

Nos. 14-1167(L), 14-1169, 14-1173

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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TIMOTHY B. BOSTIC, et al., PLAINTIFFS-APPELLEES; and

CHRISTY BERGHOFF, et al., on behalf of themselves and all others similarly  
situated, INTERVENORS,

v.

GEORGE E. SCHAEFER, III, in his official capacity as the Clerk of Court for  
Norfolk Circuit Court, DEFENDANT-APPELLANT; and

JANET M. RAINEY, in her official capacity as State Registrar of Vital Records;  
ROBERT F. MCDONNELL, in his official capacity as Governor of Virginia;  
KENNETH T. CUCCINELLI, II, in his official capacity as Attorney General of  
Virginia; DEFENDANTS-APPELLANTS: and

MICHÈLE MCQUIGG, INTERVENOR/DEFENDANT-APPELLANT.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA AT NORFOLK

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**BRIEF OF AMICUS CURIAE ROBERT OSCAR LOPEZ SUPPORTING  
DEFENDANT-APPELLANT SCHAEFER, AND FOR REVERSAL**

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### CASES

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<i>Bostic v. Rainey</i> , No. 14-1169 (No. 2:13-cv-395, 2014 U.S. Dist. LEXIS 19110 (E.D. Va. Feb. 13, 2014)).....	1
<i>Bostic v. Schaefer</i> , No. 14-1167 (No. 2:13-cv-395, 2014 U.S. Dist. LEXIS 19110 (E.D. Va. 13, 2014)).....	1

### RULES

Fed. R. App. P. 29.....	1 n.1
-------------------------	-------

### OTHER AUTHORITIES

<i>Askme, You're only against gay marriage because of your religion. Part 3 Gender Identity</i> , asktheBigot, Aug. 20, 2012, <a href="http://askthebigot.com/2012/08/20/gender-identity/">http://askthebigot.com/2012/08/20/gender-identity/</a> (last visited April 4, 2014, as with all other Internet links herein).....	14-15
<i>Askme, You're only against gay marriage because of your religion. Part 4-Biology Matters</i> , asktheBigot, Aug. 20, 2012, <a href="http://askthebigot.com/2012/08/20/biology-matters/">http://askthebigot.com/2012/08/20/biology-matters/</a> .....	15

Jeremy Deck, *My Father's Closet*, Boundless Webzine (courtesy of Internet Archive Wayback Machine), undated but apparently from c. 2000, <http://web.archive.org/web/20120109091049/http://www.boundless.org/2000/features/a0000417.html>.....17-18

Donor Conceived, *Child of lesbian parents*, AnonymousUs.org, July 17, 2013, <http://anonymousus.org/stories/story.php?sid=1554#.UpmL7FCUQ4y>.....20-21

Maggie Gallagher, *Adult Children Speak Out About Same Sex Parents*, 2004, New Jersey Family Policy Council, <http://www.njfpc.org/adult-children-speak-out-about-same-sex-parents>.....16-17

Robert Oscar Lopez, *Growing Up With Two Moms: The Untold Children's View*, Public Discourse, The Witherspoon Inst., Aug. 6th, 2012, <http://www.thepublicdiscourse.com/2012/08/6065/>.....16, 24

R.O. López, *Le Figaro runs confessional of man raised by lesbians, who opposes gay marriage now*, English Manif, Jan. 11, 2013, 8:58 a.m., <http://englishmanif.blogspot.com/2013/01/le-figaro-runs-confessional-of-man.html>.....13-14

R.O. López, *La Joie de Vivre 1:3 -- The Manifesto of Manuel Half, son of a gay father and surrogate mother*, Nov. 16, 2013, 9:56 p.m., <http://englishmanif.blogspot.com/2013/11/la-joie-de-vivre-13-manifesto-of-manuel.html>.....20

R.O. López, *La Joie de Vivre 2:10 -- Kids of Gay Couples Speak Out, Part 2 of 4--*  
*RIVKA EDELMAN, BOBBY LOPEZ, DAWN STEFANOWICZ*, Mar. 24, 2014, 7:49  
 p.m., [http://englishmanif.blogspot.com/2014/03/la-joie-de-vivre-210-kids-of-](http://englishmanif.blogspot.com/2014/03/la-joie-de-vivre-210-kids-of-gay.html)  
[gay.html](http://englishmanif.blogspot.com/2014/03/la-joie-de-vivre-210-kids-of-gay.html).....15-16

Loren Marks, *Same-sex parenting and children's outcomes: A closer examination*  
*of the American Psychological Association's brief on gay and lesbian parenting*,  
 41 Soc. Sci. Res. 4, July 2012.....12

Steve Robson, *Andy Cannon, 23, was sexually abused by his gay adoptive parents*,  
 Daily Mail (United Kingdom), Mar. 28, 2013, updated 6:39 p.m., [http://www.](http://www.dailymail.co.uk/news/article-2300779/My-adoptive-dad-abused-years-social-workers-ignored-complaints-hes-gay.html#ixzz2Rcaydhzw)  
[dailymail.co.uk/news/article-2300779/My-adoptive-dad-abused-years-social-](http://www.dailymail.co.uk/news/article-2300779/My-adoptive-dad-abused-years-social-workers-ignored-complaints-hes-gay.html#ixzz2Rcaydhzw)  
[workers-ignored-complaints-hes-gay.html#ixzz2Rcaydhzw](http://www.dailymail.co.uk/news/article-2300779/My-adoptive-dad-abused-years-social-workers-ignored-complaints-hes-gay.html#ixzz2Rcaydhzw).....23-24

Paul Sims, *Gay couple left free to abuse boys - because social workers feared*  
*being branded homophobic*, Daily Mail (United Kingdom), Sept. 5, 2007, updated  
 9:53 p.m., [http://www.dailymail.co.uk/news/article-480151/Gay-couple-left-free-](http://www.dailymail.co.uk/news/article-480151/Gay-couple-left-free-abuse-boys--social-workers-feared-branded-homophobic.html#ixzz2RccQApyQ)  
[abuse-boys--social-workers-feared-branded-homophobic.](http://www.dailymail.co.uk/news/article-480151/Gay-couple-left-free-abuse-boys--social-workers-feared-branded-homophobic.html#ixzz2RccQApyQ)  
[html#ixzz2RccQApyQ](http://www.dailymail.co.uk/news/article-480151/Gay-couple-left-free-abuse-boys--social-workers-feared-branded-homophobic.html#ixzz2RccQApyQ).....21-23

“Debbie Smith”, <i>A Daughter’s Reflections About A Gay Father</i> (undated), DawnStefanowicz.org, <a href="http://www.dawnstefanowicz.org/pdfs/DebbieSmith’s&lt;br/&gt;AUTOBIOGRAPHY.pdf">http://www.dawnstefanowicz.org/pdfs/DebbieSmith’s AUTOBIOGRAPHY.pdf</a> .....	19-20
Denise Shick, <i>Denise’s Story</i> , 2011, courtesy of Internet Archive Wayback Machine, <a href="http://web.archive.org/web/20120404123248/http://www.help4families.&lt;br/&gt;com/crisis.htm">http://web.archive.org/web/20120404123248/http://www.help4families. com/crisis.htm</a> .....	19
Test. by Dawn Stefanowicz, Conn. Gen. Assemb. Judiciary Comm. Pub. Hr’g, Mar. 26, 2007, <i>available at</i> <a href="http://www.dawnstefanowicz.org/docs/R000326-&lt;br/&gt;DawnTMY.pdf">http://www.dawnstefanowicz.org/docs/R000326- DawnTMY.pdf</a> .....	14

## STATEMENT OF INTEREST OF AMICUS CURIAE

I, Robert Oscar Lopez,<sup>1</sup> am writing this Brief in Support of Defendant-Appellant, George Schaefer, to ask that Virginia respect the original definition of marriage as between one man and one woman. My interest in these cases, *Bostic v. Schaefer*, No. 14-1167 (No. 2:13-cv-395, 2014 U.S. Dist. LEXIS 19110 (E.D. Va. Feb. 13, 2014)), and by extension, Nos. 14-1169 and 14-1173, stems from my experience as a child raised by a lesbian with the help of her female partner for seventeen years, and from my experience as an outspoken commentator who challenged the social-science consensus that supposedly proved there were “no disadvantages” to being raised by gay or lesbian parents.

## ARGUMENT

My personal life story is not the main source for my position before the Court. My position against same-sex marriage stems more from my experience as an activist and archivist compiling the testimonials of people raised by same-sex couples (I affix here a collection of such), and my observations of how academic researchers have collaborated with gay activist organizations like the Gay and Lesbian Alliance Against Defamation and the Human Rights Campaign to commit

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<sup>1</sup> I wrote the vast majority of this brief without help from any other party or its counsel, though my own counsel gave editing, formatting, or other help at the end; and no party or its counsel gave money to its writing or submission, *see* Fed. R. App. P. 29. All parties have filed blanket permission with the Court for amicae/i to write briefs.

character assassinations against any such children who come forward with negative feedback.

In the present climate of suppressed expression it is unwise to place children under the power of same-sex couples since there are many parties in society devoted to erasing or hiding things that go wrong in their homes. Moreover, such harsh conditions mean that research into this area has to be thrown out—we cannot respect a social-science consensus based on an academic system that openly punishes people for expressing truths that undermine the same. The failure of the academic establishment to foster free speech and honesty in this area is twofold: Not only have they allowed many people raised by same-sex couples to be persecuted by the organizations that claim to fight for them; also, they have destroyed the academic system on which we would have relied for guidance in determining whether children have a right to a mother and father.

### **I. My Experience Growing Up**

I will explain my life history here to clarify where I developed a personal interest in same-sex parenting.

My mother was a Puerto Rican psychiatrist and my father was a Filipino psychiatrist. Their marriage was falling apart by 1970, when I was conceived, and it seems to me, from my research into the past, that my mother's lesbianism was a



major factor in their breakup. It is difficult to unearth the past with certainty, but it seems certain that my mother conceived me with the intent of raising me without my father.

By my earliest memories, my father did not live in our home and had minimal contact with me. We did not practice regular shared custody. By the time I was two years old, my mother was in a stable, supportive, healthy lifelong relationship with another woman, whom I saw five to six times a week and viewed as a third parental figure. Because my father was absent and my mother was not as emotionally interested in me as her partner was, I developed a stronger emotional attachment to her lesbian lover than I did to my own mother.

My mother and her partner were tactful and sensitive about assuring that their relationship did not cause me undue stress. They maintained separate houses in town until I was a teenager and only moved in together when I was finishing high school. They did share camping space in a recreational vehicle park about forty minutes away from our town, however, and we spent all our weekends together as a family. While my older siblings did not bond emotionally with my mother's partner, I did, and to me, for all intents and purposes, this was the family I grew up with. By about 1975, my father had a common-law wife, with three children from a former marriage, with whom I did not have any desire to connect; his relationship

with her lasted well into the 1980s and prevented me from establishing any serious bond with my father.

During my childhood and adolescence I presented the outward signs of a successful upbringing and could have easily been the poster child for same-sex parenting. I was president of the French and Spanish clubs, editor of the high school newspaper for two straight years, and graduated one year early from high school, ranking ninth out of hundreds of graduating seniors. I was accepted by Yale University and arrived there in 1988 as an emancipated seventeen-year-old. Today I am a tenured university professor, a published author, and going on fourteen years in my life's only marriage -- to the same woman who gave birth to my only child, a daughter who is seven years old.

Behind these façades of a happy "outcome" lay many problems.

Even in the conditions of my home, which represent in many ways the best possible conditions for a child raised by a same-sex couple, I experienced a great deal of sexual confusion. I had an inexplicable compulsion to have sex with older males, which manifested in 1984, when I had my first sexual encounter with two older teenage boys in my bedroom. One of the boys ended up having to go to the hospital for alcohol poisoning after my mother discovered us naked and entangled.

I was exposed to gay culture from an early age because my mother and her lover had a number of lesbian friends. My mother was a devotee of Catholic liberation theology and placed me in contact with priests and nuns who had radical ideas about sexuality and gender, sometimes referring to God as “She” and speaking in frank terms about the beauty of homosexual relationships.

In her work as a psychiatrist my mother also wanted to help poor lesbians and often blurred the boundaries between personal and professional work, sometimes offering our home as a safe refuge for mentally ill lesbians. On some occasions she invited over families that were struggling with the homosexuality of a teenage son. She seemed to like for me to speak to these self-questioning boys, believing perhaps that both my and his sexual dilemmas might be resolved simultaneously. Whether she worried that we might end up having sex is unknown to me, though these boys were always at least four years older than I (typically college students while I was in high school).

By 1985 and 1986, I had moved past teenagers and wanted to have sex with older men who were my father’s age, though at the time I could scarcely understand what I was doing. There was a bookstore in our neighborhood that had a pornography section where I went regularly to find older men. I believe it was around 1987 that I first had a man offer me payment in exchange for having sex in the back of his van; he was a contractor of some kind doing painting and

landscaping. My first time being paid for sex brought me a mix of shame and further compulsion. I became a habitual sex worker by the age of sixteen in various cruising spots where older men told me I could find other customers; these included public parks, the bathrooms in 24-hour supermarkets, community sports centers, and bookstores. My sleep pattern was highly irregular by the age of fifteen, so I often wandered outside the home while my mother was asleep and went to these “cruising” spots. By my teenage years I was also almost entirely unsupervised; my mother never saw my school report cards and days could go by without any adult even seeing me and asking me what I was doing. Months could go by without any contact with my father or siblings. I did have somewhat regular contact with my mother’s lover.

The money I received for sex certainly helped me financially because it allowed me certain spending money beyond what I earned with my teenage jobs at a pizzeria and in my mother’s clinic. But the money was not as impactful as the fact that I needed to feel loved and wanted by an older male figure, even if for only as short as a half hour.

When I went to college it took me a while to find out where the gay meeting spots were, but once I did, I again became addicted to sex with older men, and again began accepting money for sex.

I did not have psychological problems or drug problems, but the sexually compulsive problems of my adolescence became compounded after my mother died and her inheritance was stuck in New York State's surrogate courts. She had appointed her female lover the executor of the estate and then signed a codicil about ten years later, appointing my father as executive of the estate. In the ensuing conflicts, my mother's lover had to move out of the house she had shared with my mother. I also ended up homeless.

I began relying once again on prostitution to make rent money. I found a gay Latin American immigrant's advertisement in the Village Voice and went to stay with him for a year, but during that time my lowly pay as a clerk at Building Services 32B-J was not enough to meet my needs and appeared insufficient for me to accumulate enough savings to return to Yale. Yale did not qualify me for student loans.

I did finally get a promotion within Building Services 32B-J and was able to return to Yale for my final year. I completed my degree in Political Science with a B average and found consistent full-time work between 1993 and 1998.

During the 1990s I assembled around myself a group of a dozen or so gay men, and we called each other "the family," behaving in real ways like the proxies for the relatives we had lost contact with. The emotional support of this alternative

“family” was significant, but it was also entangled with sex because we were having sex with each other in addition to acting as surrogate fathers and sons and brothers.

In 1998, I found out I had cancer and had to be rushed into surgery at Montefiore Hospital in the Bronx. The tumor was severe, according to the doctor, and had to be removed right away. At that instant, without knowing why, I called my father rather than my mother’s lover. After twenty-seven years of estrangement and absence, we rebuilt our relationship. He took care of me after the surgery and liberated me, in a sense, from the gay “family” that had been positive but also toxic. Being able to say, “you are my father” to him meant the world to me. I moved in with him while I underwent extended treatment at Roswell Park Cancer Institute in Buffalo, and we were able to re-create my childhood between 1998 and 2000; in 2000 I moved in with my girlfriend who would later become my wife. (She still is today.)

## **II. The Impossibility of Finding a “Clean” Sampling of Kids Raised by Same-Sex Couples**

The question is not whether a child needs a mother and father. Every child *has* a mother and father, even if one of these was someone who abandoned the child, died, was a mere sperm donor, or gestated the child for pay.

For the child of a same-sex couple, this individual is not a number or a hypothetical – this is a real person with a face, a name, a history, an origin story, and a cultural meaning. In my case, the missing father was an entirely different race. I found myself, in college, longing so badly to know about the Philippines that I helped to found the Filipino Intercollegiate Network for Dialogue, even though I could not reveal to the other Filipino students the complex and discomfoting reality of my motives for wanting to be acknowledged as Filipino despite having been raised with no cultural ties as such.

For other children of same-sex couples, the longing and yearning for the lost parent of the opposite sex takes other forms, because their situation is different.

Some of them are adoptees who, like so many other adoptees, feel an inexplicable need to find their original parents, often with a mix of anger and longing. For adoptees placed in same-sex couple homes, the long-recognized challenges felt by adoptees are compounded by the gender imbalance of the adoptive home. It is not necessary, given the long waiting lists of heterosexual couples who wish to adopt, ever to place a child in the adoptive home of two same-sex individuals. The moment the adoption becomes legal, then the chance of having a mother or father is permanently foreclosed, and the adoptee can never reverse this act of deprivation, which is then added to the initial trauma that caused the loss of his birth family.

In a case where one member of the same-sex couple is the child's biological parent and the couple wants to "jointly" adopt the child, the adoption is a form of coercion. Now the child, in addition to having permanently lost the link to a biological parent of the opposite sex, must submit to the authority and control of a new parent who may or may not dispense of such power with generosity.

I have heard the scenario raised in an Irish debate – "what if a same-sex couple is raising a child but only one is the legal parent, and the other one needs to pick the child up from school?" This is typical of the scenarios flagged in same-sex parenting debates. In truth in most schools in the United States a parent can leave a note explaining that someone else is going to pick the child up from school. A legal joint adoption, however, would give the non-biological parent the right to come to school without prior notice and demand that the child leave with him, whether or not the child wants to. Far from offering "legal protection" to the child, this opens the door to child abduction and custody battles that can escalate and inflict terrible stress on the child. There is no reason to change adoption and marriage laws in order to accommodate a small number of easily avoidable instances, which we probably do not want to encourage anyway.

One of the main differences between heterosexual adoptive homes and homosexual adoptive homes is also the extent to which they allow adoptees to grieve. All the heterosexual adoptive parents I know show exceeding patience and



generosity to their adopted children when the latter become angry and rebellious. “You are not my mother!” is a harsh thing for an adoptee to say to an adoptive mother, but heterosexuals who have adopted seem to have developed an understanding that there is, in many adoptees, a grieving and sense of loss that has to be respected, even if it comes out as anger.

Gay couples that adopt seem to suppress any sense of discontent on the part of the child by aligning any such rebelliousness as signs of the same prejudice that supposedly assaults the gay parents from outside. The widespread practice in the gay activist community of using same-sex couples’ children as propaganda worries me because it indicates that gay parents cannot accept a split between their interests and the children’s interests.

After compiling the testimonials and stories of over thirty people raised by same-sex couples, I reject entirely the social-science consensus. My main rejection of the social-science consensus comes from the reality that:

(1) their metrics cannot reflect the deeper, unquantifiable pains experienced by children in such homes even if they look happy on paper;

(2) many children of same-sex couples are under pressure to make their parents look good and internalize this pressure, so they cannot be trusted to provide frank answers, plus we know from various press accounts of child abuse by same-sex

couples that often children raised in such homes are actively coached to provide answers to outsiders;

(3) the quantifiable negative outcomes on children often do not manifest until they are adults, particularly in their late twenties and beyond, at which time most of the social-science researchers are no longer willing to include them in their studies; and

(4) the social-science researchers like to exclude the life histories of children raised by same-sex couples who do not fit rigid particulars without complicating factors.

In my case, when I debated same-sex parenting, people have repeatedly suggested that my case is not applicable in any general sense, due to the fact that my mother and her partner chose to live in separate houses despite co-parenting me, and the fact that my mother died when I was still a teenager. Because Mark Regnerus and Doug Allen *did* include such complicated cases in their sample, they were pilloried rather than credited for reversing a long-standing problem with social-science methodology in this area (*see* Loren Marks' study published in July 2012, *Same-sex parenting and children's outcomes: A closer examination of the American Psychological Association's brief on gay and lesbian parenting*, 41 Soc. Sci. Res. 4, at 735-751).

In my travels working with children from alternative family structures, I find it impossible to come across a pristine case of a child raised by two same-sex adults

without any mitigating factor like a divorce, third-party reproduction, adoption, or death of a parent; therefore I argue that the subject pools gathered by social-science researchers are at best rarified and handpicked or at worst the product of basic academic fraud.

Below I attach a partial bibliography of testimonials, stories, and news items about children raised by same-sex couples, to show the repeated pattern of complexities. (There are many more examples which there is not room to put here.) These family structures are so complex and specific that it is virtually impossible to reduce them to statistics, meaning that the social-science consensus is, at this point, utterly worthless.

### III. Annotated Bibliography

#### A. ADULTS

##### **\*1) *Jean-Dominique Bunel* (raised by lesbians):**

. . . “I oppose this bill because in the name of a fight against inequalities and discrimination, we would refuse a child one of its most sacred rights, upon which a universal, millenia-old tradition rests, that of being raised by a father and a mother. You see, two rights collide: the right to a child for gays, and the right of a child to a mother and father. The international convention on the rights of the child stipulates in effect that “the highest interest of the child should be a primary consideration” (article 3, section 1). Here this ‘higher interest’ leaves no doubt.” But it is the wounded man who concludes: **“If two women who raised me had been married prior to the adoption of such a bill, I would have jumped into the fray**

**and would have brought a complaint before the French state and before the European Court of the rights of man, for the violation of my right to a mom and a dad.”** Le Figaro (10/01/13)

R.O. López, *Le Figaro runs confessional of man raised by lesbians, who opposes gay marriage now*, English Manif, Jan. 11, 2013, 8:58 a.m., <http://englishmanif.blogspot.com/2013/01/le-figaro-runs-confessional-of-man.html> (last visited April 4, 2014, as with all other Internet links herein).

**\*2) Dawn Stefanowicz (raised by gay father):**

. . . My mental and physical health was jeopardized as I was exposed to my father’s and his partners’ lifestyle choices, leaving me traumatized. . . . By 30 years old, I was deeply grieved as my father had died of AIDS and many of his (ex) partners were either dead or dying.

I too had my “days of silence” as my father threatened me. He used me as bait to attract sexual partners. Though I was deeply disappointed with my father and his partners’ sexual behaviors, I couldn’t say anything negative about my dad or the homosexual lifestyle. For a time, I coped by being performance oriented and denying the influences around me, pretending I could rise above everything.

Test. by Dawn Stefanowicz, Conn. Gen. Assemb. Judiciary Comm. Pub. Hr’g, Mar. 26, 2007, *available at* <http://www.dawnstefanowicz.org/docs/R000326-DawnTMY.pdf>.

**\*3) Katy Faust (raised by lesbians):**

In addition to the distinct and complimentary ways that men and women parent, children need both sexes in their immediate world as

they develop their own gender identity. It's strongly held within the social sciences that beginning as early as age three, children can (and should) identify with their same-sex parent. Boys begin to gravitate toward dads who should actively seek to include their sons in their world. This gives incredible confidence to their boys and communicates, "You are like me." Girls begin to imitate mom and mothers should encourage strength and femininity within their daughters. This identification tells our girls "I'm on my way to womanhood and it's beautiful."

*Askme, You're only against gay marriage because of your religion. Part 3 Gender Identity*, asktheBigot, Aug. 20, 2012, <http://askthebigot.com/2012/08/20/gender-identity/> ;

Some object that not every marriage produces children and therefore children are not a significant component of marriage. This is indicative of the myopic view that marriage is an adult-centered institution. Flip this around- not every marriage produces children, but every child had a father and a mother. Our definition of the family unit should reflect this biological reality and developmental necessity.

*Askme, You're only against gay marriage because of your religion. Part 4-Biology Matters*, asktheBigot, Aug. 20, 2012, <http://askthebigot.com/2012/08/20/biology-matters/>.

**\*4) Rivka Edelman (raised by lesbians):**

R[ivka]: You can't shame anybody. I saw that too. My mother would have all these gay guys come over. There was one guy, his name was Joe, who was supposedly a travel agent. And every time he came over there was another boy he brought. Not a little boy. Maybe 14, 15, 16. I don't know exactly. They were always very thuggish. You know, monosyllabic. Like street kids. You know, always with a

Bronx accent. Petulant, surly, street kids. And he'd buy them a new pair of sneakers, and everything was Quaaludes and Nebutol. And those popper things.

....

R[ivka]: And it wasn't until years later that the dime dropped in my head about what was going on, 'cause I was like eleven, maybe. And I realized what was going on and I said to my mother – because she let my brother go off with him, I said to her, “how could you have done that? How could you have let him go off with him?” And my mother said, completely, without batting an eye, she said, “your brother was seven then. He only likes twelve and up.” Like this is okay? And it was a fixed like, twelve and up, not six, not five, not three not four. Twelve and up.

R.O. López, *La Joie de Vivre 2:10 -- Kids of Gay Couples Speak Out, Part 2 of 4--*

*RIVKA EDELMAN, BOBBY LOPEZ, DAWN STEFANOWICZ*, Mar. 24, 2014, 7:49

p.m., <http://englishmanif.blogspot.com/2014/03/la-joie-de-vivre-210-kids-of-gay.html>.

**\*5) Robert Oscar Lopez (raised by lesbians):**

Quite simply, growing up with gay parents was very difficult, and not because of prejudice from neighbors. People in our community didn't really know what was going on in the house. To most outside observers, I was a well-raised, high-achieving child, finishing high school with straight A's.

Inside, however, I was confused. . . .

Robert Oscar Lopez, *Growing Up With Two Moms: The Untold Children's View*,

Public Discourse, The Witherspoon Inst., Aug. 6th, 2012, [http://www.](http://www.thepublicdiscourse.com/2012/08/6065/)

[thepublicdiscourse.com/2012/08/6065/](http://www.thepublicdiscourse.com/2012/08/6065/).

**\*6) Bronagh Cassidy (raised by lesbian mothers):**

But Cassidy knows better: She is one of the first generation of “gayby boom” babies, raised by two moms. Adult children of same-sex parents are rare. I recently came across Cassidy’s story by accident, after she e-mailed a friend of mine who is a family scholar.

Back in 1976, Cassidy’s mom had a religious ceremony with a woman named Pat. To make Cassidy, they did artificial insemination at home, mixing the sperm of two gay friends “to make sure nobody would ever know who the father was,” says Cassidy. (That was in the days before widespread DNA testing.) The two women stayed together for 16 years, until Pat died. Three years later, Cassidy’s mother married a man.

What was it like for Cassidy being raised by two women she called “Mom” and “My Pat”?

“When growing up, I always had the feeling of being something unnatural,” Cassidy says. “I came out of an unnatural relationship; it was something like I shouldn’t be there. On a daily basis, it was something I was conflicted with. I used to wish, honestly that Pat wasn’t there.”

Why does she oppose same-sex marriage? “It’s not something that a seal of approval should be stamped on: We shouldn’t say it is a great and wonderful thing and then you have all these kids who later in life will turn around and realize they’ve been cheated. The adults choose to have that lifestyle and then have a kid. They are fulfilling their emotional needs — they want to have a child — and they are not taking into account how that’s going to feel to the child; there’s a clear difference between having same-sex parents and a mom and a dad.”

....

Some people will say if Cassidy’s mom and “my Pat” had been legally married, everything would have been fine. Cassidy doesn’t think so. . . .

Maggie Gallagher, *Adult Children Speak Out About Same Sex Parents*, 2004, New Jersey Family Policy Council, <http://www.njfpc.org/adult-children-speak-out-about-same-sex-parents>.

**\*7) Jeremy Deck (raised by gay father):**

After my parents' separation, my sister and I began spending every other weekend with my father in the city. He shared a condo with a man who had also left his wife and children. The man's two daughters seemed to have adjusted to the situation. It was as if everything was "normal." But I felt anything but normal. It was as if I had fallen asleep and woken up in a bizarre alternate reality. At the end of the day, my father would not walk into the bedroom with my mom, like he had done only weeks before. Instead, he headed off to bed with a man I had met only days before.

Those weekends were a nightmare for my sister and me. Not only were we forced to leave our mother and friends, but we were placed in a culture we knew nothing about. It was not just a foreign culture; it was one which was anathema to the community in which we were raised. We had gone from the Garden of Eden to Sodom and Gomorrah. How could my father, who once reigned over our Eden, suddenly become a supporter of what we had seen as the enemy?

....

It is this side of the story that I feel compelled to tell. Children of homosexuals have a unique vantage point on the complexities of the issue. Homosexuals are often able to surround themselves with like-minded individuals in the thriving gay culture. Spouses, parents, or siblings of homosexuals do not usually immerse themselves in a homosexual environment once their loved ones "come out." Children, however, are in a sense forced to live a lifestyle they have not chosen.

...

Jeremy Deck, *My Father's Closet*, Boundless Webzine (courtesy of Internet Archive Wayback Machine), undated but apparently from c. 2000, <http://web.archive.org/web/20120109091049/http://www.boundless.org/2000/features/a0000417.html>.

**\*8) Denise Shick (raised by gay father):**

My dad was a cross dresser when I was a child. This made me feel very uncomfortable around him growing up. This confused me with



his role of a father in my childhood. I just wanted him to be my “dad”.

I learned after his passing that he was in a homosexual relationship. This was another dilemma for me to deal with. Even though he had passed on, it seemed like another chapter of his life was revealed to me. I had questioned this to myself growing up. I never told anyone about myself questioning “if he was gay”. Now the truth was there on pen and paper.

There are many of us going though [sic] this situation. There are many of us out there. Don’t think the Gender Identify Disorder does not exist or hurt people.

Denise Shick, *Denise’s Story*, courtesy of Internet Archive Wayback Machine, 2011, <http://web.archive.org/web/20120404123248/http://www.help4families.com/crisis.htm>.

**\*9) “Debbie Smith” (raised by gay father):**

. . . In addition, my dad didn’t change his lifestyle. Actually, it worsened. His drinking made him more irritable and undependable.

In addition, he finally gave in to his desires to seek sexual relationships with males. . . .

. . . .  
. . . How is a young woman supposed to deal with homosexual pornography that she finds in her father’s closet? Is this something that one talks about in private conversations? I never talked about it until I got into counseling years later. Or what does one do when dear old Dad asks you to type up some things that he’s written, and it turns out to be pornographic in nature? The desire to please and obey parents is overridden by the disgust felt upon reading this trash. How can your own father think like this? It is difficult not to feel polluted by the experience and wonder if, somehow, you are not damaged goods because of the corruption of your father’s mind.

What about the lack of positive feedback regarding females and femininity? As I look back, even when my brother and I were young, there was little interaction between my father and I. There were few compliments about the way I dressed or acted in ways that were

affirming. Expressions of emotion were rare, unless they were angry rants about his job, his relationships or other challenges in his life.

“Debbie Smith”, *A Daughter’s Reflections About A Gay Father* (undated),

DawnStefanowicz.org, <http://www.dawnstefanowicz.org/pdfs/DebbieSmith’s>

AUTOBIOGRAPHY.pdf.

## **B. KIDS**

### **\*1) Manuel Half (raised by gay father):**

People are wicked, you scream, those people who say you are not equal. Those whose love they say your love cannot equal. Those who say your boyfriend is worth less, and those for whom even less your son is worth.

People do not understand a homosexual father. Because of this, you make me call you by your name. It’s more practical, more plausible. Maybe, by calling you Papa, some feeling would be kindled inside me.

But it’s good night, and then that is enough, and off you went to bed.

R.O. López, *La Joie de Vivre 1:3 -- The Manifesto of Manuel Half, son of a gay*

*father and surrogate mother*, Nov. 16, 2013, 9:56 p.m., [http://englishmanif.](http://englishmanif.blogspot.com/2013/11/la-joie-de-vivre-13-manifesto-of-manuel.html)

[blogspot.com/2013/11/la-joie-de-vivre-13-manifesto-of-manuel.html](http://englishmanif.blogspot.com/2013/11/la-joie-de-vivre-13-manifesto-of-manuel.html).

### **\*2) Anonymous Girl, “Donor Conceived” (raised by lesbians):**

I have gay parents.

I spend most of my time at my best friends house. I hang out with her Dad cuz I never had one and he is this awesome guy. My friends Dad is a lot like Charlie from Twilight! I cried when I read about

Bellas father in the books and in all his scenes in the movies. Mostly at my friend's house it feels like I can just be myself. Someone has to say it cuz I dont hear it but gay parents are selfish in a way. They dont think what it's going to be like for me to live in their world.

Am I the only one who feels this way? Am I a bad daughter because I wish I had a Dad? Is there anyone else who has 2 Moms or 2 Dads who wonders what it would be like if they were born into a normal family? Is ther anyone else who wants to be able to use the word normal without gettin a lecture on what is normal???

I dont know my real father and never will. Its weird but I miss him. I miss this man I will never know. Is it wrong for me to long for a father like my friends have? She has two brothers I play basketball with all the time. It feels so amazing to be included in their family. When I am there I think this is what its like to be in a family that has a Mom and a Dad. Then I have have to go home to my own world. I just dont fit in it anymore.

Donor Conceived, *Child of lesbian parents*, AnonymousUs.org, July 17, 2013, <http://anonymousus.org/stories/story.php?sid=1554#.UpmL7FCUQ4y>.

### **C. CHILD ABUSE BY GAY PARENTS WHO WERE NOT INITIALLY INVESTIGATED THOROUGHLY, SINCE AUTHORITIES FEARED APPEARING “BIGOTED AGAINST GAYS”**

#### **\*1) Gay Couple Left Free to Abuse Boys Because Social Workers Feared Being Branded Homophobic:**

A homosexual foster couple were left free to sexually abuse vulnerable boys in their care because social workers feared being accused of discrimination if they investigated complaints, an inquiry concluded yesterday.

Craig Faunch and Ian Wathey were one of the first homosexual couples in the country to be officially approved as foster parents.

....

Even when the mother of two of the children reported her suspicions to the council, officials accepted the men's explanations and did nothing.

....

In a scathing report published yesterday, Wakefield Metropolitan District Council was condemned for treating the men as “trophy carers”.

The children’s charity Kidscape said those in charge of overseeing the safety of children in the care of Faunch and Wathey had allowed political correctness to override common sense.

The report, following an independent review of the case, said: “One manager described the couple as ‘trophy carers’ which led to ‘slack arrangements’ over placement.

“Another said that by virtue of their sexuality they had a ‘badge’ which made things less questionable.

“The sexual orientation of the men was a significant cause of people not ‘thinking the unthinkable’.

“It was clear that a number of staff were afraid of being thought homophobic.

“The fear of being discriminatory led them to fail to discriminate between the appropriate and the abusive.”

....

Wathey, 42, was jailed for five years in June last year after being convicted of four counts of sexual activity with a child and one offence of causing a child to watch sexual activity.

Fauch, 33, received a six-year jail sentence after he was found guilty of five charges of engaging in sexual activity with a child and two of taking indecent photographs of a child.

....

Their victims included a 14-year-old boy with Asperger’s syndrome, a form of autism, who had a mental age of seven and was forced by Wathey to watch gay pornography.

Another youngster with a “very troubled background” was only in their care for a few weeks before being abused by Fauch.

But social workers had been aware of “inappropriate” behaviour long before then.

....

Judge Sally Cahill, QC, said neither had shown “empathy, remorse or any responsibility for their actions”.

Yesterday's report said that the fostering panel which approved Faunch and Wathey accepted without hesitation their request to look after only boys on the basis that they didn't feel equipped to look after girls.

....

Last night, Michelle Elliott, a director of Kidscape, said: "Common sense went out of the window when they allowed political correctness to take over in this case.

"I don't care if you are homosexual or bisexual - if you are taking care of children you need to be vetted and subjected to the same investigation as anyone else.

"Child abuse knows no gender boundaries."

Paul Sims, *Gay couple left free to abuse boys - because social workers feared being branded homophobic*, Daily Mail (United Kingdom), Sept. 5, 2007, updated 9:53 p.m., <http://www.dailymail.co.uk/news/article-480151/Gay-couple-left-free-abuse-boys--social-workers-feared-branded-homophobic.html#ixzz2RccQApyQ>.

**\*2) My Adoptive Dad Abused Me for Years but Social Workers Ignored My Complaints Because He's Gay:**

A boy sexually abused by his adoptive father and his gay partner was labelled an 'unruly child' by social workers who ignored his complaints for years, a damning report has revealed.

....

Mr [Andy] Cannon said: 'I believe if my adoptive dad was in a heterosexual relationship then my complaints would have been listened to earlier.

'It seems the council didn't want to be seen as victimising gay people – they would rather look politically correct and let them get away with it to avoid any repercussions.[']

Steve Robson, *Andy Cannon, 23, was sexually abused by his gay adoptive parents*, Daily Mail (United Kingdom), Mar. 28, 2013, updated 6:39 p.m., <http://www>.

[dailymail.co.uk/news/article-2300779/My-adoptive-dad-abused-years-social-workers-ignored-complaints-hes-gay.html#ixzz2Rcaydhzw](http://dailymail.co.uk/news/article-2300779/My-adoptive-dad-abused-years-social-workers-ignored-complaints-hes-gay.html#ixzz2Rcaydhzw).

#### **IV. The Rhetorical Climate for Critics of Same-Sex Parenting**

In addition to the testimonials or news items affixed in the list *supra*, there are dozens of other people raised by same-sex couples who have communicated with me, but they do not want to reveal their names or even have their stories recorded.

The reason for people's fear of being named can be illustrated by what happened to me since I published "Growing up with two moms" in *Public Discourse* in 2012. Scott Rosenzweig, a blogger who was then with the *New Civil Rights Movement*, sent over ten emails accusing me of "hate speech," "bullying," and "bigotry," to my university, usually copying dozens of other people including high California officials. Rosenzweig placed an open records request to my university and was able to gain access to many of my work emails that I had never intended to make public.

In August 2012, Karen Ocamb, a blogger at *Frontiers LA*, posted a photograph of me with a headline saying, "perhaps you know this man," then naming my workplace—it felt to me like an invitation for people to harass or even attack me physically. Jeremy Hooper, Zack Ford, and Wayne Besen are all powerful gay bloggers with a high national profile, who have followed my blogs and social

media and written articles accusing me of being “anti-gay.” Now people who Google me pull up links to countless postings that define me as anti-gay. The Human Rights Campaign lists me on the “Regnerus Fallout” page, detailing the ostensible misdeeds of people who collaborated with Mark Regnerus to demean same-sex parents. The Gay and Lesbian Alliance Against Defamation placed me on their Commentator Accountability Project list. Then Rosenzweig sent an alarmist email to my university president and a host of other school officials, saying that I was insane and students should not be willing to study with me.

When I was invited to speak at the College of Holy Cross, I was later told by the students who wanted to bring me there that administrators would not approve my visit. Students at Stanford invited me to speak at a conference and were quickly barraged with angry postings, linking to GLAAD denunciations of me, saying that I was anti-gay and intimating that inviting me to campus was akin to bigotry.

At the department level, I had to be reviewed for tenure by a committee member who is openly gay and who received all the accusatory emails from Scott Rosenzweig. During the tenure review I was repeatedly pressured to explain my politics and told that my “personal revelations” posed a problem for my teaching. This went into the record even though the department did vote to give me tenure.

The references to “personal revelations” appeared again in letters at higher levels of review so these have become part of my personnel file.

Children raised by same-sex couples face a gauntlet if they break the silence about the “no disadvantages” consensus, which few people can truly grasp. They feel guilty about saying such things about the people who raised them and also fear for their personal safety and ability to make a living.

In such a climate, I must conclude that placing children in same-sex couples’ homes is dangerous, because they have no space or latitude to express negative feelings about losing a mom or dad, and in fact they have much to fear if they do. It is clear to me that almost nobody will be willing to report abuses in such homes or even listen to the children who are receiving the abuse.

I must also conclude that the same-sex parenting consensus is not a consensus at all. We cannot in good faith accept the findings of sociologists who undertook work in a climate marked by repression and persecution of children raised by same-sex couples who have information running contrary to the desired conclusion that same-sex parenting is safe and uniformly positive.

The same-sex parenting positions put forward by politically compromised groups such as the American Psychiatric Association and the American Sociological Association are misleading and should be thrown out. We have ample



reasons based on humanitarian grounds to respect the relationship of a child to his mother and father, especially in the context of a debate in which gay activists are asking for people to respect their sexual relationship to each other. It is not necessary to do additional research to find that something precious and important has been taken from a child who is forced to live without a mother or father, and the state has no business encouraging such a taking.

For these reasons, please abide by the Virginia marriage laws.

### **CONCLUSION**

This amicus respectfully asks the Court to reverse the judgment of the court below.

April 4, 2014

Respectfully submitted,

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## **CERTIFICATE OF COMPLIANCE AND WORD COUNT**

The undersigned certifies that the accompanying Brief of Amicus Curiae Robert Oscar Lopez Supporting Defendant-Appellant Schaefer, and for Reversal, in No. 14-1167, and by extension in Nos. 14-1169 and 14-1173, is in 14-point, proportionately-spaced Times New Roman font; and that its length, exclusive of “exempt” sections including the table of contents and table of authorities/citations, etc., is 6942 words, since his Microsoft Word 2010 word-processing program states the word count is 6942 words.

Thank you for your time,

April 4, 2014

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that he electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system on April 4, 2014.

He also certifies that all parties or their counsel of record were served through the CM/ECF system if they are registered CM/ECF users.

April 4, 2014

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