

**A Review of Methodological and Ethical Issues Surrounding  
the New Family Structures Study**

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The 2012 article, “How different are the adult children of parents who have same-sex relationships? Findings from the New Family Structures Study” authored by Professor Mark Regnerus and published in *Social Science Research* (1) is probably one of the most, if not the most, scrutinized sociological articles in recent history. Physicians, bloggers, psychologists, law faculty, judges, fellow sociologists and many others have weighed in on the validity of the research and whether it should have any effect on the issue of same-sex marriage in the United States. When one steps back and examines the enormous amount of writing and unearthed documents related to the funding, authorship and publication of the article, it would be incredibly difficult to determine just how much time has been spent on this one paper.

But, it is clear that two main camps have emerged on the article. On one side, bloggers, sociologists such as Philip Cohen, and others have stridently argued that the article is fundamentally flawed and that Regnerus acted unethically in its production. The other camp, voiced by Christian Smith (professor Regnerus’ dissertation advisor), Paul Amato (a consultant on the NFSS project), sociologists at Baylor University and others, have argued that the article is imperfect but nevertheless has important findings that should be used to inform our understanding of the effects of family structures on child outcomes. This latter camp also tends to argue that the attacks on Professor Regnerus are ideologically driven by individuals on the political left who will attack anyone who provides evidence that disrupts the movement towards more extensive civil rights for gay and lesbian Americans.

In general, this controversy has made it difficult to disentangle the two most important issues related to the New Family Structures Study (NFSS): whether the findings are valid and whether Professor Regnerus acted ethically in his authorship and publication of the research. The goal of this summary is to use the available evidence to come to terms with these two issues and to help those who are new to the debate understand it from a methodological and ethical perspective.<sup>1</sup>

## SUMMARY OF THE ARTICLE

The ostensible goal of Professor Regnerus’ article (1) was to examine

how the young-adult children of a parent who has had a same-sex romantic relationship fare on 40 different social, emotional, and relational outcome variables when compared with six other family-of-origin types. (p. 752)

To accomplish this goal, Professor Regnerus fielded a new self-administered internet survey, the New Family Structures Study, to a group of young adults (aged 18-39 at the time of the survey) that were meant to be representative of adults in their age group in the United States. The survey was administered by Knowledge Networks, a survey firm that has conducted surveys for many different researchers and organizations.

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<sup>1</sup> This report was written to support the post-tenure review process for Professor Regnerus and was done at the behest of the Dean of the College of Liberal Arts, Randy Diehl. However, all of the arguments and observations contained in this report are my own and do not reflect those of Dean Diehl or the college as a whole.

### **Survey Screening Process**

Professor Regnerus designed the first questions in the survey to capture information about respondents' family structures when they were children. These questions about family structure during childhood were asked as part of a screening module to pick respondents. Professor Regnerus does not fully explain in the article how this screening process worked, nor do any of the critiques or defenses of the article. To understand the screening process, one must actually go into the original survey instrument (2) to learn the process.

In this screener section, respondents are asked about their family structure, and based on how they answered, are given a differential likelihood of admission to the sample. Respondents who answered that they had a parent who had a same-sex romantic relationship (SSRR) or were adopted were automatically admitted into the final sample. Respondents who mentioned that they were raised by both biological parents were given a 50% random chance of being admitted. Other respondents, depending on their reported family structure, were given either a 40 or 50% random chance of being admitted to the sample. All of this information was gleaned from the skip patterns in the questionnaire; I could find no summary discussion of these patterns in either the article or study description.

According to the article and NFSS codebook (3), 15,058 respondents were screened using the questions described above. Of that original number, 2,988 respondents made it into the main portion of the survey. Of those, 175 reported mothers who had a same-sex relationship and 73 said the same for their fathers. Thus, a total of 248, or 1.7% of the original 15,058 screened respondents, reported a same-sex relationship for one or both of their parents.

### **Grouping and Labeling Respondents by Family Type**

Based on their answers to the screening questions, respondents were split into several groups representing different childhood family types. As shown in Table 2 of the article, the different family types studied included: IBF (intact biological family), LM (lesbian mother), GF (gay father), adopted by strangers, divorced late (>18), stepfamily, single-parent, and all others.

There are two important methodological notes about this coding scheme. First, regardless of the actual family structure reported by respondents, if one of their parents had a SSRR, they were automatically placed in the LM or GF categories, depending on the parent who had the SSRR. Indeed, the coding for LM and GF overrode any other family structure reported by respondents. As Professor Regnerus explains (1):

These eight groups are largely, but not entirely, mutually exclusive in reality. That is, a small minority of respondents might fit more than one group. I have, however, forced their mutual exclusivity here for analytic purposes...my analytical interest is in maximizing the sample size of Groups 2 and 3 so the respondent would be placed in Group 2 (LMs). Since Group 3 (GFs) is the smallest and most difficult to locate randomly in the population, its composition trumped that of others, even LMs. (p. 758)

Thus, the choice to create the groups for LMs and GFs was not based on theory or accepted practice; rather, it was done to maximize sample sizes for the two SSRR groups. By maximizing

the sizes of those groups, Professor Regnerus was also maximizing the statistical power of the tests to detect differences between different family structures.

Second, the LM and GF labels were inaccurate. Professor Regnerus did not ask about the sexual orientation of the parents; instead, he asked only about whether parents had a same-sex romantic relationship when the respondent was a child. The actual question read:

From when you were born until the age of 18 (or until you left home to be on your own), did either of your parents ever have a romantic relationship with someone of the same sex? (p. 3)

Nowhere in the survey does Professor Regnerus query respondents on any other aspects of their parents' sexual identity. He also confirms that he did not measure sexual orientation; rather, he measured whether parents had same-sex romantic relationships. Professor Regnerus explained his decision to use the gay and lesbian labels in the following way:

For the sake of brevity and to avoid entanglement in interminable debates about fixed or fluid orientation, I will regularly refer to these groups as respondents with a gay father or lesbian mother. (p. 758)

His use of the gay/lesbian labels is incorrect. In the remainder of this review the literally correct labels will be used: mother same-sex romantic relationship (MSSRR) and father same-sex romantic relationship (FSSRR). In general, the use of these terms is not burdensome, does not entangle the article in "interminable debates about fixed or fluid orientation," and is not misleading about the measurement used in the survey.

### **Analysis and Findings**

To conduct analyses, Professor Regnerus compared respondents within each non-IBF group to those in the IBF group using adjusted mean scores on various outcome measures. Examples of these outcomes included respondents' current marital status, whether they were currently employed full-time, whether they had voted in the last presidential election, whether they were in therapy, and a number of other factors. The mean scores by group were adjusted for a number of other factors including: respondent age, gender and race/ethnicity, mother's education, childhood household education, childhood bullying experiences, and the gay-friendliness of the state in which respondents resided.

The findings revealed several statistically significant differences in mean scores between the parental SSRR groups and the IBF group. Compared to those in the IBF group, respondents in the MSSRR category had an estimated higher likelihood of experiencing a number of outcomes, including but not limited to: a higher likelihood of having had an affair while married or cohabiting, having been touched sexually as a child by a parent or other adult, having been forced to have sex, and receiving welfare as a child. FSSRR respondents also had several estimated differences with the IBF group, though their number of their statistically significant differences was fewer than those for the MSSRR group. For other family structures, many other differences between them and the IBF group emerged. The general finding then is not localized

to SSRR respondents. Rather, it seems that the findings of that group are really part of a larger trend regarding family instability.

There is an extensive existing literature on family instability and child well-being that provides the same kinds of findings and reliably predicts the differences found in the NFSS article. Paul Amato, a well-regarded sociologist at Penn State and consultant on the NFSS, made the same general statement in his published comments (4) on the Regnerus article:

These differences [referring to differences between the SSRR groups and IBF group] are similar to findings from studies of children with divorced and/or remarried parents. Given that more than half of the young adults with gay or lesbian parents in the Regnerus study experienced parental divorce and/or remarriage, these results are not surprising. (p. 773)

Given this extensive literature on family instability noted by Amato, these findings are neither new nor innovative.<sup>2</sup> Consequently, without the specific findings for the SSRR groups, the paper would not be of publishable quality as it adds very little to the literature in this area.

#### SOURCE OF FUNDING FOR THE NFSS

Much has been written about the funding source for the New Family Structures Study and how that funding may have affected the collection and analysis of data. According to both published and internal UT-Austin documents, Professor Regnerus received funding to collect the NFSS data and perform ancillary work on the project from two sources: the Witherspoon Institute and Bradley Foundation.

Of these two sources, the large majority of funds came from the Witherspoon Institute under the direction of its president, Luis Tellez. Mr. Tellez and Witherspoon agreed to provide Professor Regnerus \$966,771 in funds to support the New Family Structures study (6). Most of these funds were earmarked for the data collection to be performed by Knowledge Networks. It was originally anticipated that the cost for data collection could go as high as \$650,000 (7). Internal UT-Austin documents show, however, that the final award and expenditure amounts varied greatly from these initial estimates. According to these documents, and a letter from Mr. Tellez (8), the final amount awarded by Witherspoon to Professor Regnerus was \$640,000. Of that amount, \$415,000 was paid to Knowledge Networks to conduct the study. The remainder of the amount was used to pay salaries, consultant costs, travel costs, stipends for graduate students, and other miscellaneous costs. In a July 2011 letter to Mr. Tellez, Professor Regnerus provides an overview of the budget that discusses these various costs (9).

The second source of funds came from the Bradley Foundation in the amount of \$90,000 (10). The majority of those funds were used to pay either salaries or fringe benefits on the salary costs. Funds were also used to pay for consultants, travel, and graduate stipends.

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<sup>2</sup> For an example of research in this area, see a relatively recent article by Fomby and Cherlin published in one of the leading sociological journals, *American Sociological Review* (5).

These funding arrangements, amounts and expenditures are not out of the ordinary for a social science research project of the magnitude of NFSS. There is nothing in the budgets to suggest that funds were misused or spent inappropriately. It could be the case when the stipend and salary coverage were in effect, other projects besides the NFSS were being conducted. Even if that were the case, it is normal practice for scholars like Professor Regnerus to work on several projects at any given point in time. Thus, time spent on other projects while the funds were in effect would have been acceptable.

## PUBLISHED METHODOLOGICAL CRITIQUES

A number of authors have published methodological critiques of the NFSS article. Some of these critiques have appeared in published journals, others have been made in briefs to the Supreme Court and lower court rulings, while others are blog posts made by journalists and researchers. Regardless of the source, most of the critiques of the article tend to focus on a few common themes. This list of critiques is not meant to be exhaustive of all critiques made against the NFSS research and article; yet, after reviewing many of these sources, it becomes clear that most critiques tend to converge on a few central issues. This discussion is meant to summarize that convergent list.

### **Overly Broad Definition of Gay Parents**

First, critics have argued that the NFSS employs an overly broad definition of gay parents. As stated in the NFSS article (1), the goal of Professor Regnerus' research is to study adult children who were "raised in different types of family arrangements." The critics argue, however, that the measurement used would yield many different types of same-sex relationships, some of which might have no bearing on the upbringing of a child. Thus, the measurement used for parents in SSRRs could not be used to accurately identify these varied family arrangements given its overly broad focus on relationships that could have taken point at any point during the respondents' childhoods, for any length of time, and for any degree of intensity. For example, in a recent critique by John Corvino published in *The New Republic* (11), readers are presented with a number of different scenarios in which respondents might have reported a SSRR for one of their parents<sup>3</sup>:

A heterosexually married female prostitute who on rare occasion services women

A long-term gay couple who adopt special-needs children

A never-married straight male prison inmate who sometimes seeks sexual release with other male inmates

A woman who comes out of the closet, divorces her husband, and has a same-sex relationship at age 55, after her children are grown

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<sup>3</sup> In the version of this article included in the appendix, the quoted statements do not appear as they would not print from the webpage. The original page, with quoted statements, can be found at <http://www.newrepublic.com/article/104001/john-corvino-are-gay-parents-really-worse-children-how-new-study-gets-everything>.

Ted Haggard, the disgraced evangelical pastor who was caught having drug fueled-trysts with a male prostitute over a period of several years

A lesbian who conceives via donor insemination and raises several children with her long-term female partner

Technically, some of these examples would not fall into Professor Regnerus' coding scheme for parental SSRRs. For example, the woman with a same-sex relationship at 55 would not count as a SSRR because, according to the measurement, the SSRR had to have occurred when respondents were eighteen or younger. Similarly, the example for Ted Haggard would not qualify as a SSRR in the NFSS because Pastor Haggard remained married to his children's biological mother (12). These examples show that even critics can get their criticisms technically wrong, though the underlying point might be a valid one.

Professor Regnerus acknowledges this limitation of the measurement in his rejoinder article published in *Social Science Research* (13). Yet, he further notes that this should not be a problem for the study given the inherent variability of family structure measures of this kind (e.g., not all IBF families are exactly alike). He goes on to say:

Thus the “apples versus oranges” criticism is, upon closer inspection, not a very realistic one in social reality. Americans' households, traced over the course of respondents' first 18 years of life, reveal considerable family diversity that requires challenging—and subjective—measurement decisions from researchers, as I noted in the original text. (p. 1369)

However, based on the critics' assessments and Professor Regnerus' own admissions, one fact is clear: the indicator of same-sex relationships in the NFSS contains some, perhaps substantial, measurement error.

### **Conflating Family Structure with Family Instability**

The second limitation voiced by critics is that Professor Regnerus conflates family structure with family instability. As noted by several authors (4, 14, 15), the respondents in the SSRR categories also experienced some form of family instability, such as parental divorce. Yet, as noted in the article and explained above, Professor Regnerus chose to group all respondents who had any SSRR into those categories regardless of any other type of family structure that respondents might have experienced as children. This grouping was done to increase the statistical power of the tests to find differences between groups and was not based on theory or accepted practice in the field. This choice also meant that he was unable to accurately tell whether the worse outcomes for respondents in the SSRR categories were due to having a SSRR parent or whether they were the result of family instability. Cynthia Osborne, a commentator on the Regnerus article and paid consultant on the NFSS project summarizes this point well (14):

Because the LM group is comprised of young adults who experienced multiple family forms and transitions, it is impossible (emphasis added) to isolate the effects of living with a lesbian mother from experiencing divorce, remarriage, or living with a single parent. (p. 780)



Paul Amato (4), another commentator on the article and paid consultant on the study, also notes the inability to distinguish family structure from instability in these data:

First, as noted earlier, most of the young adults with gay or lesbian parents in the New Family Structures Survey also experienced divorce as children. Consequently, it is likely that many of the disadvantages reported by these offspring were due to marital disruptions that preceded (or coincided with) the time when their parents come out [sic] as gay or lesbian. In other words, these disadvantages may be due to the failed heterosexual marriages of parents rather than the sexual orientations of parents. (p. 773)

Professor Regnerus addresses this criticism in his rejoinder (13) by noting the likely high levels of variability in the other non-IBF groups and the resulting difficulty in making accurate comparisons. Here again, both the critics and Professor Regnerus agree: there is a likely a large amount of error contained in his study design. He is correct in asserting that this is a very difficult topic to study and that some decisions about measurement and analysis must be made, but making those decisions does not necessarily mean that the problems of error in the design have been alleviated. In other words, saying that something is difficult to do does not absolve one of any error that might occur based on the research design.

### **Misuse of Lesbian and Gay Labels**

A third criticism voiced by many is Professor Regnerus' use of gay and lesbian labels to denote parents who had engaged in same-sex romantic relationships. Detractors note that the NFSS measurement of SSRRs was insufficient to make the claim that the parents in the study were either gay or lesbian (15, 16, 17, 18). Thus, by using those terms to classify respondents into different family structures, Professor Regnerus was misrepresenting the data. Indeed, an entire article discussing this problematic issue was published in the *Social Science Research* volume devoted to the rejoinders of the NFSS article. The author of this article, Don Barrett (16), echoes the criticism made of the gay and lesbian terms and their inaccurate application in the context of this research. In this article, Professor Barrett notes:

However, what is important for this analysis is that most of the Regnerus article uses the terms 'lesbian mother' or 'gay father' as if they were intended to describe persons who lived their lives predominantly as a self-identified lesbian or gay male. It is not evident to the reader that the vast majority of the time, Regnerus is referring to a *coding convention* [original italics] for 'lesbian mother' or 'gay father', not specifically to subjects who would typically be described as such. The only exception is the information noted above about the coding convention used, and that is reported in the methods section of the paper, a section that is frequently too opaque for many readers and thus overlooked. This framing, and the fact that the questionable nature of the terms is not repeatedly noted in the commonly read and cited parts of the article, create misleading understandings. (p. 1355)

In his own rejoinder (13), Professor Regnerus admits that this "is arguably the most reasonable criticism" (p. 1368). Thus, in the remainder of his rejoinder he instead uses the terms MLR (mother's lesbian relationship) and FGR (father's gay relationship). It remains unclear why

Professor Regnerus avoided all mention of sexual identity and simply used labels that accurately reflected what he measured: same-sex romantic relationships.

### **Failure to Identify Family Structures in which Respondents were Raised**

Fourth, some critics have argued that the article failed in its effort reach its fundamental goal: understanding the outcomes of young adults based on the family arrangements in which they were raised (18, 19, 20, 21). These commentators argue, correctly, that many respondents in the SSRR categories were not actually raised by same-sex parents. Indeed, for many respondents, no time seems to have been spent living with a parent who was actually cohabiting with a same-sex partner. And for those respondents who spent any time living with such a parent, the majority did so for a relatively short period of time. Consequently, as the critics argue, it cannot be said that the NFSS article actually studies the differences between respondents growing up in same-sex family arrangements and those in intact biological families. This is a major failure of the article and is one that cannot be overcome given the data available in the NFSS. Perrin, Cohen and Caren summarize this issue well in their published rejoinder to the NFSS article (19).

One noteworthy example of this criticism comes in a letter from the Office of the Attorney General of Utah to the United States Court of Appeals for the Tenth Circuit (22). The letter was written to address the State's Opening Brief for *Kitchen v. Herbert*, a case meant to challenge Utah's constitutional ban on same-sex marriage. The role of the Office of the Attorney General was to defend the constitutionality of the ban. According to the letter, in an early version of the Opening Brief submitted to the court, references were made to Professor Regnerus' work. The purpose of the letter was to ask the court to remove those references as the Attorney General's office no longer considered them relevant to the merits of the case. As the letter states:

The Regnerus study did not examine as its sole focus the outcomes of children raised in same-sex households but, because of sample limitations inherent in the field of study at this point, examined primarily children who acknowledged having a parent who had engaged in a same-sex relationship. Thus, the Regnerus study cannot be viewed as conclusively establishing that raising a child in a same-sex household produces outcomes that are inferior to those produced by man-woman parenting arrangements.

Note that this letter, dated April 9, 2014, came on the heels of over a year of critiques against the article, but possibly more importantly, not long after the *DeBoer v. Snyder* ruling from Michigan (23). In that ruling, dated March 21, 2014 and written by the Honorable Bernard A. Friedman, Professor Regnerus' court testimony was deemed "entirely unbelievable and not worthy of serious consideration" (p. 13). In discussing the merits of the NFSS article, Judge Friedman goes on to write:

Additionally, the NFSS is flawed on its face, as it purported to study "a large, random sample of American young adults (ages 18-39) who were raised in different types of family arrangements" (emphasis added), but in fact it did not study this at all, as Regnerus equated being raised by a same-sex couple with having ever lived with a parent who had a "romantic relationship with someone of the same sex" for any length of time. Whatever Regnerus may have found in this "study," he certainly cannot purport to have

undertaken a scholarly research effort to compare the outcomes of children raised by same-sex couples with those of children raised by heterosexual couples. (p. 14)

It is unclear whether the Utah letter was written in response to the Michigan ruling or whether it was an independent decision of the office to remove references to Professor Regnerus' work. Regardless, at least two organizations associated with the courts have decided that the NFSS findings are not useful for understanding the outcomes of children raised by same-sex parents.

### **Less Commonly Mentioned Critiques**

Finally, detractors have noted various other problems with the NFSS article (14, 15, 16, 17, 18, 19, 20). These issues are important considerations for the quality of the work but were not as commonly voiced as the problems noted above. To quickly summarize:

- Possible recall bias in reporting family structures as children
- Errors in the tables
- Lack of information about missing data
- Failure to control for the effects of a large number of statistical tests
- Lack of information about the survey response rate
- Lack of information about extreme values in the data
- Possible problems with the representativeness of the sample
- Possible problems with sample selectivity based on the screening process used
- Possible data quality issues given the self-administered internet survey fielded by Knowledge Networks
- A lack of strong theory to hypothesize and explain the findings in the study.

In short, taking together these issues with the larger problems noted above, the field has voiced very clear and reasonable concerns about the quality of the NFSS article and the underlying data on which it is based.

### **PUBLISHED METHODOLOGICAL DEFENSES**

Although not as large in number, several authors have also published defenses of Regnerus' article and the NFSS data. Much of this commentary appeared in the *Social Science Research* volume devoted to the issue. As was the case for the critiques, much of the defenses of the work tended to coalesce around several major points.

#### **No Research is Ever Perfect**

The first line of support for Regnerus' work focuses on the fact that no research is ever perfect; consequently, detractors of the NFSS article are applying a standard that would be impossible to reach for even the best research (24, 25). Added to this line of defense are critiques of the articles on gay and lesbian parents that appeared in the past, and to which the NFSS is a partial rejoinder. Here the commentators note that the existing literature in the field is based on small convenience samples of gay and lesbian parents who are often atypical of the same kinds of parents in the national population. Thus, they argue, that even though the NFSS article has its flaws, some of which were noted above, it is certainly as good as the prior work, if not better; yet the previous work was never subjected to this level of scrutiny. As Byron Johnson and his colleagues note in a letter to the editor published in *Social Science Research* (26):

We are also disappointed that many of our academic colleagues who have critiqued Regnerus have not publicly acknowledged the methodological limitations of previous research on same-sex parenting<sup>4</sup>. (p. 1352)

### **Critiques are Partly Based on Ideological Opposition to the Findings**

This argument leads into the second defense: the critiques on Professor Regnerus are part of a larger effort to discredit those who present evidence contrary to efforts to expand civil rights for gay and lesbian Americans. As Christian Smith argued in a 2012 article appearing in the *Chronicle of Higher Education* (25):

In today's political climate, and particularly in the discipline of sociology-dominated as it is by a progressive orthodoxy-what Regnerus did is unacceptable. It makes him a heretic, a traitor-and so he must be thrown under the bus. (p. 1)

Writing in *Public Discourse*, an online publication of the Witherspoon Institute, Matthew Franck, Professor Emeritus of Political Science at Radford University and a director within the Witherspoon Institute notes the ideological positions taken by Professor Regnerus' critics (27):

We should conclude that where accusations of an ideological axe to grind are concerned, they should not be directed at Regnerus, but at his critics in the academy and his self-appointed inquisitors in the blogosphere.

In his own response to critics, Professor Regnerus makes note of the internal audit of the process that led to the publication of the NFSS article in *Social Science Research*. In a footnote he makes a personal reference to the author of that audit, Professor Darren Sherkat, as someone who "has long harbored negative sentiment about me," though he provides no additional justification or evidence for this comment (13).

### **Importance of the Large Nationally Representative Sample**

The third major defense of the NFSS article and data is the nationally representative data set on which the study is based. A number of authors (26, 28) have noted that this is one of the most important contributions of the study given the limited samples of the existing studies at that point. The importance of these large representative samples is twofold. First, the large numbers provide the statistical power necessary to detect meaningful differences between groups within the sample. In this instance, the large numbers are needed to determine, with some confidence, whether the young adult children of parents who had a SSRR were better or worse off than young adults from intact biological families. Second, the nationally representative nature of the sample allows Professor Regnerus to generalize his findings to the US national population. Earlier studies relying on small convenience samples might have generated valid findings, based on the quality of their study designs, but the samples made it impossible to generalize those findings to larger populations.

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<sup>4</sup> This criticism could aptly be applied to this report. However, the sole purpose of this report is to examine the NFSS article and Professor Regnerus' conduct of the research. It is outside the scope of this review to consider previous work in the field that may or may not have considerable flaws.

### Walter Schumm's Analysis

As part of the *Social Science Research* volume containing the commentaries and rejoinders on the NFSS article, Walter Schumm, Professor of Family Studies and Human Services at Kansas State University, published an extensive review of the methods employed in the NFSS article (29).<sup>5</sup> Professor's Schumm's article was comprehensive in its assessment and tried to place the methodological decisions made by Professor Regnerus within the proper research context. Ultimately, Schumm argued that the NFSS article contained many defensible decisions that were consistent with existing literature in the area. As Schumm summarizes after a lengthy discussion of the methodological issues:

While many would differ with some of Regnerus's many methodological decisions, his decisions are within the ball park of what other credible and distinguished researchers have been doing within the past decade. (p. 1364)

### NEW METHODOLOGICAL CRITIQUES

The detractors and supporters of the NFSS article disagree about many issues, but on one issue they all agree: the article was not perfect and has its flaws. As Schumm noted (29), decisions about methods had to be made, and it is likely that under the circumstances, Professor Regnerus made the decisions that he felt were in line with existing practice in an effort to produce an article of the highest quality. But critics, such as Philip Cohen (31) and Darren Sherkat (17), believe that the decisions made by Professor Regnerus made the article fundamentally flawed and not worthy of publication in a journal of the quality of *Social Science Research*. As Professor Cohen states in a blog post dated March 11, 2013 (31), "The study has been thoroughly debunked and substantively should be completely disregarded."

If we accept that the NFSS article is flawed, a point on which everyone seems to agree, how flawed must it be before the results are rendered meaningless and not worthy of publication? To this question there has been little, if no, discussion. Indeed, in an extensive review of the literature on the article, I have seen no discussion framing the issue in terms of what it means for the article to be fundamentally flawed and not worthy of consideration. Certainly critics, such as Sherkat and Cohen, have argued that the article is flawed enough to reach that standard, but they have not adequately explained where we draw the line between just flawed and so flawed as to not deserve publication.

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<sup>5</sup> According to Professor Regnerus' expert witness deposition in *DeBoer v. Snyder*, Walter Schumm also served as a paid consultant on the NFSS project (30, p. 111): "...I'd have to go back to the – the financial files of who we paid as consultants, but we have Walter Schumm." Schumm is not otherwise mentioned in the deposition, nor does Professor Regnerus identify him as the same Walter Schumm who wrote the SSR commentary. Given the subject material, it stands to reason that the two are the same. Yet, in the SSR commentary, Professor Schumm does not seem to disclose such a relationship to the NFSS research. If the tie existed, Professor Schumm should have admitted as much in the interest of full disclosure to readers. His collaboration on the project and lack of disclosure of that activity leads to the appearance of a conflict of interest on the part of Professor Schumm. However, it is unclear whether such a conflict had an effect on his published commentary.

### **Issues of Internal and External Validity**

Part of the problem with this question is that research using survey designs often does not fully consider these issues. In contrast, experimental methods actually have better ways of thinking about these processes and understanding whether a design is valid. Cook and Campbell (32), in their insightful volume on quasi-experimental designs, discuss issues of research validity at length. They argue that a randomized experiment, with proper measurement and controls, is the only method that can establish causal relationships. However, given that many subjects defy experimentation, other forms of research that approximate experimental designs must sometimes be used. Survey research is one such quasi-experimental design in that it allows researchers to build models that can simulate, in the right circumstances and only to some extent, a controlled experimental design.

In their discussions of these issues, they note several types of validity, two of which come to the fore: internal and external validity. In the experimental context, internal validity refers to the ability to impute causation when a relationship is discovered between two variables. In a cross-sectional survey like the one Professor Regnerus employed, that formulation of internal validity is inappropriate given the inability of survey methods to establish causation. Rather, based on Cook and Campbell's work, one can extrapolate a meaning for internal validity that seems appropriate. In the survey context, one could argue that internal validity refers to whether the findings are a true representation of the real relationships in the sample studied, regardless of whether causation existed. And given that multiple findings will exist for any given survey project, it will be the case that internal validity might vary from finding to finding. To take a simple example, internal validity asks the question, if a researcher finds that the correlation between two variables is .2, is that correlation the same that exists within the sample? To be invalid, we would need to argue that the real correlation in the sample is somewhat different from that .2 estimate.

It is important to note that a loss of internal validity could arise from several sources. Problems of measurement, statistical modeling, lack of proper controls, and other potential problems could all yield estimates that do not match what was actually true in the sample. Indeed, because problems in any part of the research design could nullify the findings, it is essential that researchers pay careful attention to all aspects of the design.

External validity, by contrast, concerns the ability to generalize the findings of the research to other people, settings, and time periods. This understanding of external validity is appropriate for both experimental and quasi-experimental designs. In the survey context, external validity is usually referred to as the representativeness of the sample. Survey researchers attempt to guarantee this quality of their sample by using probability-based sampling methods.

Although both types of validity are important for the research endeavor, there is some debate about which of the two types of validity is more important. Cook and Campbell review this debate and ultimately decide that internal validity has the higher priority of the two. As they note:

Consequently, jeopardizing internal validity for the sake of increasing external validity usually entails a minimal gain for a significant loss. (p 84)

Logically speaking, external validity, or generalizability, becomes important when the observed relationships can be safely assumed to exist. If the relationships are questionable due to an invalid study design, then there is little to generalize to a larger population. In contrast, an observed relationship that is assumed to be valid still has some meaning for the literature even if it cannot be generalized beyond the context of the study in which it is set. It is through replication of these latter kinds of studies that fields are able to generalize beyond the small randomized experiments that take place in labs around the country on a daily basis. None of these individual experiments is likely to have external validity in their own right, but through replication, as a collective unit their findings become generalizable.

For the NFSS project, these issues are very relevant. Professor Regnerus and others have repeatedly pointed to the importance of the NFSS in terms of its nationally representative sample. The sample is indeed important, but all it provides is the possibility of external validity. The sample itself in no way can help with issues of internal validity. Thus, even if we assume the sample is perfectly representative, the advantages of the sample carry no weight if the underlying research design is internally invalid. Thus, the focus on the NFSS article, and whether it is of publishable quality, must first focus on whether the study was internally valid. Only after that is established is it worth asking the question of whether the sampling procedures have yielded a sample that allows the findings to be generalized to a larger population.

The NFSS uses a large number of measures collected from the NFSS survey, but the article actually hinges on one measure: same-sex romantic relationships among respondents' parents. As noted above, it is the findings about the SSRR parents that are the focus of the article and on which the value of publication rests. Without these findings for SSRR family structures, the article has very little to contribute to the existing literature on family instability. Thus, for the article to have publishable merit, the study must be internally valid in its observation and analysis of SSRRs. It is possible that other parts of the analysis might be valid while that for SSRRs is not. But even in that case, given the importance of the analysis of SSRRs, without valid findings for the effects of SSRRs on respondent outcomes, the article loses any significant impact it can have in the literature.

### **Proxy Measurement of Same-sex Relationships**

Given the importance of the measurement of parental same-sex romantic relationships, one might expect that the measurement of that concept would be extensive. However, as discussed in the methodological overview presented above, this measurement was based on a single question with a couple of follow-up questions about residence. The sequence appears as follows (2):

From when you were born until the age of 18 (or until you left home to be on your own), did either of your parents ever have a romantic relationship with someone of the same sex?

Did you ever live with your mother while she was in a romantic relationship with another woman?

Did you ever live with your father while he was in a romantic relationship with another man? (p. 4)

The NFSS article did not employ the two residence questions for the purposes of categorization into different family structures. Thus, for considering the internal validity of the NFSS research, only the first question is relevant.

Although not stated in the article, the measurement employed here to obtain the SSRR information is called a proxy indicator. As explained by Groves and his colleagues (33, p. 230), “A ‘proxy’ is anyone other than the person about whom the information is being collected.” Because the information solicited by SSRR question is about the behavior of parents, the respondents serve as proxies for their parents. Proxy measurement is not necessarily a problem and can, in some instances, be of great benefit for a survey design. For example, surveys will ask parents questions about their children, such as their age, school grade, typical bedtime, eating habits, etc. Because these kinds of questions are readily observable by the parents, their answers as proxies are no doubt accurate indicators of the true answers for their children. However, for sensitive or hidden information, proxy data collection is never a good idea. Groves et al. provide an example:

In addition, self-reporters and proxies may differ in what they know. It hardly makes sense to ask parents about whether their teenaged children smoke – the children are likely to conceal this information, especially from their parents. (p. 230)

Regnerus and the NFSS faced an analogous situation with the reporting of parental SSRRs. Clearly he relied on the proxy reports of the adult children; that fact is without question. It is also very likely, as Groves and his colleagues suggest, the knowledge of the respondents was different, perhaps very different, from those of the parents. This situation is likely true because proxies can obtain the requested information through several possible means: direct observation, direct reports from the parent, or second-hand reports from others. Based on comments made by Professor Regnerus in the published article (1) and rejoinder (13), the NFSS seems to assume that direct observation forms of proxy reporting are being requested. In reality, however, many of the respondents likely knew about a parental same-sex relationship not because they directly observed it but because they were told about it by the parent or someone else, including the other parent.

During the time when respondents were children, same-sex relationships were still stigmatized, and as a result, may have been hidden from family members, including children. Thus, it is likely that there are some, perhaps many, respondents in the NFSS who had a parent with a SSRR, but as children they did not observe that relationship nor was it reported to them by the parent who engaged in it. Would such a relationship possibly matter for the outcomes if the respondent hadn't observed it? For the purposes of the NFSS, yes, it could. The NFSS did not seek to study *perceptions* of the adult child about parental SSRRs; rather, it sought to determine the reality of those relationships for the purpose of coding into different family structures. In other words, the logic used by the NFSS research purports that the existence of the relationships, not the witnessing of them, is what affects the children. Thus, extant relationships that were either hidden or not reported to the children constitute major measurement error. Furthermore, it



is likely that if the relationships were hidden, they may have been hidden from the respondents' other biological parent. In those cases we could easily surmise that within the IBF category, there are actually respondents with parents who had SSRRs. This is a fundamental measurement flaw and cannot be overcome with any post-hoc weighting, adjustments or modeling strategy.

One piece of evidence to support the notion of problems with this measurement is the gender split of parents with same-sex romantic relationships. Professor Regnerus and a number of authors mention the gender split of these reported relationships, but to my knowledge, no one has questioned the split. Recall from the methodological overview that respondents reported 175 MSSRRs and 73 FSSRRs. On its face, those numbers seem reasonable. However, why were so many more SSRRs reported for mothers compared to fathers? Is it possible that mothers really are more than twice as likely to have same-sex romantic relationships as fathers? A recent Gallup report (34) provided an estimate of gay and lesbian population characteristics based on a sample of 120,000 US adults. In this report, the authors note that overall, about 3.4% of adult Americans identify as gay, lesbian, bisexual or transgender. Breaking these figures down by sex, 3.3% of men held one of these identities compared to 3.6% of women. Recognizing that these figures do not measure same-sex romantic relationships per se, they nevertheless give us some insight into the gender split we might expect when measuring those relationships. If the Gallup estimates are correct, they do not support the finding that the number for mothers would be twice as large as the number for fathers. Thus, the observed difference in the split of SSRRs between mothers and fathers in the NFSS is likely due to measurement error. There are various possible theories about why that error might exist, but for the purposes of this review, the important issue is recognizing that significant error does in fact exist for this indicator.

In brief, although proxy data are accepted practice in many survey settings, they are not an acceptable means of collecting information that may not be directly observed, or even worse, might be hidden due to the sensitive nature of the activity under question. Further, taking into account the Gallup estimates, there is evidence that the gender representation of the parental SSRRs is erroneous. These problems have likely resulted in findings that do not reflect the real relationships among these concepts in the sample.

### **Family Instability and Parental Same-sex Romantic Relationships**

In their supportive letter of Professor Regnerus, Johnson and his colleagues (26) discuss the relationship of parental SSRRs and family instability in the study. They note:

But what his critics fail to appreciate is that Regnerus chose his categories on the basis of young adults' characterizations of their own families growing up, and the young adults who parents had same-sex romantic relationships also happened to have high levels of instability in their families of origin. (p. 1352)

In his own reply to critics (13), Professor Regnerus voiced a similar comment:

Since the NFSS did not select by design a group of unstable gay or lesbian parents, a key issue is whether or not the LM/MLR and GF/FGR households are more unstable than those of heterosexual couples. (1369)

Supporters assert, in other words, that instability is an unintended byproduct of how SSRR families live; yet, no commentator has asked why this link should necessarily exist. Is it really possible that there were no parents in the SSRR category who still maintained a relationship with the respondent's other biological parent in a way that would have kept them in the IBF category? Put another way, wouldn't there be at least one or two respondents who lived with both biological parents until they were 18 even though one had a SSRR? If not by design, how could such a pattern emerge?

The reality is that those unstable relationships tied to parental SSRRs were, in fact, selected by design, and either Professor Regnerus' statement is disingenuous or he does not understand his own data. To understand how this pattern emerged, one must go back to the original questionnaire (2) to investigate. As mentioned in the methodological overview above, some of the important details about the study were not discussed in the NFSS article, nor does Professor Regnerus reveal them in other writings. Yet, he made the instrument available, which allows other researchers to better understand his methods.

This issue involves the screening questions that were used to query respondents on parental SSRRs and other types of family structures. As discussed above, based on these questions, respondents were given a differential chance of being selected into the survey. Everyone who reported a parental SSRR or being adopted was admitted; other types of family structures led to a different chance. However, the question that led off this entire section was actually the IBF question (2):

Did you live together with BOTH your biological mother and biological father the entire time from when you were born until age 18 (or until you left home to be on your own)?  
(p. 2)

On the surface, that question seems acceptable for collecting this type of information. It is not a proxy report as it is based on the respondents' own experiences. There might be some recall error built into the question, but in general, the indicator is likely valid and reliable. The real problem is the skip pattern that follows it.

Skip patterns are devices used in survey design to help respondents better navigate surveys. They are commonly used as a method to prevent respondents from having to answer questions that do not apply to them. For example, if I wanted to ask respondents a series of questions about their satisfaction with their current marriages, I might start the section with a question that asks respondents if they are currently married. Respondents who said they were currently married would get the questions about marital satisfaction; those who said they were not married would skip the section on marital satisfaction and then move to another section that is relevant to them. In sum, effective skip patterns reduce respondent burden and thus reduce survey error.

But the nature of the skip pattern is important, and the skip pattern following the IBF question was crucial. According to the questionnaire, the skip instruction after the IBF question read as follows (2, p. 2):

[GO TO END OF SCREENER IF S2=YES AND ASSIGN GROUP=4]

What this statement suggests, and the codebook corroborates<sup>6</sup> based on the frequency reporting, is respondents who said they lived with both biological parents until age 18 *were not asked the same-sex relationship question*. Thus, by design, every single respondent who answered the SSRR question must have said “no” to the IBF question. By extension, *every single respondent who said “yes” to the SSRR question was, by design, not from an IBF family*. This fact, once discovered, was quite disconcerting. It is entirely possible for a parent to have had a SSRR and still have maintained a relationship to the respondent’s other biological parent. A very public example of this phenomenon in recent history is the case of Pastor Ted Haggard. Pastor Haggard had a same-sex relationship, but to this day, his marriage to his wife Gayle has allegedly survived (12). If any of his five children had responded to the NFSS, they would have first gotten the IBF question and said “yes.” As a result they would have been skipped past the SSRR question. Yet, for them, the answer to the SSRR question would also have been “yes.”

It is unclear why the NFSS was designed with this skip pattern in place. The apparent assumption was that if respondents were from an IBF, they could not have also had a parent who experienced a SSRR. The design *guarantees* that every respondent who reported a parental SSRR also experienced some form of family instability, defined as not living continuously with both biological parents from birth to age 18.

### Summary of New Critiques

The combination of using proxy reports for a sensitive and stigmatized behavior along with a skip pattern that guarantees family instability among the respondents with a parental SSRR relationship means that the SSRR measurement is fundamentally flawed. The use of “fundamentally” in this context has a very specific meaning: the problem cannot be fixed with the existing data. If the problem were one of controlling for additional variables in the models, reworking the family instability groups, or making corrections in response to criticisms noted in the published critiques section above, then the article could be said to contain serious, but fixable flaws. However, the measurement cannot be fixed without going back into the field and collecting a whole new set of data. Thus, the study is fundamentally flawed and cannot be corrected.

Set in the framework of validity as described by Cook and Campbell and extrapolated to the survey context, the study lacks internal validity. Specifically, it is *very unlikely* that the *reported* differences between the IBF and parental SSRR groups are true in the sample due to: (a) substantial measurement error of the SSRR categories, due in part to a reliance on proxy data; (b) systematic exclusion of any respondents who were from an IBF family but had a parental SSRR; and (c) inability to disentangle family structure from family instability. Thus, its purported

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<sup>6</sup> According to the *New Family Structure Survey* codebook (3), dated 6/4/2012, 8,487 respondents said “yes” to the IBF question and 6,569 said “no.” Given the skip pattern, we should expect that only the 6,569 respondents who said “no” would be asked follow-up questions on adoption, same-sex parental relationships, and other family structures. In addition, the 8,487 who said “yes” would be missing values on the follow-up questions because they were not asked. Looking at the SSRR question, this pattern was evident. That is, 6,570 answered the question, roughly corresponding to the 6,569 who said “no” to the IBF question. In addition, 8,488 were missing on the question, very similar to the 8,487 who said “yes” to the IBF question and so were skipped to the end of the screening section. In short, these frequencies support the notion that anyone who said “yes” to the IBF question were not asked the parental SSRR question.

strength, external validity, by virtue of the large representative sample, carries no real weight in this environment. Note, however, that the NFSS survey is a large instrument that could possibly still yield findings of use to the literature. But this particular study, focusing on respondent outcomes based on parental SSRRs, has little merit and little to contribute to the existing literature except as a case study for how not to conduct survey research on sensitive topics.

## ETHICAL CRITIQUES

Also at issue with the NFSS research is whether Professor Regnerus acted ethically in his design, execution, and description of the study. Several critics have pointed to possible ethical failures on the part of Professor Regnerus and, using emails obtained through open records requests, have found alleged evidence of these transgressions. More recently, in the ruling on *DeBoer v. Snyder* (23), the Honorable Bernard Friedman wrote in his ruling:

While Regnerus maintained that the funding source did not affect his impartiality as a researcher, the Court finds this testimony unbelievable. The funder clearly wanted a certain result, and Regnerus obliged... Whatever Regnerus may have found in this “study,” he certainly cannot purport to have undertaken a scholarly research effort to compare the outcomes of children raised by same-sex couples with those of children raised by heterosexual couples. (p. 14)

These passages are a small part of the judge’s commentary on Professor Regnerus’ expert report and testimony. In the ruling, Judge Friedman is otherwise fairly negative in tone towards Professor Regnerus and summarizes his thoughts on Professor Regnerus and the NFSS research by stating, “The Court finds Regnerus’s testimony entirely unbelievable and not worthy of serious consideration” (p. 13).

Given the comments of Judge Friedman and others, there is some reason to believe that Professor Regnerus acted unethically in conducting and reporting the NFSS research. However, whether he *actually* acted unethically is still an open matter and worthy of investigation. The remainder of this section reviews the ethical standards that Professor Regnerus might have violated and the available evidence to decide whether such a breach exists. The ethical standards used here are those applicable to professional sociologists and published by the American Sociological Association (36).

### **Ethical Standards 3(d) and 10.02(b)**

*3(d). If sociologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.*

*10.02(b). Sociologists make reasonable efforts to prevent others whom they do not directly engage, employ, or supervise (such as employers, publishers, sponsors, organizational clients, members of the media) from making deceptive statements concerning their professional research, teaching, or practice activities.*

As noted in the methodological issues sections of this report, Professor Regnerus used the “gay father” and “lesbian mother” labels to refer to the parental SSRRs in his study (1). In his rebuttal to critics published in *Social Science Research*, Professor Regnerus admits that these labels were incorrect and used alternative ones instead (13). Unfortunately, other authors did not take Professor Regnerus’ lead and make changes in their own commentaries. For example, in his commentary for SSR, Professor David Eggebeen (28) makes use of the gay and lesbian labels in reference to the NFSS article. Professor Paul Amato (4) does the same in his commentary of the article. We know that Professor Regnerus had access to Professor Eggebeen’s and Professor Amato’s commentaries prior to their publication because Professor Regnerus wrote a response that was published in the same volume of SSR (37). Professor Regnerus’ ethical responsibility was to correct the misuse of those labels, and given that he knew they were to be used in published articles, he had the opportunity to do so. Whether he attempted to do so behind the scenes is unknown, but there is no publicly available evidence to show that he took “reasonable steps to correct or minimize the misuse or misrepresentation” of the incorrect gay and lesbian labels.

Somewhat ironically, Professor Amato provides the justification to take the review of this ethical breach a step further. In a letter he submitted to Philip Cohen’s *Family Instability* blog (38), Professor Amato states,

Many conservative observers have cited the Regnerus study as if it provided evidence that being raised by gay or lesbian parents is harmful to children. This claim is disingenuous, because the study found no such thing.

He is correct: the NFSS research never found that being raised by gay or lesbian parents harms children. Indeed, the NFSS did not even measure gay or lesbian parents much less show such a finding. Yet, as Professor Amato notes, conservative commentators have made that case and have misrepresented Professor Regnerus’ research in the process. According to the ASA code of ethics, Professor Regnerus has an ethical obligation to prevent or correct these misleading statements about his work. However, over the past two years since the study was published, no evidence has emerged that he has tried to correct the misrepresentations of his research.

#### **Ethical Standard 13.04(d)**

*Sociologists take particular care to state all relevant qualifications on the findings and interpretations of their research. Sociologists also disclose underlying assumptions, theories, methods, measures, and research designs that might bear upon findings and interpretations of their work.*

As noted above, a number of authors have drawn the connection between parental SSRRs and family instability, making the assumption that the two were inherently connected. Yet, we now know that they were connected by design, a piece of information that leads to very different interpretations about that finding. Not only did Professor Regnerus fail to provide that information in the NFSS article, he took that failure a step further in his *Social Science Research* rejoinder by stating (13),

Since the NFSS did not select by design a group of unstable gay or lesbian parents, a key issue is whether or not the LM/MLR and GF/FGR households are more unstable than those of heterosexual couples. (p. 1369)

This is a massive ethical breach on the part of Professor Regnerus. The measurement of parental SSRRs was of the utmost importance to the study, thus he should have revealed in the NFSS article all pertinent information related to that measurement. By asserting in his rejoinder that the connection was not by design, he compounded the ethical breach.

According to the standards for scientific misconduct specified by The University of Texas at Austin *Handbook of Operating Procedures* 7-1230, this failure might also be an instance of scientific misconduct. As the policy reads<sup>7</sup>:

**Scientific Misconduct or Misconduct in Other Scholarly Research** means fabrication, falsification, or plagiarism. In addition, other practices that seriously deviate from ethical standards for proposing, conducting, or reporting research are unacceptable and in some cases may constitute scientific misconduct. Ordinary errors, good faith differences in interpretations or judgments of data, scholarly or political disagreements, good faith personal or professional opinions, or private moral or ethical behavior or views are not misconduct under this definition.

Professor Regnerus' ethical breach in this instance is possible scientific misconduct in that it "deviates from ethical standards for proposing, conducting, or reporting research." In this instance, however, the misconduct applies only to his reporting of the research. It was not unethical to propose to measure SSRRs in this fashion, nor was it unethical to actually do so. Both were invalid design and implementation decisions, but they were not unethical. Rather the ethical failure, and scientific misconduct, results from his failure to fully disclose those methods and thus avoid significant misinterpretations of his findings.

#### **Ethical Standard 10.01(b)**

*Sociologists do not make public statements that are false, deceptive, misleading, or fraudulent, either because of what they state, convey, or suggest or because of what they omit, concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated...Sociologists do not make false or deceptive statements concerning the scientific basis for, results of, or degree of success from their professional services.*

In general, this ethical standard concerns researchers making false or misleading statements about themselves or their work through any public venue. When applied to the NFSS article, two issues come to the forefront: misleading statements about the role of the funding agency and about the fact that the NFSS findings should not be used in the debate about same-sex marriage. These issues have been noted by other authors (19) and deserve to be more fully reviewed.

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<sup>7</sup> See the policy at [www.policies.utexas.edu/policies/misconduct-science-and-other-scholarly-activities](http://www.policies.utexas.edu/policies/misconduct-science-and-other-scholarly-activities).

*Statement Regarding Participation of the Witherspoon Institute*

The ASA code of ethics plainly states that researchers should report the funding they have received to support the design, implementation, and reporting of their research. In the NFSS article (1), Professor Regnerus carefully followed this ethical principle by reporting his funding sources. As he stated,

The NFSS was supported in part by grants from the Witherspoon Institute and the Bradley Foundation. While both of these are commonly known for their support of conservative causes—just as other private foundations are known for supporting more liberal causes—the funding sources played no role at all in the design or conduct of the study, the analyses, the interpretations of the data, or in the preparation of this manuscript. (p. 755)

On the surface, the statement appears to be in ethical compliance with the ASA standards. However, as Perrin, Cohen and Caren (19) have argued, the statement is false and thus is a breach of ethical standard 10.01(b). Perrin and his colleagues state,

And a journalist has presented evidence that one of the article's likely peer reviewers was also heavily involved in the political work of one of its funders as well as in the study's design and execution...a conflict of interest that contradicts the article's claim that "the funding sources played no role at all in the design or conduct of the study, the analyses, the interpretations of the data, or in the preparation of the manuscript" and should certainly have resulted in the disqualification of one or more reviewers. (p. 328)

In discussing a particular peer reviewer, Perrin and his colleagues are likely referring to Professor Brad Wilcox from the University of Virginia. The journalist to whom they refer in the quote is Scott Rose, someone who has written extensively on the NFSS research.<sup>8</sup> Professor Cohen has created extensive timelines that piece together the relationship between Professors Regnerus and Wilcox and the Witherspoon Institute (31, 40).

So is it the case that Professor Regnerus lied in the NFSS article when he said that the funder was not involved in the NFSS research? The answer to this question rests on the nature of Professor Wilcox's participation in the research and concurrent involvement in the Witherspoon Institute. Each of those issues will be considered below.

**Wilcox's involvement in the NFSS.** Email correspondence unearthed as part of open records requests clearly indicates that Professor Regnerus did work with Professor Wilcox on the NFSS project. According to emails between the two of them in late 2011 and early 2012, Professor Wilcox provided very specific comments about how to improve the NFSS manuscript (41). According to one such email, Professor Wilcox provides advice about choosing outcomes and making comparisons between groups:

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<sup>8</sup> Mr. Rose also made a claim of scientific misconduct against Professor Regnerus for the NFSS research. Mr. Rose's allegations led to a scientific misconduct inquiry pursued by UT-Austin against Professor Regnerus. This inquiry was completed on August 24, 2012 and concluded with a finding that no scientific misconduct was committed by Professor Regnerus (39).

I'd take out the abortion outcome. needless red flag.

Also would be helpful to have a “^” symbol in tables comparing s-s kids to kids who end up in unmarried stepfamilies (6) and/or (9), I think. Taps similarly unstable heterosexual context and mom has unmarried relationship. Both have large enough Ns, as well.

6 – worth stressing that only one study (right?) has more N than you do – Rosenfelds [sic]

More soon

Professor Wilcox's work on the study is not surprising because he was also a paid consultant on the study (42). Thus, it has been clearly established that Professor Wilcox collaborated with Professor Regnerus on the NFSS project.

**Wilcox's involvement in the Witherspoon Institute.** What is less clear is whether Professor Wilcox was involved in an official capacity with the Witherspoon Institute at the time that he was working with Professor Regnerus on the NFSS research. In his statement to *Family Scholars* (42), Professor Wilcox plainly states his association with Witherspoon:

For the record, I served as a fellow and as the director of the program on marriage, family, and democracy at the Witherspoon Institute from 2004 to 2011 (emphasis added). These positions were honorific, and designed to highlight my writing and speaking on family-related issues...However, I never served as an officer or a staffer at the Witherspoon Institute, and I never had the authority to make funding or programmatic decisions at the Institute.

Later in the email he provides an approximate date for when he left the Witherspoon position:

In the fall of 2011 (emphasis added), I stepped down from these positions at the Witherspoon Institute...

From these two statements we can gather that he acted as a director at Witherspoon from 2004 until fall, 2011.

He further states that he served as a paid consultant on the NFSS:

From October of 2010 to April of 2012 (emphasis added), I also served as one of about a dozen paid academic consultants to the New Family Structures Study (NFSS).

These two self-reported timelines make it clear that Professor Wilcox was a director for Witherspoon at the same time that he was a consultant for the NFSS. Yet, he also claims that his Witherspoon affiliation was “honorific” and carried no ability to make decisions about funding.



Other emails would seem to suggest that his role at Witherspoon was more than “honorific,” at least with regard to the NFSS project. In one email exchange, dated September 21, 2010, Professor Regnerus asked Professor Wilcox several questions about the research endeavor he plans to undertake. Professor Wilcox answers the questions, apparently on behalf of the Witherspoon institute (43). For example, one portion of the email reads:

1. We want to run this project through UT’s PRC. I’m presuming 10% overhead is acceptable to Witherspoon? YES

The portion of that exchange in mixed case is a question from Professor Regnerus. Professor Wilcox’s answer is in all caps. Based on this question and answer, it appears that Professor Regnerus believes Professor Wilcox can speak on behalf of Witherspoon and that he actually does so in his response. Another similar question and answer:

And per your instruction, I should think of this as a planning grant, with somewhere on par of \$30-40k if needed. YES

Again, Professors Regnerus and Wilcox exchange a question and answer that implies an official role for the latter with the Witherspoon Institute.

However, in his deposition for *DeBoer v. Snyder* (30), Professor Regnerus seems to believe that Professor Wilcox was not responding on behalf of Witherspoon when he responded to Professor Regnerus’ questions in that email. As the deposition transcript shows (pp. 168-169):

Q: Okay. And so – so Brad Wilcox was answering questions of yours on behalf of Witherspoon? Is that what’s going on?

A: I don’t think so. I mean, he’s – I never associated him with Witherspoon. I – I – I knew that he – I mean, he’s the one who introduced him to me, so that was a statement just saying I presume this is fine. I don’t know if he asked Luis or not but –

Q: Uh-huh.

A: -- he just made a response to it.

Based on the email and then the deposition, it is unclear what the true state of affairs might be. Questions were posed and answered in such a way as to suggest that Professor Wilcox was speaking on behalf of Witherspoon or its president, Luis Tellez. However, Professor Regnerus claims that he never believed Professor Wilcox to be associated with Witherspoon, even though at that point in time Professor Wilcox, as he self-reported, held a position at Witherspoon.

In another email exchange (44) uncovered through this documents request, the president of the Witherspoon Institute, Luis Tellez, talks to Mark Hartmann, Director of Research and Evaluation at the Bradley Foundation about arranging a conference call to discuss funding for Regnerus’ project. According to the exchange, Mr. Tellez writes Mr. Hartmann about a proposal being developed by Professor Regnerus. In this exchange he specifically mentions that he would like

both Professors Wilcox and Regnerus to be part of the call. The date of this email was April 29, 2011 and thus within the window in which Professor Wilcox self-reported being both a director in Witherspoon and a paid consultant on the NFSS.

Another email exchange (45), dated August 23, 2011, between Professor Regnerus and Mr. Tellez discusses plans for media relations related to the NFSS project. In this exchange, Professor Regnerus writes:

Luis,

I spent the day yesterday with Brad and a couple of other researchers (Glenn Stanton, Focus, and Scott Stanley, U of Denver), and spent some time discussing public/media relations for the NFSS project. Anyways, time well spent and we feel like we have a decent plan moving forward.

Mark

Mr. Tellez simply responded:

At some point, I would like to know the plan...at your convenience.

This email exchange reveals two important points. First, Professor Wilcox (i.e., “Brad”) was invoked in the context of the study while serving for Witherspoon and as a consultant on the NFSS. Second, Professor Regnerus either discussed or planned to discuss certain strategies about the rollout of the NFSS with Witherspoon, the funding agency. This appears to be evidence of collusion between Professor Regnerus and Witherspoon on the project that goes beyond the normal boundaries of a funding agency providing money to underwrite the support of a research project.

**Summary.** In sum, notwithstanding Professor Regnerus’ deposition statements, the evidence about Professor Wilcox seems conclusive in two ways. First, it shows that Professor Wilcox assisted Professor Regnerus with the NFSS project. Second, the evidence further indicates that Professor Wilcox served in an official capacity with the Witherspoon Institute when he did so, at least in regards to the NFSS project. Thus, it seems readily apparent that the Witherspoon Institute, in the guise of Professor Wilcox, was involved in the development and implementation of the NFSS project. This conclusion is contrary to Professor Regnerus’ statement about the role of the funding agency in the NFSS article. Thus, if true, Professor Regnerus has violated Ethical Standard 10.01(b) by making a false or misleading statement in his article.

*Statement Regarding the Use of the Research Findings in the Same-sex Marriage Debate*

On page 766 of the NFSS article (1), Professor Regnerus plainly states that his research findings should not be used in the debate over same-sex marriage:

American courts are finding arguments against gay marriage decreasingly persuasive...This study is intended to neither undermine nor affirm any legal rights concerning such.

He further clarifies this position in his response to the commentaries on the NFSS article (37):

I recognize, with Paul [Amato] and Cynthia [Osborne], that organizations may utilize these findings to press a political program. And I concur with them that that is not what data come prepared to do. Paul offers wise words of caution against it, as did I in the body of the text. (p. 786)

These statements are important for supporting and validating the integrity of the NFSS research. As Professor Regnerus likely knew, the topic of same-sex marriage in the United States is a difficult one that was and is being actively debated by legislatures and courts around the country. By stating that the results should not be used in that context, he was making the claim that his research should not be seen as partisan or being of use to either side of the debate. In short, these statements were admirable and certainly worth being made in this heated political context.

Unfortunately, based on the circumstances surrounding the study, we must ask: were these statements made in good faith? The answer to that question likely rests on two sets of issues. First, based on available evidence, it appears that prior to the release of the study, Professor Regnerus worked with politically-motivated organizations to frame the release and media campaign around the study. Second, after the release of the study Professor Regnerus engaged in a number of activities that put him in the spotlight in the debate over same-sex marriage.<sup>9</sup>

**Media Campaigns with Politically-motivated Actors.** In one of the emails noted above (45), Professor Regnerus makes reference to meeting with “Glenn Stanton, Focus” to discuss “public/media relations for the NFSS project.” This mention is almost certainly referencing the Glenn Stanton who is associated with Focus on the Family. This likelihood is further reinforced in the budget overview document that Professor Regnerus sent to Mr. Tellez (9). In that overview, Professor Regnerus mentions,

2. I’ve spent very little of the travel budget (\$6,000), but will spend a little in August by meeting up with [redacted] and [redacted] (family scholar) and Glenn Stanton (of Focus on the Family) in Denver for a day’s worth of conversation.

According to his bio and vita (46), Mr. Stanton is the Director for Family Formation Studies at Focus on the Family. He has written and spoken on the problems of same-sex marriage and its

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<sup>9</sup> According to an email from Mr. Tellez to Professor Regnerus on September 22, 2010 (43), from the beginning of the research effort, Mr. Tellez hoped that the study would be completed in a timely manner: “Naturally we would like to move along as expeditiously as possible but experience suggests we ought not get hung up with deadlines, do what is right and best, move on it, don’t dilly dolly, etc...It would be great to have this before major decisions of the Supreme Court but that is secondary to the need to do this and do it well...” Professor Regnerus responded, “Got it; thanks, Luis and Brad. I think it’ll work well. Will keep you in the loop. I have a light teaching load all this year, which is a significant help. Providential, perhaps.” These statements confirm that Mr. Tellez wanted the research completed prior to certain Supreme Court cases, likely those on same-sex marriage. Professor Regnerus’ response indicates that he understands the expected timing, and given his “light teaching load” believes he can meet that deadline. Thus, when Professor Regnerus wrote in his article about using his findings in the courts, he did so knowing that his own funding agency wanted the study completed before major court cases and that he himself felt that he could finish the study by the requested time. And, as documented later in this report, Professor Regnerus eventually helped author a brief to the Supreme Court on its same-sex marriage cases.

contribution to the “death” of marriage<sup>10</sup>. His organization, Focus on the Family, is an outspoken opponent of same-sex marriage. As they state in their value statements regarding marriage (48):

The first is the *value of male and female*. Focus on the Family's sixth guiding principle states our belief that God created humans in His image, intentionally male and female, each gender with unique and complementary qualities. The existence of two distinct genders reveals God's design for sexuality, relationships and family. Both reflect the image of God, and both male and female are necessary for procreation and the optimal family structure for parenting children.

Later in the same page they state:

We support citizen initiatives at the state level that define marriage as the union of one man and woman in state constitutions.

Thus, both Mr. Stanton’s writing and affiliation show that he is a vocal opponent of same-sex marriage.

According to the NFSS study design document, the data collection for the NFSS began on August 19, 2011. The email mentioning Stanton was sent on August 23, 2011 and referenced the day before, i.e., meeting with Stanton and others on August 22, 2011. The email also mentioned having “a decent plan moving forward.” This timeline and exchange raises several questions. First, why was a vocal same-sex opponent tapped for media strategy? The choice seems to imply that Professor Regnerus knew, even before the data were collected, that the media strategy would align with the writings and values of Mr. Stanton and Focus on the Family. Second, if the data had not even been collected, how could they have decided on a media strategy at all? Preparing these strategies usually entail looking at the findings and then deciding how they would best be disseminated. How could such a strategy be created without knowing what the findings would be? Did Professor Regnerus believe that the findings would be hostile to same-sex marriage even before the data had been collected? Unfortunately, neither the emails nor other records can provide the answer to this question.<sup>11</sup> Nevertheless, Witherspoon knew of these developments, and as Mr. Tellez stated in his own email, he wanted “to know the plan” (45).

We do not know the fruits of this conversation and whether any media strategy was pursued in conjunction with Mr. Stanton or Focus on the Family. However, in June 2012 (the month before

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<sup>10</sup> For example, in an online article titled, “How Marriage is Dying in Our Culture” and published on CitizenLink.com (47), Mr. Stanton writes, “We are entertaining a discussion in our culture that no other age or civilization has undertaken: that is to redefine marriage as a union between members of the same sex. We act as if marriage is simply a human invention, rather than something rooted in nature. The continuity and regularity of marriage that we observe throughout the course of human history and its various cultural and religious expressions reveal how natural and basic marriage is to humanity.”

<sup>11</sup> One email suggests that, before the data were collected, Professor Regnerus did intend that the findings would be made available to the media. As he states in an email (9) to Mr. Tellez, “For the sake of the report, which needs to be basic and media-readable (emphasis added), I don't believe we'll need someone who works on data analyses for many months full-time.”

the NFSS article was officially published), Mr. Stanton published an online summary of the NFSS findings for Focus on the Family (49). In this summary, Mr. Stanton provides a comprehensive overview of the findings of the study and outlines many of the study's purported strengths (e.g., study done at UT-Austin's Population Research Center, uses a large representative sample). As is the case with many other summaries and commentaries on the article, Mr. Stanton also makes reference to lesbian and gay parents, even though those labels were inaccurate in this context. For example, in one part of the summary Mr. Stanton notes:

*Full-time employed, currently: lesbian (26%), gay (34%), mom/dad (49%)*

In introducing the summary on his blog (50), Mr. Stanton describes Professor Regnerus as a "leading sociologist from UT Austin" who has "no such record on either side of the issue [of same-sex parenting relationships]." He goes on to say:

It is important to note that this present study is one study that draws different conclusions than the current literature has. It does use a larger, nationally representative sample, which the others do not. And it is not conducted by a partisan in the current same-sex marriage and parenting debate.

The last line of this statement is unconvincing given that we now know that Professor Regnerus orchestrated his media strategy with the help of Mr. Stanton well before the data, much less findings, had been finalized. Of course, we do not know if this published hagiography and summary was part of the media strategy, but it is in line with what one would expect given Professor Regnerus' email and tone of Mr. Stanton's writings.

In a similar vein, there appears to have been some collusion between Professor Regnerus and the Heritage Foundation<sup>12</sup> prior to the release of the NFSS article. The evidence for this collaborative effort comes from several sources. First, as part of a documents release from Professor Regnerus, it was revealed that he possessed a public relations guide written by an external party (52). The document, titled "Mark Regnerus Media Training" provided a set of pointers on how to talk about the NFSS study. For example, one section of pointers discussed "Points to Avoid/Hard Questions" and covered topics such as opinions on same-sex marriage and President Obama's comments on the subject. On the latter point, the guide suggests a response as follows:

I am a researcher, not an activist or advocate. I have no opinion of President Obama's position on same-sex marriage.

On the point of whether gay couples should be allowed to adopt:

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<sup>12</sup> The Heritage Foundation is an organization that advocates for conservative positions on matters of public policy. According to their website, their stance on marriage is stated, "The institution of marriage connects men and women to one another and to their children. Marriage recognizes what social science confirms: that children fare best when raised by their mother and father. Despite activist judges' opinions, the majority of Americans continue to affirm the reasonable conclusion that marriage is the union of one man and one woman" (51).

Again, I am a researcher, not an advocate. Our research finds that there are a number of significant differences between young adults raised in a same-sex household and those raised in intact families where their parents are married to each other. I have no position on adoption, gay marriage, or any other similar issue.

Although the document does not say who wrote or provided this media guide, other evidence indicates that it was provided by the Heritage Foundation. According to court transcripts for *DeBoer v. Snyder*, Professor Regnerus, testifying for the state, was asked about his relationship to the Heritage foundation during cross-examination. It was during this exchange that it was revealed that the media training came from Heritage on the heels of a presentation he made to the group just before the release of the NFSS article. According to the transcript (53):

Q: A day or two before the NFSS Study was to be published by the Journal, you gave a presentation at the Heritage Foundation about the findings of the study; is that right?

A: Yes, maybe a day before that or something like that.

Q: Heritage Foundation is a conservative think tank in Washington?

A: Right.

Q: By the way, were they part of – does that help refresh your recollection about the coalition you referenced earlier?

A: I don't believe that was the coalition I was referring to. That was – I gave a talk I think Luis probably invited me to do. I don't know for sure, I don't recall. But that would not have been on my radar back in 2010. That was not the coalition meeting. It was here's a study coming out, would you like to give a talk at Heritage about it and I said fine.

Q: So you gave that talk a day or so, a day or two before the study was published, and Heritage gave you immediate training document suggesting talking points for you to use when talking about the study?

A: They gave it to me or sent it to me and I largely ignored it.

Q: I've marked for identification Exhibit 62. (p. 87)

Given this testimony, it is clear that Professor Regnerus received this media training document from the Heritage Foundation. However, he claims he "largely ignored it" and in his deposition testimony (30) said, "I think I put it in a folder in some floppy disk or, you know – and ignored it." Later he said, "I – I probably read it but I don't recall it ever being influential [in] my subsequent media appearances" (pp. 197-198).

Professor Regnerus' account that the talking points were "largely ignored" is disputed by his own online activities. On June 10, 2012, Professor Regnerus published a Q & A with himself

about the NFSS research on Patheos.com (54). In this post he asks several questions of himself about the NFSS, its funding, his motivations for conducting the study, and other related issues. In one portion he writes:

Q: So are gay parents worse than traditional parents?

A: The study is not about parenting per se. There are no doubt excellent gay parents and terrible straight parents. The study is, among other things, about outcome differences between young adults raised in households in which a parent had a same-sex relationship and those raised by the own parents in intact families...

In the Heritage media training guide (52), the following question and answer are suggested:

**Whether gay parents are worse than traditional parents.**

The study is not about parenting. There are no doubt excellent gay parents and terrible traditional parents. The study is about outcome difference between young adults raised in a same-sex household and those raised by their own parent in intact families. There are significant differences, but the study does not ascribe any causes for the differences. This can only be assessed with additional research.<sup>13</sup>

A comparison of the statement that Professor Regnerus posted on Patheos.com and the one provided in the Heritage media training show striking similarities. True, they are not exactly alike, but it seems clear that Professor Regnerus drew on the Heritage document when writing his own statement for Patheos.com. This is strong evidence that his statement to the Michigan court that he “largely ignored” the Heritage document is untrue.

In sum, there is evidence that Professor Regnerus had interactions about media strategy with at least two politically motivated organizations: Focus on the Family and the Heritage Foundation. Moreover, at least one of these discussions happened prior to the finalization of the data. As such, it is difficult to reconcile his statements in the NFSS article about the potential misuse of the study’s findings with his cooperation with politically-motivated organizations leading up to the publication of the study. Such collaboration would be acceptable if the purpose was to encourage those organizations to avoid misusing the data, but given the evidence at hand, that did not seem to be the purpose of coordinating with those organizations.

**Public Activities Following Publication of the NFSS Article.** Following the publication of the NFSS article, Professor Regnerus engaged in a number of activities that could have had an impact on the political debates about same-sex marriage and related issues. Some notable appearances include:

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<sup>13</sup> Note that, technically, this point is incorrect. Professor Regnerus did not study whether young adults raised in same-sex households differed from those raised by intact biological families. Rather, he simply studied whether respondents with parents who had a same-sex romantic relationship differed from those who grew up in an intact biological family. Thus, this talking point was incorrect, and had Professor Regnerus used it, would have been misleading regarding the results of his study.

- He served an expert witness in *DeBoer v. Snyder*, testifying on behalf of the state to protect a state constitutional amendment prohibiting same-sex marriage (55).
- He testified in the Hawaii state legislature against a bill that would legalize same-sex marriage in that state (56).
- Using the NFSS findings as evidence of support for the state, he signed onto an amicus brief for *Hollingsworth v. Perry* and *United States v. Windsor*, Supreme Court cases that challenged the constitutionality of the same-sex marriage ban in California (57). According to deposition testimony in *DeBoer v. Snyder* (30), Professor Regnerus stated that he “drafted” “almost all of it” (p. 145).

Recall the statement in the NFSS article (1) related to the use of the findings in the debate over same-sex marriage:

American courts are finding arguments against gay marriage decreasingly persuasive... This study is intended to neither undermine nor affirm any legal rights concerning such. (p. 766)

Yet, in his expert opinion for *DeBoer v. Snyder* (55), he writes about the NFSS findings:

Those children who identified a parent as having had a same-sex relationship self-reported outcomes that were consistently less optimal than those respondents whose biological parents were – and remain – married. (p. 6)

Based on these appearances and his testimony, it is self-evident that Professor Regnerus has used his research in the debate over same-sex marriage in direct contradiction to the statements he made in the NFSS article and response to commentaries. When combined with clear evidence that he colluded with politically-motivated organizations prior to the publication of the study, it leads to the appearance that the post-study behavior was an extension of the political work that was happening prior to the study. In light of all of this activity, it appears that the statements he made in the article could certainly be seen as misleading at best and an outright fabrication of his intentions at worst.

Alternatively, it could be argued that Professor Regnerus was not misleading when he said his research should not be used in the debate. Rather, it is quite possible that Professor Regnerus felt at the time of the writing that the work should not be used for that purpose but later changed his mind. If that were the case, he should call for the retraction of the study so that it could be rewritten to remove the statements about the use of the findings in the debate over same-sex marriage. Unfortunately, there is no evidence that Professor Regnerus has undertaken such an effort. Indeed, he has actually taken the opposite stance by declaring (55):

An effort led by Dr. Gary Gates, expert witness for the plaintiff in this case, called for the journal to retract the study. Retractions, however, are historically appropriate only when egregious errors or outright fabrication has occurred. Neither is true with respect to this study, and the original article remains in print. (p. 6)



In his letter to Phillip Cohen (38), Professor Paul Amato, a distinguished family sociologist, consultant to the NFSS, and SSR commentator on the NFSS article, spoke for the thinking of many when he wrote:

Given these cautious early statements [in the SSR article and response], it is exasperating to see Regnerus later cite his own study as evidence against same-sex marriage.

It is not just "exasperating," but, according to the ethical standards of the American Sociological Association, is also likely a breach of ethical standards of conduct for the field.

#### IS THIS ALL JUST A WITCH-HUNT LED BY GAY RIGHTS ADVOCATES?

One criticism that has been leveled at the critics of Professor Regnerus and the NFSS article is that an unfair standard is being applied to the work by activists on the political left who want the expansion of marriage to same-sex couples. Professor Regnerus addressed the issue in his expert witness report in *DeBoer v. Snyder* (55) when he stated:

The publication of this study in the July 2012 issue of *Social Science Research* was met with considerable hostility, primarily located in gay and lesbian interest groups...The ad hominem attacks aimed at me, as well as the editor of the journal *Social Science Research*, continue unabated.<sup>14</sup> (p. 6)

If this episode really was just part of a larger effort to attack any study or researcher that showed findings that might undermine the case for same-sex marriage, then we should see other studies suffering the same kinds of repeated attacks, some ad hominem, referenced by Professor Regnerus. So has that been the case?

Professor Amato, in his letter to Professor Cohen (38), discusses two studies that have both recently appeared and showed negative outcomes for children of parents who had same-sex relationships:

Since the Regnerus study was published, studies by Potter (2012) and Allen, Pakuluk, and Price (2013) have shown associations between having same-sex parents and child problems. Like the Regnerus paper, both of these articles survived the peer review process and, in fact, were published in top-tier social science journals.

He further notes that these findings are consistent with existing theory and findings related to family stability and encourages the field to carefully examine the findings of these studies to better understand "what is going on."

The first of these articles, written by Daniel Potter, is a longitudinal analysis of the effects of family transitions on children's educational outcomes (59). As Mr. Potter describes in the article, he uses data from the Early Childhood Longitudinal Study-Kindergarten Cohort to

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<sup>14</sup> In an article published not long after the release of the NFSS article, Andrew Furguson provides an overview of the NFSS research and some of the backlash against it (58). His account largely corroborates Professor Regnerus' assertions that his work has been "met with considerable hostility."

examine how same-sex parental relationships affect child outcomes when taking into account family transitions. The data set is of high quality, having been collected by the National Center for Educational Statistics over seven waves and of about 20,000 children. To allow a better understanding of the dynamics of child development, data are collected from the children at the heart of the study as well as from parents and guardians. The article employed growth curve analysis to document the changes in outcomes over time. The results indicated that children with same-sex parents<sup>15</sup> had worse outcomes over time, but once family instability was taken into account, having same-sex parents had no effect on the outcomes.

The second study (60) comes from Allen and his colleagues as a comment on an earlier article published by Michael Rosenfeld on the children of same-sex couples (61). In that 2010 article, Professor Rosenfeld used data from the 2000 US Census to examine differences in child educational outcomes by different family structures. He found that children of same-sex cohabiting couples had worse educational outcomes compared to children of heterosexual married couples; but he also found that these differences largely disappeared once parental socioeconomic status and other child characteristics were taken into account. In their comment to Rosenfeld, Professor Allen and his colleagues reexamined the census data with relaxed restrictions on the sample. In this reanalysis they found that children of married heterosexual couples had better educational outcomes than children of same-sex couples. In their conclusion, Allen and his colleagues state:

With respect to normal school progress, children residing in same-sex households can be distinguished statistically from those in traditional married homes and in heterosexual cohabiting households. The magnitude of the differences is large enough to be relevant for current and future policy debates, as well as to indicate a real need for more research into the channels through which family structure affects child development and educational outcomes. (p. 960)

Thus, it is true, as Professor Amato suggests, that two recent studies have revealed some differences between children of same-sex and other types of couples, at least with regard to educational outcomes. Although for the Potter article, these differences largely disappeared with the proper controls in place; likewise, for the Allen et al. comment, the findings are in dispute.<sup>16</sup>

Given that these articles, to some extent, showed negative outcomes for the children of same-sex couples, did they receive the same kind of caustic treatment that was directed at the NFSS article? They were published at about the same time (i.e., 2012) in very strong journals, *Demography* and the *Journal of Marriage and Family*, and showed outcomes that could be used to make a case against same-sex marriage. A Google search of blogs, posts, articles and any other negative discussion related to these articles revealed little commentary on these articles, much less severe negative commentary of the kind received by the NFSS article. In short, of the

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<sup>15</sup> According to the article (59), same-sex parents were measured “by means of roster data provided by the parent/guardian at each wave of the study” (p. 560).

<sup>16</sup> Professor Rosenfeld published a reply (62) to Professor Allen and his colleagues disputing the claims of the critique. As he argues in his reply, “There is no statistically significant difference in making normal progress through school between children raised by same-sex couples and children raised by heterosexual married couples after family socioeconomic status is taken into account” (p. 968).

these three articles published in 2012, all showing findings that could conceivably be used to undermine support for same-sex marriage, only the article by Professor Regnerus received such vitriolic negative attention. Thus, based on the public treatment of these articles, I can find no clear evidence that the criticisms of Professor Regnerus are part of a larger pattern of attacks focused on researchers who publish findings that could be used to undermine the support for same-sex marriage.<sup>17</sup>

## CONCLUDING THOUGHTS

### Summary of Findings

At the outset of this report I outlined its two main goals: to determine whether the findings of the NFSS article were valid and whether Professor Regnerus acted ethically in writing and publishing the research. Although there are never any certainties, the evidence weighs heavily in favor of two conclusions:

1. The NFSS article is fundamentally flawed with regards to the findings on children of parents who had same-sex romantic relationships. As such, the article contributes nothing of value to the literature on family instability and should largely be disregarded.
2. Professor Regnerus likely violated several ethical standards outlined by the American Sociological Association based on evidence of his behaviors prior to and following the publication of the NFSS article. He might also have violated the scientific misconduct standards of The University of Texas at Austin.

### Disclaimers and Acknowledgements

As readers might guess, this report took a considerable amount of time to compile. It would have taken much longer to piece together had I not had access to the voluminous amount of information pulled together by Professor Philip Cohen, Scott Rose, Professor Darren Sherkat, the Human Rights Campaign (<http://www.regnerusfallout.org/>), and many others. Without their tenacious reporting, open records requests, and other activities, I could not have compiled this record in a timely manner. So to them, and the many others who have done their best to reveal as much information as possible about this study, I provide my thanks. As a social scientist, I firmly believe that we must always search for truth as best we can, and I respect all of their efforts to do so in this difficult situation. Note, however, that I have had absolutely no contact about the NFSS article or this report with any of the authors, journalists or others cited here. All of this information was pulled together using publicly accessible resources, though I did have to obtain an account on Scribd.com to get copies of some of the documents.

It is reasonable to ask why I was selected to write this report. I currently serve as Professor of Sociology in the Department of Sociology and a Senior Associate Dean in the College of Liberal Arts at The University of Texas at Austin. Although I am not a family demographer, I have conducted extensive research on religion, health, family issues, volunteering, and a variety of other topics. More importantly, for the purposes of this report, I have extensive experience in survey design, including having served as a designer or co-designer of surveys of populations at

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<sup>17</sup> It could be the case that there are other examples of articles similar to Professor Regnerus' (i.e., population-based studies published in high-quality peer-reviewed journals) that have received the same treatment, but I could find no mention of them in the commentary on Professor Regnerus' work.

the national, state, city, and organizational level. I have also taught survey design at the graduate level and in an annual summer statistics institute held at UT-Austin. My training as a sociologist and expertise in survey design makes me well-qualified to comment on the NFSS article and its consequences.

However, given some of my non-research work, some may see me as a biased observer. Consequently, in full disclosure, I must reveal my work related to LGBTQ issues. For the past several years I have been actively involved in an effort to create a more positive climate at UT-Austin for the LGBTQ community. Along these lines I have served on the Domestic Partner Benefits Committee through UT-Austin's Pride & Equity Faculty Staff Association. I have also served on, and chaired, the university's Committee on Gay, Lesbian, Bisexual, and Transgender (GLBT) Support Initiatives. Because of my work on these two committees and general support of LGBTQ efforts on campus, I have won the Lynn Milburn Award for GLBTQ Achievements and the Lavender Spirit Award. As many on campus attest, I believe very strongly in the legalization of same-sex marriage and the extension of full legal rights to same-sex couples.

Not long before the NFSS article was published, Professor Regnerus approached the public affairs office in the College of Liberal Arts to support publicity around the release of the study. The head of that office consequently met with me about the article because, at the time, I was in one of my terms as chair of the Committee on Gay, Lesbian, Bisexual, and Transgender (GLBT) Support Initiatives. The director's goal in speaking to me was to gain more insight into the article and its findings. I quickly scanned the article, and within a few minutes time, saw fundamental flaws, all of which are outlined in this report. However, I also immediately recused myself from all discussions of the publicity of the article from that point forward. I had no knowledge of the NFSS up to that point, and at that time, felt that my ties to Professor Regnerus and the Department of Sociology would lead to potential conflicts of interest in discussing how the university would publicize the article. Instead, another member of the committee took my place in those discussions. From that point forward, I simply remained an observer of the publication of the article and its well-documented fallout. I have carefully followed the debate about the research and its aftermath, but until the publication of this report, I have never written publicly about the matter.

On a more personal note, I must say something about my relationship with Professor Regnerus. I harbor no ill-will towards Professor Regnerus, or to me, just Mark; indeed, and I think he would agree, for many years Mark was a good friend in the department. We entered UT-Austin only three years apart, both having been trained in North Carolina: he at UNC-Chapel Hill and I at Duke. At the Carolina Population Center, Mark worked with Professor Glen Elder, among others. I believe that Glen was someone that Mark looked up to, and I did as well. We are both trained in the sociology of religion and have shared a love of that field for many years. We have taught on similar subjects, mentored students in common, served on committees together, and spent time together at departmental events. For example, when Mark received tenure in 2007, my wife and I took Mark and his wife out to celebrate. In a number of instances Mark sought my advice and comradeship on various matters, and I provided it willingly. I think it is safe to say that Mark and I were friends, plain and simple. However, since the publication of the NFSS article, Mark and I have not spoken nor communicated in any way. Mark has not reached out to me, and I have not tried to contact him.

Finally, given my background in LGBTQ activism here at UT-Austin, perhaps some would believe that I am very satisfied with the conclusions I have reached in this report. Believe me, I am not. This whole episode has likely hurt my department, the college, the field, the cause of LGBTQ rights here in the US and abroad, untold numbers of gay and lesbian parents and couples, and likely many others. No one has won from the publication of this article<sup>18</sup>, and if the recent court findings in *DeBoer v. Snyder* hold any weight, it appears that even the NFSS findings will no longer be useable in court cases on the legality of same-sex marriage. How can anyone be satisfied with this kind of outcome? Science is meant to help us better understand our world, not to create findings that favor one political position over another. When we discover evidence that science might have been used for those naked political purposes, we can **never** celebrate that substantiation. Instead, we must always mourn it and hope that the field will never see it again.

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<sup>18</sup> In actuality, Professor Regnerus seems to have personally benefitted from the NFSS research. According to internal College of Liberal Arts documents, from 2011-2014, Professor Regnerus has or will receive over \$45,000 in summer salary paid through grants from the Witherspoon Institute and the Bradley Foundation. In the budget overview he provided to Mr. Tellez (9), he discusses salary both for himself and others, thus underscoring the plans to pay himself summer salary. Later in the budget overview he discusses how the funds will further be used to support his research outside of the NFSS. In another email exchange between Professor Regnerus, Professor Wilcox, and Mr. Tellez (43), budgeting is also discussed. In this email, the author, redacted in the referenced copy, but likely Mr. Tellez, remarks on the spending on the NFSS, "As I said, take charge plan to spend what we ought to, nothing less nothing more, and just give me a heads up, as we begin to understand costs we will draw up a budget; we will include some money for you and Brad on account of the time and effort you will be devoting to this. We are not lavish but we do pay..." As documented in this report, Professor Regnerus has also spoken to courts, legislatures and political organizations about his findings, though it is unclear whether any of those speaking engagements, and others not documented here, have resulted in any compensation.

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