

Written Testimony by Robert H. Knight, Director, Culture & Family
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For the Maryland House Judiciary Committee
January 31, 2006
Concerning H.B. 48, the Maryland Marriage Amendment

Marriage defenders often hear some pretty amazing claims from opponents, such as, “You want to put bigotry into the Constitution.” Or: “You’re against equality and for discrimination.” They’re now even hearing such wild charges from sitting judges.

According to Baltimore Circuit Judge M. Brooke Murdock, who took it upon herself on January 20 to strike down Maryland’s marriage law because it doesn’t include unions that exclude a bride or a groom, the very nature of marriage as we have always known is discriminatory.

Since when did defending the integrity of marriage become an act of bigotry? Well, it’s not.

For all of America’s history, marriage has been defined as the union of a man and a woman. In fact, all major religions honor marriage. Marriage was created by God and is protected in the law because it is indispensable to human social order. Morality is not bigotry, even if Judge Murdock apparently thinks it is.

Marriage is about more than the union of two people, which is why the law bothers to take an interest. It is about two families joining, about children coming into the world and having a mother and father, about extending kinship patterns, passing on family names and property, and binding the sexes together in a unique, complementary union. If marriage was not so important for what it actually is, we would not even be worrying about its legal status.

But the attempt to eject an entire sex from the equation and then call it “equal,” is not only dishonest but also dangerous. It imposes a lie on people who know better. That leads to tyranny.

It’s one thing for people to have their own ceremonies and declare their affections. It’s a free country; anybody can do that. But it is another thing entirely for the state to recognize a union, create incentives for such a union, and to impose that definition on all organizations and institutions.

Marriage was not – I repeat, not – invented to annoy and exclude homosexuals. Those who accuse marriage defenders of being “bigots” are engaging in name-calling, nothing more.

The term “marriage” refers specifically to the joining of two people of the opposite sex. When that is lost, “marriage” becomes meaningless. You can no more leave an entire sex out of marriage and call it “marriage” than you can leave chocolate out of a “chocolate brownie” recipe. It becomes something else.

Giving non-marital relationships the same status as marriage does not expand the definition of marriage; it destroys it. In Scandinavian nations, marriage rights were “expanded” two decades ago to unwed couples, destabilizing the real thing. Over the past decade, the conferral of marriage rights on homosexual couples has nearly finished the job of destroying marriage.

According to a well-documented article, *The End of Marriage in Scandinavia*¹, by Stanley Kurtz of the Hoover Institution, acceptance of “gay marriage” has accelerated the process to the point where the vast majority of children in Norway, Sweden and other nations are now born out of wedlock and are being raised essentially by the government. The Netherlands is now on the same path. If that is the kind of future Marylanders want, then Judge Murdock will become the patron saint of a new order in which government will increasingly become both Daddy and Mommy.

Marriage, the Natural Family, and the Best Interests of Children

Marriage is the union of the only type of couple capable of natural reproduction of the human race—a man and a woman. Children need both mothers and fathers, and marriage is society’s way of obtaining them.

Even childless marriages are a social anchor for children, who observe adults as role models. Besides, childless couples can be “surprised” by an unexpected pregnancy, and they can also adopt, giving a child a mother-and-father-based family. Single parents can eventually marry. And marriage is a stabilizing force for all. Even when a couple is past the age of reproduction, the marital and family commitment usually keeps an older man from fathering a child with a younger woman outside wedlock.

Children learn about family life by observing crucial relationships up close: interactions between men and women, husbands and wives, mothers and fathers, and parents to children of the same and opposite sexes. Human experience and a vast body of social science research show that children do best in married, mother-father households. It is wrong to create fatherless or motherless families by design. The arrangement may gratify some adults, but it is not in the best interests of children.

Homosexual activists and their allies at professional organizations often assert that “science” has proved that children are no different if raised in homosexual households. The American Academy of Pediatrics (AAP) even released a statement to this effect, and

¹ Stanley Kurtz, “The End of Marriage in Scandinavia,” *The Weekly Standard*, Vol. 9, Issue 20, February 2, 2004 at <http://www.weeklystandard.com/Content/Public/Articles/000/000/003/660zypwj.asp>.

featured an article² in an AAP journal by a pro-homosexual researcher as the foundation for its assessment. This researcher showed her biases right up front by describing marriage-based family law as “heterosexist.” So much for objective science.

Most "gay parenting" studies compare children in lesbian households with children in heterosexual, single-mother households. The only major study³ to directly compare children raised in married, single-parent and same-sex households was published by the journal *Children Australia*, and it revealed that, "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 heterosexual and homosexual couples."

The "gay parenting" studies, as a whole, are extremely flawed, with all but a handful written by pro-homosexual researchers. In *No Basis: What the studies Don't tell us about same-sex parenting*,⁴ authors Robert Lerner and Althea Nagai demonstrate that all of these studies are "gravely deficient," with some having self-selected sample sizes of less than a dozen people. Earlier, the *Journal of Divorce & Remarriage* examined a number of "gay parenting" studies and reported: "The conclusion that there are no significant differences in children reared by lesbian mothers versus heterosexual mothers is not supported by the published research data base."⁵

In 2001, a team of pro-homosexual researchers from the University of Southern California did a meta-analysis of "gay parenting" studies and published a refreshingly honest article in *American Sociological Review*,⁶ "(How) Does the Sexual Orientation of Parents Matter?" The authors concluded that, yes, studies show that girls are more likely to "be sexually adventurous and less chaste," including being more likely to try lesbianism, and that boys are more likely to have "fluid" conceptions of gender roles, and that researchers should stop trying to cover this up in the hopes of pursuing a pro-homosexual agenda. The researchers said, in effect: *Some of the kids are more likely to turn out gay or bisexual, but so what?*

Even with all their statistical shortcomings, the parenting studies, as a whole, show that children raised in same-sex households are more likely to view homosexuality positively, try homosexuality themselves, or to suffer gender identity confusion. This makes sense; children's most important role models are their parents. If homosexual behavior is offered to them as normal on a daily basis, more of them are going to think it is normal and desirable.

² Ellen C. Perrin and Committee on Psychosocial Aspects of Child and Family Health, "Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents," *PEDIATRICS* Vol. 109, No. 2, February 2002, pp. 341-344.

³ Sotirios Sarantakos, "Children in three contexts: Family, education and social development," *Children Australia*, Vol. 21, No. 3, 1996, pp. 23-30.

⁴ Robert Lerner, Ph.D., and Althea Nagai, Ph.D., *No Basis: What the studies Don't tell us about same-sex parenting*, (Washington, D.C.: Marriage Law Project, 2001), p. 3.

⁵ Philip A. Belcastro, Theresa Gramlich, Thomas Nicholson, Jimmie Price and Richard Wilson, "A Review of Data Based Studies Addressing the Affects (sic) of Homosexual Parenting on Children's Sexual and Social Functioning," *Journal of Divorce & Remarriage*, Vol. 20 (1/2) (1993), pp. 105-122.

⁶ Judith Stacey and Timothy J. Biblarz, "(How) Does the Sexual Orientation of Parents Matter?" *American Sociological Review*, Vol. 66, No. 2 (April, 2001), pp. 159-183.

In an often-quoted study by Susan Golombok and Fiona Tasker,⁷ the authors note that the "large majority of children who grew up in lesbian households identified as heterosexual." But another of their findings is often ignored: "Those who had grown up in a lesbian family were more likely to consider the possibility of having lesbian or gay relationships, and to actually do so." The authors conclude that growing up in a lesbian household's "accepting atmosphere" of homosexuality "may facilitate the development of a lesbian or gay sexual orientation for some individuals. But, interestingly, the opportunity to explore same-sex relationships may, for others, confirm their heterosexual identity."

Since there is no credible scientific evidence that homosexuality is genetic, it makes sense that kids exposed to parental homosexuality will tend to see it as a viable option. This is tragic, since homosexuality has well-documented health risks, especially for young men, but also for young women.

The drive for homosexual "marriage" by whatever name leads to destruction of the gold standard for custody and adoption. The question should be: "What is in the best interests of the child?" The answer is: "Place children, whenever possible, in a married, mom-and-dad household." As homosexual relationships gain status, marriage loses its place as the preferential adoption-family option, thus short-changing children.

Defining Marriage is not "Discrimination"

Maryland's marriage law is not discriminatory. Marriage is open to all adults, subject to age and blood relation limitations. As with any acquired status, the applicant must meet minimal requirements, which in terms of marriage, means finding an opposite-sex spouse. Same-sex partners do not qualify. To put it another way, clerks will not issue dog licenses to cats, and it is not out of "bigotry" toward cats.

Comparing current laws limiting marriage to a man and a woman with the laws in some states that once limited inter-racial marriage is irrelevant and misleading. The very soul of marriage—the joining of the two sexes—was never at issue when the Supreme Court struck down laws against inter-racial marriage in *Loving v. Virginia*.

"How Does It Hurt You?"

Proponents of same-sex "marriage" often ask the question, "How does a gay 'marriage' hurt you or your marriage?"

First, creating counterfeits undermines support in the law and culture for the real thing. Second, requiring citizens to sanction or subsidize homosexual relationships violates the freedom of conscience of millions of Christians, Jews, Muslims and other people who believe marriage is the union of the two sexes. Civil marriage is a public act.

⁷ Susan Golombok and Fiona Tasker, "Do Parents Influence the Sexual Orientation of Their Children? Findings from a Longitudinal Study of Lesbian Families," *Developmental Psychology*, Vol. 32, No. 1 (1996), pp. 3-11.

Homosexuals are free to have a “union” ceremony with each other privately, but they are not free to demand that such a relationship be solemnized and subsidized under the law.

Homosexual activists say they need legal status so they can visit their partners in hospitals, etc. But hospitals leave visitation up to the patient except in very rare instances. This “issue” is a smokescreen to cover the fact that, using legal instruments such as power of attorney, drafting a will, etc., homosexuals can share property, designate heirs, dictate hospital visitors and give authority for medical decisions. What they should not obtain is identical recognition and support for a relationship that is not equally essential to society’s survival.

The Legal and Social Fallout

Providing non-marital relationships with marital-type status will:

- Further weaken the family, the first and best defense against an ever-encroaching government.
- Encourage children to experiment with homosexuality. This will put more kids at risk for HIV, hepatitis A, B and C, “gay bowel syndrome,” human papillomavirus (HPV), syphilis, gonorrhea and other sexually transmitted diseases. Homosexual households are also more prone to domestic violence. For example: “The incidence of domestic violence among gay men is nearly double that in the heterosexual population,” according to D. Island and P. Letellier in *Men Who Beat the Men Who Love Them* (New York: Haworth Press, 1991). A study in the *Journal of Social Service Research* reported that “slightly more than half of the [lesbians surveyed] reported that they had been abused by a female lover/partner.” (G. Lie and S. Gentlewarrior, “Intimate Violence in Lesbian Relationships: Discussion of Survey Findings and Practice Implications,” No. 15, 1991.) More cites can be found in Tim Dailey, *The Negative Health Effects of Homosexuality*, Insight paper, Family Research Council, 2001.
- Put more children at risk as adoption agencies abandon the current practice of favoring married households and begin placing more children in motherless or fatherless households.
- Encourage more people to remain trapped in homosexuality rather than seek to re-channel their desires toward normal sexuality.
- Pit the law and Maryland’s government against the beliefs of millions of people who believe homosexuality is wrong.
- Create grounds for further attacks on the freedoms of speech, religion and association. Businesses that decline to recognize non-marital relationships will increasingly be punished through loss of contracts and even legal action. This is already occurring in California and Canada.

- Change the popular understanding of what marriage is and what it requires. Homosexual relationships, which usually lack both permanence and fidelity, are unlikely to change to fit the traditional model of lifelong, faithful marriage, as several homosexual activists have admitted. Instead, society's expectations of marriage will change in response to the homosexual model, thus leading to a further weakening of the institution of marriage. Some homosexual activists have acknowledged that they intend to use marriage mainly as a way to radically shift society's entire conception of sexual morality. (See appendix.)

Conclusion

“Marriage” for same-sex couples (or the counterfeit equivalent under pseudonyms such as “civil unions” or “domestic partnerships”) is being promoted as an extension of tolerance, equality and civil rights. But all these devices are really wedges designed to overturn traditional sexual morality and to win official affirmation, celebration, subsidization and solemnization of behavior that is harmful to the people who engage in it and to society, and that is still viewed as morally wrong by a majority of the American public.

For the well-being of children and of society, we must not allow the creation of judge-imposed counterfeit “marriage” by any name. Marriage is civilization's primary institution, and we tamper with it at our own peril.

H.B. 48 is essential to protecting Maryland's future generations from social engineering and the type of judicial overreach epitomized by Judge Murdock's ruling.

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Appendix: In Their Own Words

Homosexual activists have long understood the radical power of achieving official recognition for homosexual relationships as “marriage.” Here is a sample:

“A middle ground might be to fight for same-sex marriage and its benefits and then, once granted, redefine the institution of marriage completely, to demand the right to marry not as a way of adhering to society's moral codes but rather to debunk a myth and radically alter an archaic institution.”

—Michelangelo Signorile, “Bridal Wave,” *OUT magazine*, December/January 1994, p. 161.

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“[E]nlarging the concept to embrace same-sex couples would necessarily transform it into something new....Extending the right to marry to gay people -- that is, abolishing the traditional gender requirements of marriage -- can be one of the means, perhaps the principal one, through which the institution divests itself of the sexist trappings of the past.”

—Tom Stoddard, quoted in Roberta Achtenberg, et al, “Approaching 2000: Meeting the Challenges to San Francisco's Families,” The Final Report of the Mayor's Task Force on Family Policy, *City and County of San Francisco*, June 13, 1990, p.1.

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"It is also a chance to wholly transform the definition of family in American culture. It is the final tool with which to dismantle all sodomy statutes, get education about homosexuality and AIDS into public schools, and, in short, usher in a sea change in how society views and treats us."

—Michelangelo Signorile, “I Do, I Do, I Do, I Do, I Do,” *OUT magazine*, May 1996, p. 30.

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“Being queer is more than setting up house, sleeping with a person of the same gender, and seeking state approval for doing so. ... Being queer means pushing the parameters of sex, sexuality, and family, and in the process, transforming the very fabric of society. ... As a lesbian, I am fundamentally different from non-lesbian women. ...In arguing for the right to legal marriage, lesbians and gay men would be forced to claim that we are just like heterosexual couples, have the same goals and purposes, and vow to structure our lives similarly. ... We must keep our eyes on the goals of providing true alternatives to marriage and of radically reordering society’s view of reality.”

—Paula Ettelbrick, “Since When Is Marriage a Path to Liberation?,” in William Rubenstein, ed., *Lesbians, Gay Men and the Law* (New York: The New Press, 1993), pp. 401-405.

And there's this from pro-homosexual and pro-pedophile author Judith Levine:

“Because American marriage is inextricable from Christianity, it admits participants as Noah let animals onto the ark. But it doesn't have to be that way. In 1972 the National Coalition of Gay Organizations demanded the ‘repeal of all legislative provisions that restrict the sex or number of persons entering into a marriage unit; and the extension of legal benefits to all persons who cohabit regardless of sex or numbers.’ Would polygamy invite abuse of child brides, as feminists in Muslim countries and prosecutors in Mormon Utah charge? No. Group marriage could comprise any combination of genders.”

— Judith Levine, “Stop the Wedding!: Why Gay Marriage Isn't Radical Enough,” *The Village Voice*, July 23-29, 2003. Levine declines to mention that the 1972 Gay Rights Platform also called for abolishing age of consent laws. This is a curious omission since Levine herself has written in favor of lowering the age of consent to 12 for sex between children and adults in her book *Harmful to Minors: The Perils of Protecting Children from Sex* (p. 88). <http://www.villagevoice.com/issues/0330/levine.php>