosexual development or constitute a psychiatric risk factor.”¹²³

(11.) Green (1978): No information was available in the APA Brief.¹²⁴

(12.) Green et al. (1986): “Data from children’s tests on intelligence, core-morphologic sexual identity, gender-role preferences, family and peer group relationships, and adjustment to the single-parent family indicate that there were no significant differences between the two types of households [homosexual mothers and solo parent heterosexual mothers] for boys and few significant differences for girls.”¹²⁵

(13.) Harris and Turner: “Homosexual parents saw a number of benefits and relatively few problems for their children, with females perceiving greater benefits than males.”¹²⁶

(14.) Hoeffler: No information was available in the APA Brief¹²⁷

¹¹⁹ *Id.* at 26 (citing R.W. Chan et al., *Psychological Adjustment Among Children Conceived via Donor Insemination by Lesbian and Heterosexual Mothers*, CHILD DEV. 443-457 (1998b)).

¹²⁰ *Id.* at 27 (citing Flaks et al., *Lesbians Choosing Motherhood: A Comparative Study of Lesbian and Heterosexual Parents and Their Children*, 31 DEV. PSYCHOL. 104 (1995)).

¹²¹ *Id.* at 28 (citing N. Gartrell et al., *The National Lesbian Family Study: 1. Interviews with Prospective Mothers*, AM. J. ORTHOPSYCHIATRY 272-281 (1996)).

¹²² *Id.* at 29 (citing S. Golombok & F. Tasker, *Do Parents Influence the Sexual Orientation of their Children? Findings from a Longitudinal Study of Lesbian Families*, DEVEL. PSYCHOL. 3-11 (1996)).

¹²³ *Id.* at 30 (citing S. Golombok et al., *Children in Lesbian and Single-Parent Households: Psychosexual and Psychiatric Appraisal*, J. CHILD PSYCHOL. & PSYCHIATRY 551-572 (1983)).

¹²⁴ *Id.* (citing R. Green, *Sexual Identity of 37 Children Raised by Homosexual or Transsexual Parents*, AM. J. PSYCHIATRY 692-697 (1978) (stating “No abstract available”)).

¹²⁵ *Id.* (citing R. Green et al., *Lesbian Mothers and their Children: A Comparison with Solo Parent Heterosexual Mothers and their Children*, ARCHIVES OF SEXUAL BEHAV. 175-181 (1986)).

¹²⁶ *Id.* at 31 (citing M.B. Harris & P.H. Turner, *Gay and lesbian parents*, J. HOMOSEXUALITY 101-113 (1985/86)).

(15.) Huggins: “Self-esteem (SE) scores of subjects with DLMs [divorced lesbian mothers] and DHMs [divorced heterosexual mothers] were not significantly different.”¹²⁸

(16.) Kirkpatrick et al.: “Subject’s gender development was not identifiably different in the two groups [groups according to their mothers’ sexual choice].”¹²⁹

(17.) Koepke et al.: “[Koepke, et al.] [e]xamined the quality of lesbian relationships by three factors: presence of children, extent of disclosure concerning the nature of the relationship, and longevity of the relationship . . . Overall, findings indicate that solid and happy relationships existed for the total sample of couples.”¹³⁰

(18.) Kweskin and Cook: “Results show subjects’ self-described sex-role behavior to be a better indicator of desired sex-role behavior in children than subjects’ sexual orientation. Similarities in sex-role behavior and attitudes of heterosexual and homosexual mothers far outweighed the present subjects’ differences when determined by self-description and attitudes toward ideal child behavior.”¹³¹

(19.) Lewis: “Interviews with 21 children of lesbians in greater Boston area, ranging in age from 9 to 26, identified several major issues. Problems experienced involved parents’ divorce and disclosure of mother’s homosexuality. Problems between mother and children were secondary to the issue of children’s respect for difficult step she had taken.”¹³²

(20.) Lott-Whitehead and Tully: “Findings revealed that the subjects were aware of the impact of their sexual orientation on their children, that they were vigilant about maintaining the integrity of their families, and that the stress they felt was buffered by social support networks.”¹³³

(21.) Lyons: “Motherhood was a primary part of self-identity for all subjects. Fear of loss of custody was a persistent theme for lesbian mothers and was the only major difference between the groups. Court-awarded custody is never final and can be challenged from a number of sources. Lesbians often lose custody when their situation is discovered. Custody can be used by ex-spouses to adjust

¹²⁷ *Id.* (citing B. Hoefler, (1981). *Children’s Acquisition of Sexrole Behavior in Lesbian-Mother Families*, AM. J. ORTHOPSYCHIATRY 536-544 (1981) (stating “No abstract available”).

¹²⁸ *Id.* (citing S.L. Huggins, *A Comparative Study of Self-Esteem of Adolescent Children of Divorced Lesbian Mothers and Divorced Heterosexual Mothers*, J. HOMOSEXUALITY 123-135 (1989)).

¹²⁹ *Id.* at 32 (citing M. Kirkpatrick et al., *Lesbian Mothers and their Children: A Comparative Survey*, AM. J. ORTHOPSYCHIATRY 545-551 (1981)).

¹³⁰ *Id.* (citing L. Koepke et al., *Relationship Quality in a Sample of Lesbian Couples with Children and Child-Free Lesbian Couples*, FAM. RELATIONS 224-229 (1992)).

¹³¹ *Id.* (citing S.L. Kweskin & A.S. Cook, *Heterosexual and Homosexual Mothers’ Self-Described Sex-Role Behavior and Ideal Sex-Role Behavior in Children*, SEX ROLES 967-975 (1982)).

¹³² *Id.* at 33 (citing K.G. Lewis, *Children of Lesbians: Their Point of View*, SOC. WORK 198-203 (1980)).

¹³³ *Id.* (citing L. Lott-Whitehead & C.T. Tully, *The Family Lives of Lesbian Mothers*, SMITH C. STUD. SOC. WORK 265-280 (1993)).

property settlements. Fear of disclosure can have disruptive effects on comfort and ease of family gatherings. It is concluded that motherhood, rather than the pursuit of multiple lovers, was the central organizing theme in the lives of lesbian subjects.”¹³⁴

(22.) Miller (1979): “Four issues frequently raised in custody cases are discussed: Do gay fathers have children to cover their homosexuality, do they molest their children, do their children turn out to be gay in disproportionate numbers, and does having a gay father expose a child to homophobic harassment [and concluded] that concerns that gay fathers will have a negative impact on their children's development are unfounded.”¹³⁵

(23.) Miller et al. (1981): “Results reveal a less affluent socioeconomic setting for the children of lesbian mothers. A strong child-development orientation was found among lesbian mothers, undermining the stereotype of lesbians as aloof from children. Lesbian mothers tended to assume a principal role in child-care responsibility regardless of whether the caregiver and breadwinner roles were shared with a live-in partner.”¹³⁶

(24.) Mucklow and Phelan: “Three personality aggregates – self-confidence, dominance, and nurturance – [that] were computed from responses to the Adjective Check List. Chi-square analyses showed no difference in response to children's behavior or in self-concept of lesbian and traditional mothers.”¹³⁷

(25.) O’Connell: “Findings indicate profound loyalty and protectiveness toward the mother, openness to diversity, and sensitivity to the effects of prejudice. Subjects reported strong needs for peer affiliation and perceived secrecy regarding their mother's lesbianism as necessary for relationship maintenance. Other concerns, abating over time, were unrealized fears of male devaluation and homosexuality. Pervasive sadness about the parental breakup remained, and wishes for family reunification were relinquished when mother “came out.”¹³⁸

(26.) Pagelow: “While both groups [heterosexual and lesbian single mothers] reported oppression in the areas of freedom of association, employment, housing, and child custody, the degree of perceived oppression was greater for lesbian mothers. Lesbian mothers exhibited patterns of behavior that may have been

¹³⁴ *Id.* (citing T.A. Lyons, *Lesbian Mothers' Custody Fears*, WOMEN AND THERAPY 231-240 (1983)).

¹³⁵ *Id.* at 35 (citing B. Miller, *Gay Fathers and their Children*, FAM. COORDINATOR 544-552 (1979)).

¹³⁶ *Id.* (citing J.A. Miller et al., *The Child's Home Environment for Lesbian Versus Heterosexual Mothers: A Neglected Area of Research*, J. HOMOSEXUALITY 49-56 (1981)).

¹³⁷ *Id.* (citing B.M. Mucklow & G.K. Phelan, *Lesbian and Traditional Mothers' Responses to Adult Responses to Child Behavior and Self Concept*, PSYCHOL. REPORTS 880-882 (1979)).

¹³⁸ *Id.* at 36 (citing A. O'Connell, *Voices from the Heart: The Developmental Impact of a Mother's Lesbianism on her Adolescent Children*, SMITH C. STUDIES SOC. WORK 281-299 (1993)).

responses to perceived oppression and that counterbalanced felt difficulties by the development of relatively higher levels of independence.”¹³⁹

(27.) Patterson (1994a): “[T]oday, the rise in births among openly lesbian women in the United States has been so dramatic that many observers have labeled it a lesbian baby boom . . . the study described here was designed to enhance the understanding of child development in the families of the lesbian baby boom (however, the information provided in the APA Brief provides no conclusions for this study).”¹⁴⁰

(28.) Rand et al.: “The court has repeatedly ruled that a mother will lose custody of and visitation privileges with her children if she expresses her lesbianism through involvement or cohabitation with a female partner, being affiliated with a lesbian community, or disclosing her lesbianism to her children. Psychological health correlated positively with openness to employer, ex-husband, children, a lesbian community, and amount of feminist activism. Partial support was found for the hypothesis that lesbian mothers who were expressing their lesbianism would be psychologically healthier than those who were not.”¹⁴¹

(29.) Tasker and Golombok (1995): “Subjects raised by lesbian mothers functioned well in adulthood in terms of psychological well-being and of family identity and relationships. The commonly held assumption that lesbian mothers will have lesbian daughters and gay sons was not supported.”¹⁴²

(30.) Tasker and Golombok (1997): Their findings are not presented in the APA Brief; only a description of the book is provided from the book’s jacket.¹⁴³

(31.) Barrett and Tasker: “Results appear to confirm previous findings concerning the diversity of parenting circumstances of gay and bisexual men. Men with cohabiting male partners reported themselves as successfully meeting a variety of parenting challenges.”¹⁴⁴

(32.) Bos et al. (2003): No information was available in the APA Brief¹⁴⁵

¹³⁹ *Id.* at 37 (citing M.D. Pagelow, *Heterosexual and Lesbian Single Mothers: A Comparison of Problems, Coping and Solutions*, J. HOMOSEXUALITY 198-204 (1980)).

¹⁴⁰ *Id.* (citing C.J. Patterson, (1994a). *Children of the Lesbian Baby Boom: Behavioral Adjustment, Self-Concepts, and Sex-Role Identity*, CONTEMP. PERSP. ON LESBIAN AND GAY PSYCHOL.: THEORY, RES. AND APPLICATION 156-175 (1994)).

¹⁴¹ *Id.* at 39 (citing C. Rand et al., *Psychological Health and Factors the Court Seeks to Control in Lesbian Mother Custody Trials*, J. HOMOSEXUALITY 27-39 (1982)).

¹⁴² *Id.* at 42 (citing F. Tasker & S. Golombok, *Adults Raised as Children in Lesbian Families*, AM. J. ORTHOPSYCHIATRY 203-215 (1995)).

¹⁴³ *Id.* (citing F. TASKER & S. GOLOMBOK, *GROWING UP IN A LESBIAN FAMILY* (1997)).

¹⁴⁴ *Id.* at 23-24 (citing H. Barrett, & F. Tasker, *Growing up with a Gay Parent: Views of 101 Gay Fathers on their Sons' and Daughters' Experiences*, 18 EDUC. & CHILD PSYCHOL. 62-77 (2001)).

¹⁴⁵ *Id.* at 24 (citing H. M. W. Bos et al., *Planned Lesbian Families: Their Desire and Motivation to have Children*, 10 HUM. REPROD. 2216-24 (2003) (stating Abstract can be found at <http://humrep.oxfordjournals.org/content/18/10/2216.abstract?maxtoshow=&HITS=10&hits=10&RESULTFOR MAT=1&author1=bos&title=planned+lesbian+families&andorexactitle=and&andorexactitleabs=and&andorexact>

(33.) Bos et al. (2004): “Lesbian parents are no less competent or more burdened than heterosexual parents. Both lesbian and heterosexual parents consider it important to develop qualities of independence in their children. However, “conformity” as a childrearing goal is less important to lesbian mothers. Furthermore, lesbian social mothers feel more often than fathers in heterosexual families that they must justify the quality of their parenthood. There are few differences between lesbian couples and heterosexual couples, except that lesbian mothers appear less attuned to traditional child-rearing goals . . .”¹⁴⁶

(34.) Chan et al. (1998a): “Although both lesbian and heterosexual couples reported relatively equal divisions of paid employment and of household and decision-making tasks, lesbian biological and nonbiological mothers shared child-care tasks more equally than did heterosexual parents. Among lesbian nonbiological mothers, those more satisfied with the division of family decisions in the home were also more satisfied with their relationships and had children who exhibited fewer externalizing behavior problems.”¹⁴⁷

(35.) Ciano-Boyce and Shelly-Sireci: “Lesbian couples were more equal in their division of child care than heterosexual parents, and lesbian adoptive parents were the most egalitarian. In all types of dual-parent families, parents were sought by their child for different activities. In heterosexual adoptive and lesbian biological families, the child's parental preference was rarely a source of conflict between partners.”¹⁴⁸

(36.) Crawford et al.: “Results indicated that participants who rated the gay male and lesbian couples with a female child were less likely to recommend custody for these couples than participants who rated the heterosexual couples. Before psychologists provide mental health services to gay and lesbian people and their children, they should complete formal, systematic training on sexual diversity.”¹⁴⁹

(37.) Fulcher et al.: “Contrary to negative stereotypes, children of lesbian mothers were described as having regular contact with grandparents.”¹⁵⁰

ctfulltext=and&searchid=1122405216620_2712&stored_search=&FIRSTINDEX=0&sortspec=relevance&journalcode=humrep)).

¹⁴⁶ *Id.* at 24-25 (citing H. M. W. Bos et al., *Experience of Parenthood, Couple Relationship, Social Support, and Child-Rearing Goals in Planned Lesbian Mother Families*, 45 *J. CHILD PSYCHOL. & PSYCHIATRY* 755-764 (2004)).

¹⁴⁷ *Id.* at 26 (citing R. W. Chan et al., *Division of Labor Among Lesbian and Heterosexual Parents: Associations with Children's Adjustment*, 12 *J. FAM. PSYCHOL.* 402-19 (1998)).

¹⁴⁸ *Id.* at 26 (citing C. Ciano-Boyce & L. Shelley-Sireci, *Who is Mommy Tonight?*, *Lesbian Parenting Issues*, 43 *J. HOMOSEXUALITY* 1-13 (2002)).

¹⁴⁹ *Id.* at 27 (citing I. Crawford et al., *Psychologists' Attitudes Toward Gay and Lesbian Parenting*, 30 *PROF. PSYCHOL.: RES. & PRAC.* 394-401 (1999)).

¹⁵⁰ *Id.* (citing M. Fulcher et al., *Contact with Grandparents Among Children Conceived via Donor Insemination by Lesbian and Heterosexual Mothers*, 2 *PARENTING: SCI. & PRAC.* 61-76 (2002)).

(38.) Gartrell et al. (2000): “Results indicate that 87% of the children related well to peers . . . Of the original couples, 31% had divorced. Of the remainder, 68% felt that their child was equally bonded to both mothers.”¹⁵¹

(39.) Gartrell et al. (1999): “Most couples [lesbian families] shared parenting equally, the majority felt closer to their family of origin, adoptive co-mothers felt greater legitimacy as parents, biology and nurture received the same ratings for mother – child bonding, and political and legal action had increased among many participants.”¹⁵²

(40.) Gartrell et al. (2005): “[T]he prevalence of physical and sexual abuse in these children was lower than national norms. In social and psychological development, the children were comparable to children raised in heterosexual families . . . The children demonstrated a sophisticated understanding of diversity and tolerance.”¹⁵³

(41.) Gershon et al.: “In the face of high-perceived stigma, subjects who disclosed more about their mother’s sexual orientation had higher SE [self-esteem] in the subscale of close friendships than those who disclosed less.”¹⁵⁴

(42.) Golombok et al. (2003): “Findings are in line with those of earlier investigations showing positive mother-child relationships and well-adjusted children [children with lesbian parents].”¹⁵⁵

(43.) Golombok and Rust (1993): The APA Brief does not provide any conclusions for their study.¹⁵⁶

(44.) Golombok et al. (1997): “No differences were identified between families headed by lesbian and single heterosexual mothers, except for greater mother-child interaction in lesbian mother families. It seems that children raised in fatherless families from birth or early infancy are not disadvantaged in terms of either the quality of their relationship with their mother or their emotional well-being.”¹⁵⁷

¹⁵¹ *Id.* at 27-28. (citing N. Gartrell et al., *The National Lesbian Family Study: 3. Interviews with Mothers of Five-Year-Olds*, 70 AM. J. ORTHOPSYCHIATRY 542-48 (2000)).

¹⁵² *Id.* at 28 (citing N. Gartrell et al., *The National Lesbian Family Study: 2. Interviews with Mothers of Toddlers*, 69 AM. J. ORTHOPSYCHIATRY 362-69 (1999)).

¹⁵³ *Id.* (citing N. Gartrell et al., *The National Lesbian Family Study: 4. Interviews with the 10-Year-Old Children*, 75 AM. J. ORTHOPSYCHIATRY 518-24 (2005)).

¹⁵⁴ *Id.* at 28-29 (citing T. D. Gershon et al., *Stigmatization, Self-esteem, and Coping Among the Adolescent Children of Lesbian Mothers*, 24 J. ADOLESCENT HEALTH 437-45 (1999)).

¹⁵⁵ *Id.* at 29 (citing S. Golombok et al., *Children with Lesbian Parents: A Community Study*, 39 DEV. PSYCHOL. 20-33 (2003)).

¹⁵⁶ *Id.* (citing S. Golombok & J. Rust, J., *The Pre-School Activities Inventory: A Standardized Assessment of Gender Role in Children*, 5 PSYCHOL. ASSESSMENT 131-36(1993)).

¹⁵⁷ *Id.* at 30 (citing S. Golombok et al., *Children Raised in Fatherless Families from Infancy: Family Relationships and the Socioemotional Development of Children of Lesbian and Single Heterosexual Mothers*, 38 J. CHILD PSYCHOL. & PSYCHIATRY 783-91 (1997)).

(45.) Johnson and O'Connor: No information was available in the APA Brief.¹⁵⁸

(46.) King and Black: "To ascertain the extent to which children of lesbian mothers are stigmatized, 338 undergraduate students were asked to complete a child behavior checklist for a hypothetical child of either a divorced lesbian or a divorced heterosexual mother. Respondents attributed more problematic behavior in a variety of domains to the child of the lesbian mother."¹⁵⁹

(47.) McLeod et al.: "Differences in subjects' ratings indicated that a boy raised by gay fathers was perceived to be experiencing greater confusion regarding his sexual orientation and gender identity. Custody reassignment was also rated as more beneficial for the son raised by gay fathers. Multiple regression analyses indicated that these assumptions were significantly predicted by the subjects' stereotype of gay men as effeminate, above and beyond the subjects' political conservatism and religious attendance."¹⁶⁰

(48.) Morris et al.: "Controlling for age and income, lesbians and bisexual women who had children before coming out had reached developmental milestones in the coming out process about 7-12 years later than women who had children after coming out and about 6-8 years later than nonmothers."¹⁶¹

(49.) Patterson (1995a): "Parents were more satisfied and children were more well adjusted when labor involved in child care was more evenly distributed between the parents [lesbian couples]."¹⁶²

(50.) Patterson (2001): "Consistent with findings for heterosexual parents and their children, assessments of children's adjustment were significantly associated with measures of maternal mental health. These results underline the importance of maternal mental health as a predictor of children's adjustment among lesbian as well as among heterosexual families."¹⁶³

(51.) Patterson et al. (1998): "[Patterson, et al.] investigated, in an exploratory study of 37 lesbian-mother families, the frequency of 4- to 9-year-old children's contact with adults in their extended family and friendship networks. Results

¹⁵⁸ *Id.* at 31 (citing S. M. JOHNSON & E. O'CONNOR, *THE GAY BABY BOOM: THE PSYCHOLOGY OF GAY PARENTHOOD* (2002) (stating "No abstract available")).

¹⁵⁹ *Id.* at 32 (citing B. R. King & K. N. Black, *College Students' Perceptual Stigmatization of the Children of Lesbian Mothers*, 69 *AM. J. ORTHOPSYCHIATRY* 220-27 (1999)).

¹⁶⁰ *Id.* at 33 (citing A. C. McLeod et al., *Heterosexual Undergraduates' Attitudes Toward Gay Fathers and their Children*, 11 *J. PSYCHOL. & HUM. SEXUALITY*, 43-62 (1999)).

¹⁶¹ *Id.* at 35 (citing J. F. Morris et al., *Lesbian and Bisexual Mothers and Nonmothers: Demographics and the Coming-out Process*, 16 *J. FAM. PSYCHOL.* 16 144-56 (2002)).

¹⁶² *Id.* at 37 (citing C. J. Patterson, *Families of the Lesbian Baby Boom: Parents' Division of Labor and Children's Adjustment*, 31 *DEV. PSYCHOL.* 115-23 (1995)).

¹⁶³ *Id.* at 38 (citing C. J. Patterson, *Families of the Lesbian Baby Boom: Maternal Mental Health and Child Adjustment*, 4 *J. GAY & LESBIAN PSYCHOTHERAPY* 91-107 (2001)).

countered stereotypes of such children as isolated from parents' families of origin."¹⁶⁴

(52.) Sarantakos: No information was available in the APA Brief.¹⁶⁵

(53.) Siegenthaler and Bigner: "[The researchers] [c]ompared the responses of 25 lesbian and 26 non-lesbian mothers (mean age 35 yrs.) to items on the Value of Children (VOC) Scale. This instrument measures the reasons that may explain why adults become parents and the values and functions for children in the lives of adults. Results indicate that there are more similarities than differences between lesbian and non-lesbian mothers in responses on the VOC scale."¹⁶⁶

(54.) Steckel: The APA Brief provides little insight into Steckel's research.¹⁶⁷

(55.) Sullivan: "In this article the author explores the ways in which lesbian coparents divide household, child care, and paid labor to learn whether, and the degree to which, they adopt egalitarian work and family arrangements. Informed by a brief overview of U.S. gay liberation and family politics, and the theoretical and empirical work on the household division of labor by gender, this qualitative analysis of 34 Northern California families suggests that equitable practices – a pattern of equal sharing – among these lesbian coparents are the norm."¹⁶⁸

(56.) Tasker and Golombok (1998): "[The researchers] [c]ompared the role and involvement in parenting of co-mothers in 15 British lesbian mother families with the role of resident fathers in two different groups of heterosexual families . . . The results indicate that co-mothers played a more active role in daily caretaking than did most fathers."¹⁶⁹

(57.) Vanfraussen et al.: "Unlike fathers in heterosexual families, the lesbian social mother is as much involved in child activities as is the biological mother. Furthermore, the lesbian social mother has as much authority as does the father in heterosexual families."¹⁷⁰

(58.) Wainright et al.: "Normative analyses indicated that, on measures of psychosocial adjustment and school outcomes, adolescents were functioning well, and their adjustment was not generally associated with family type [same-sex vs.

¹⁶⁴ *Id.* (citing C. J. Patterson et al., *Families of the Lesbian Baby Boom: Children's Contact with Grandparents and Other Adults*, 68 AM. J. ORTHOPSYCHIATRY 390-99 (1998)).

¹⁶⁵ *Id.* at 40 (citing S. Sarantakos, *Children in Three Contexts: Family, Education, and Social Development*, 21 CHILD. AUSTL. 23-31 (1996) (stating "No abstract available")).

¹⁶⁶ *Id.* at 41 (citing A. L. Siegenthaler & J. J. Bigner, *The Value of Children to Lesbian and Non-Lesbian Mothers*, 39 J. HOMOSEXUALITY 73-91 (2000)).

¹⁶⁷ *Id.* (citing A. Steckel, *Psychosocial Development of Children of Lesbian Mothers*. In F. W. Bozett, (Ed.), *GAY AND LESBIAN PARENTS* 75-85 (1987)).

¹⁶⁸ *Id.* at 42 (citing M. Sullivan, *Rozzie and Harriet? Gender and Family Patterns of Lesbian Coparents*, 10 GENDER & SOC'Y 747-67 (1996)).

¹⁶⁹ *Id.* at 43 (citing F. Tasker & S. Golombok, *The Role of Co-Mothers in Planned Lesbian-Led Families*, 2 J. LESBIAN STUD. 49-68 (1998)).

¹⁷⁰ *Id.* at 43-44 (citing K. Vanfraussen et al., *Family Functioning in Lesbian Families Created by Donor Insemination*, 73 AM. J. ORTHOPSYCHIATRY 78-90 (2003)).

opposite-sex parents]. Assessments of romantic relationships and sexual behavior were not associated with family type. Regardless of family type, adolescents whose parents described closer relationships with them reported better school adjustment.”¹⁷¹

(59.) Wright: “The findings . . . challenge traditional views of mothering and fathering as gender and biologically based activities; they indicate that lesbian step families model gender flexibility and that the mothers and step mothers share parenting – both traditional mothering and fathering – tasks. This allows the biological mother some freedom from motherhood as well as support in it.”¹⁷²

¹⁷¹ *Id.* at 44-45 (citing J. L. Wainright et al., *Psychosocial Adjustment and School Outcomes of Adolescents with Same-Sex Parents*, 75 *CHILD DEV.* 1886-98 (2004)).

¹⁷² *Id.* at 45 (citing J. M. WRIGHT, *LESBIAN STEPFAMILIES: AN ETHNOGRAPHY OF LOVE* (1998)).

APPENDIX B

SCIENTIFIC ANALYSES CRITICAL OF THE APA BRIEF'S FIFTY-NINE CITED
EMPIRICAL STUDIES IN SUPPORT OF SAME-SEX PARENTING¹⁷³

(*APA Brief's Cited Studies: Studies Analyzed by Lerner and Nagai (1a-30a)*);¹⁷⁴

*Studies Analyzed by Marks (1b-59b)*¹⁷⁵

(1.) Bailey et al. a.) rejected: type of hypothesis – neither affirmative nor null and dubious, no heterosexual comparison group, no control for extraneous variables, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) no heterosexual comparison group.

(2.) Bigner and Jacobsen (1989a) a.) rejected: type of hypothesis – neither affirmative nor null and dubious, self-constructed measures – dubious, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N= 66); racially homogeneous sample; no statistical power; no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(3.) Bigner and Jacobsen (1989b) a.) rejected: type of hypothesis – neither affirmative nor null and dubious, self-constructed measures – dubious, non-probability sampling- dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N= 66); racially homogeneous sample; no statistical power; no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(4.) Bozett a.) rejected: type of hypothesis – neither affirmative nor null and dubious, no heterosexual comparison group, no control for extraneous variables, measures not reliable, self-constructed measures – dubious, non-probability sampling- dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N= 18); racially homogeneous sample; no heterosexual comparison group.

(5.) Brewaeys et al. a.) rejected: type of hypothesis – neither affirmative nor null and dubious, self-constructed measures – dubious, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N= 98); no statistical power.

(6.) Chan et al. (1998b) a.) rejected: type of hypothesis – null but dubious, non-probability sampling – dubious, inadequate sample size, inadequate power;

¹⁷³ APA Brief, *supra* note 25, at 23-45; *See* Appendix A.

¹⁷⁴ LERNER & NAGAI, *supra* note 3, at 3, 118-23.

¹⁷⁵ Marks, *supra* note 40, at 736-38, 740-41.

b.) small, non-representative, convenience sample of fewer than 100 participants (N= 80).

(7.) Flaks et al. a.) rejected: type of hypothesis – null but dubious, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N= 30); racially homogeneous sample; no statistical power.

(8.) Gartrell et al. (1996) a.) rejected: type of hypothesis – neither affirmative nor null and dubious, no heterosexual comparison group, no control for extraneous variables, measures not reliable, self-constructed measures – dubious, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) no heterosexual comparison group.

(9.) Golombok and Tasker (1996) a.) rejected: type of hypothesis – neither affirmative nor null and dubious, self-constructed measures – dubious, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N= 46).

(10.) Golombok et al. (1983) a.) rejected: type of hypothesis – neither affirmative nor null and dubious, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N= 54); no statistical power; no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(11.) Green (1978) a.) rejected: type of hypothesis – neither affirmative nor null and dubious, no heterosexual comparison group, no control for extraneous variables, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N= 37); racially homogeneous sample; no heterosexual comparison group.

(12.) Green et al. (1986) a.) rejected: type of hypothesis – null but dubious, measures not reliable, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) racially homogeneous sample; no statistical power; no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(13.) Harris and Turner a.) rejected: type of hypothesis – null but dubious, measures not reliable, self-constructed measures – dubious, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N= 39); no statistical power; no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(14.) Hoeffler a.) rejected: type of hypothesis – neither affirmative nor null and dubious, self-constructed measures – dubious, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate

power; b.) small, non-representative, convenience sample of fewer than 100 participants (N= 40); racially homogeneous sample; no statistical power; no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(15.) Huggins a.) rejected: type of hypothesis – null but dubious, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=36); racially homogeneous sample; no statistical power; no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(16.) Kirkpatrick et al. a.) rejected: type of hypothesis – null but dubious, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=40); no statistical power; no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(17.) Koepke et al. a.) rejected: type of hypothesis – neither affirmative nor null and dubious, no heterosexual comparison group, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) 47 gay/lesbian couples – no heterosexual comparison group; racially homogeneous sample.

(18.) Kweskin and Cook a.) rejected: type of hypothesis – neither affirmative nor null and dubious, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=44); no statistical power; no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(19.) Lewis a.) rejected: type of hypothesis – neither affirmative nor null and dubious, no heterosexual comparison group, no control for extraneous variables, measures not reliable, self-constructed measures – dubious, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=21); no heterosexual comparison group.

(20.) Lott-Whitehead and Tully a.) rejected: type of hypothesis – neither affirmative nor null and dubious, no heterosexual comparison group, no control for extraneous variables, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=45); no heterosexual comparison group; sample biased towards well-educated, white women with high incomes.

(21.) Lyons a.) rejected: type of hypothesis – neither affirmative nor null and dubious, measures not reliable, self-constructed measures – dubious, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=80); no statistical power; no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(22.) Miller (1979) a.) rejected: type of hypothesis – neither affirmative nor null and dubious, no heterosexual comparison group, no control for extraneous variables, measures not reliable, self-constructed measures – dubious, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=54); no heterosexual comparison group.

(23.) Miller et al. (1981) a.) rejected: type of hypothesis – neither affirmative nor null and dubious, self-constructed measures – dubious, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=81); no statistical power.

(24.) Mucklow and Phelan a.) rejected: type of hypothesis – neither affirmative nor null and dubious, no control for extraneous variables, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=81); no statistical power.

(25.) O'Connell a.) rejected: type of hypothesis – neither affirmative nor null and dubious, no heterosexual comparison group, no control for extraneous variables, measures not reliable, self-constructed measures – dubious, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=11); no heterosexual comparison group.

(26.) Pagelow a.) rejected: type of hypothesis – affirmative and okay, measures not reliable, self-constructed measures – dubious, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=43); no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(27.) Patterson (1994a) a.) rejected: type of hypothesis – null but dubious, no control for extraneous variables, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=66); no statistical power.

(28.) Rand et al. a.) rejected: type of hypothesis – neither affirmative nor null and dubious, no heterosexual comparison group, no control for extraneous variables, non-probability sampling – dubious, inferential statistics not applied, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=25); racially homogeneous sample; no statistical power; no heterosexual comparison group.

(29.) Tasker and Golombok (1995) a.) rejected: type of hypothesis – neither affirmative nor null and dubious, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample

of fewer than 100 participants (N=46); racially homogeneous sample; no statistical power; no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(30.) Tasker and Golombok (1997) a.) rejected: type of hypothesis – neither affirmative nor null and dubious, non-probability sampling – dubious, inadequate sample size, inadequate power; b.) small, non-representative, convenience sample of fewer than 100 participants (N=54); no marriage-based, intact family heterosexual comparison group (i.e., single parents).

(31.) Barrett and Tasker b.) no heterosexual comparison group.

(32.) Bos et al. (2003) b.) no statistical power.

(33.) Bos et al. (2004) b.) no statistical power.

(34.) Chan et al. (1998a) b.) non-representative, convenience sample of fewer than 100 participants (N=46); no statistical power.

(35.) Ciano-Boyce and Shelly-Sireci b.) no statistical power.

(36.) Crawford et al. b.) attitudes of 388 psychologists studied, zero gay/lesbian subjects and zero heterosexual subjects.

(37.) Fulcher et al. b.) non-representative, convenience sample of fewer than 100 participants (N=80).

(38.) Gartrell et al. (2000) b.) no heterosexual comparison group.

(39.) Gartrell et al. (1999): b.) no heterosexual comparison group.

(40.) Gartrell et al. (2005): b.) non-representative, convenience sample of fewer than 100 participants (N=74); no heterosexual comparison group.

(41.) Gershon et al. b.) non-representative, convenience sample of fewer than 100 participants (N=76); no heterosexual comparison group.

(42.) Golombok et al. (2003) b.) no statistical power.

(43.) Golombok and Rust (1993) b.) reliability testing of a pre-school gender inventory studied, i.e., no gay/lesbian or heterosexual subjects.

(44.) Golombok et al. (1997) b.) no statistical power.

(45.) Johnson and O'Connor b.) no heterosexual comparison group, no statistical power.

(46.) King and Black b.) 338 College students' perceptions studied, i.e. no gay/lesbian or heterosexual subjects.

(47.) McLeod, et al. b.) 151 College student reports studied, zero gay/lesbian subjects and zero heterosexual subjects; no statistical power.

(48.) Morris et al. b.) no heterosexual comparison group.

(49.) Patterson (1995a) b.) non-representative, convenience sample of fewer than 100 participants (N=52); no heterosexual comparison group; no statistical power.

(50.) Patterson (2001) b.) non-representative, convenience sample of fewer than 100 participants (N=66); no heterosexual comparison group; no statistical power.

(51.) Patterson et al. (1998) b.) non-representative, convenience sample of fewer than 100 participants (N=66); no heterosexual comparison group; no statistical power.

(52.) Sarantakos b.) This study does not support the APA Brief's assertion that "[n]ot a single study has found children of lesbian or gay parents to be disadvantaged in any significant respect relative to children of heterosexual parents."¹⁷⁶

(53.) Siegenthaler and Bigner b.) non-representative, convenience sample of fewer than 100 participants (N=51); racially homogeneous sample; no statistical power.

(54.) Steckel b.) no heterosexual comparison group, no statistical power.

(55.) Sullivan b.) non-representative, convenience sample of fewer than 100 participants (N=34 gay/lesbian couples); no heterosexual comparison group.

(56.) Tasker and Golombok (1998) b.) non-representative, convenience sample of fewer than 100 participants (N=99); racially homogeneous sample; qualitative study, i.e., not an empirical study.

(57.) Vanfraussen et al. b.) non-representative, convenience sample of fewer than 100 participants (N=48); racially homogeneous sample; no statistical power.

(58.) Wainright et al. b.) non-representative, convenience sample of fewer than 100 participants (N=88); no statistical power.

(59.) Wright b.) non-representative, convenience sample of fewer than 100 participants (N=5); no heterosexual comparison group.

¹⁷⁶ APA Brief, *supra* note 25, at 15; *See* Marks, *supra* note 49.