

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDITH SCHLAIN WINDSOR, in her
capacity as Executor of the Estate
of CLARA SPYER,

Plaintiff,

-against-

10-CV-8435

THE UNITED STATES OF AMERICA,

Defendant.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOANNE PEDERSEN & ANN MEITZEN,
GERALD V. PASSARO II, LYNDA
DEFORGE & RAQUEL ARDIN, JANET
GELLER & JOANNE MARQUIS, SUZANNE
& GERALDINE ARTIS, BRADLEY
KLEINERMAN & JAMES GEHRE
DAMON SAYVOY & JOHN WEISS,

Plaintiffs,

-against-

Civil Action No.
310 CV 1750 (VLB)

OFFICE OF PERSONNEL MANAGEMENT,
TIMOTHY F. GEITHNER, in his official
capacity as the Secretary of the
Treasury, and HILDA L. SOLIS, in her
official capacity as the Secretary of
Labor, et al.,

Defendants.

DEPOSITION OF MICHAEL E. LAMB, Ph.D.

Friday, June 24, 2011



Telephone: 212.349.9692
Facsimile: 212.557.2152

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Suite 4715
New York, NY 10119

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M. Lamb

on a compilation of the studies. This one is designed to focus on one element of that, which is the relationship between the sexual orientation of the mother and the children's adjustment, holding constant whether or not -- or the fact that they are all not in couple circumstances.

MR. DUGAN: I will hand out what will be marked Exhibit 6.

(Lamb Exhibit 6, Golombok/Tasker chapter, was marked for identification as of this date.)

Q. Dr. Lamb, do you recognize this?

A. Yes. This is a chapter on gay fathers by Susan Golombok and Fiona Tasker that was included in a book I edited called "The Role of the Father in Child Development."

Q. If you could turn to page 327, specifically I would like to focus right under "Consequences For Child Development." The authors write, "Studies of children raised by same-sex parents have almost exclusively focused on families headed by lesbian mothers rather than gay fathers."

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M. Lamb

Does that fact limit what one can predict about children raised by male, same-sex partners?

MR. RIEMAN: Objection to form.

A. Well, as I said earlier, it's a fact that there have been more studies that are focused on the adjustment of children raised by lesbians rather than by gay parents. It's a fact that results of studies that are focused on the children in both of those contexts are similar to one another. And it's a fact that in both contexts one finds that the adjustment of children is affected not by the sexual orientation or by the family structure but by the family process variables that we talked about earlier this morning.

Q. Are the authors right to say that studies of same-sex parents have almost exclusively focused on families headed by lesbian mothers?

MR. RIEMAN: Objection to form.

A. As I said, it is the case that there are fewer studies of gay fathers than of lesbian mothers. And so at the time that this was



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M. Lamb

written, yes, that seems like a reasonable thing to say.

Q. When was this written? 2006?

A. No. I would have thought it was written probably in 2008-ish.

Q. If you can turn to page 329? I am looking at the section "Children Who Live With Gay Fathers." The authors write, "At present little is known about the psychological development and well-being of the increasing number of children who are being raised by gay fathers, that is, children who live with their gay fathers and have done so from birth or early childhood."

Is that a fair statement of the literature?

A. Well, I think it's what they are -- because this is a chapter focused on gay fathers, they are talking narrowly about that literature. And as I said earlier, it is the fact that there are fewer studies that have looked at children being raised by gay fathers.

What this chapter doesn't do to the extent that I have been doing in my statement and



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M. Lamb

in my deposition, is put those results in the context of the broader body of literature that looks at children raised by same-sex parents and children being raised in a variety of other family structures.

But as a narrow statement, it is true that there are fewer studies that are directly focused purely on the psychological development and well-being of these children being raised by gay fathers.

Q. And since this book chapter was written, has there been a significant change in the number of studies of same sex fathers?

A. Well, there are a couple of important studies that have been published since then that have added to the body of literature and that have produced findings that are entirely consistent with the results that were made available before, again showing that the gender of the parent raising the child, whether they are of the same-sex or opposite-sex orientation, isn't an important factor in shaping their development.

MR. DUGAN: I will hand out what will



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M. Lamb

intimate partners and other social figures had better adjusted children again is consistent with a larger body of research on the way in which the family context affect children's adjustment.

So as part of that larger body of research, these are interesting and valuable studies that add to this larger, more complete body of evidence.

Q. I am handing you what will be marked Exhibit 8.

(Lamb Exhibit 8, Wainright/Patterson report, was marked for identification as of this date.)

Q. Do you recognize this document, Dr. Lamb?

A. Yes, I do.

Q. And what is this?

A. This is one of the reports written by Jennifer Wainright and Charlotte Patterson that involves, in this case, focusing on the delinquency, victimization and substance abuse of adolescents being raised by lesbians in comparison with a like number of adolescents

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M. Lamb

matched on a variety of factors who have been raised by heterosexual parents.

Q. If I can direct you to the second paragraph on the first page, the second sentence of that paragraph, the authors write, "We still have relatively few studies of adolescent offspring of lesbian or gay parents however, and some have advised caution when generalizing the results of research conducted with young children to adolescents."

Is it still the case that there are relatively few studies of adolescent offspring of lesbian or gay parents?

A. There are fewer studies of adolescents than there are of younger children. I think that this statement here is part of a way of underscoring the importance of this research. And it is important research. But there are several other studies that have looked at adolescent offspring living with same-sex parents.

Q. Does the fact that there are, I think you said, fewer studies on adolescents counsel us to be caution about drawing conclusions about

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M. Lamb

adolescents who are raised by same-sex parents?

A. Well, I don't think it does because the results of those fewer studies are consistent with the results of other research that looks at children's adjustment and other research that looks at adolescents and the factors that are associated with their adjustment.

Again, I think what's important to underscore is how important it is to look at any set of findings in context. In that context, the fact that studies like this show that children being raised by same-sex parents are as likely to be well adjusted as children raised by -- sorry -- as adolescents raised by heterosexual parents and that when one looks at the correlates of better or worse adjustment, that it's the same factors regardless of sexual orientation.

It is the convergence between the findings and the broader body of literature that is really the key thing we want to look at.

MR. DUGAN: I hand out what will be marked Exhibit 9.

(Lamb Exhibit 9, Kurdek article, was marked for identification as of

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M. Lamb

this date.)

Q. Do you recognize this document,
Dr. Lamb?

A. Yes, I do.

Q. And what is it?

A. It's a relatively brief summary of
literature that is concerned with the dynamics of
gay and lesbian relationships conducted by Larry
Kurdek.

Q. If I can direct you to the final page,
page 254? Professor Kurdek writes at the
beginning, under "Issues for future research,"
"Future research on gay and lesbian couples needs
to address several key issues. One is sampling.
Because most studies have used convenience
samples of mostly white and well-educated
partners, the extent to which findings generalize
to the larger population of gay and lesbian
couples is unknown.

"Problems with regard to sampling may
be eased as specialized populations -- such as
couples with civil unions from states with open
records -- become identified. Another issue is
research methods: Most studies on gay and



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M. Lamb

lesbian couples have used self-report surveys. Future work could address some of the biases associated with self-report data by employing behavioral observations as well as peer or partner ratings."

Do you agree with Dr. Kurdek that this has been a limitation in the studies?

MR. RIEMAN: Objection to form.

A. Well, he's certainly correct in noting these issues in the literature on gay and lesbian couples, particularly research of the sort that he has done, which has painstakingly, and I think very usefully, shown that the dynamics of relationships in gay and lesbian couples are characterized by the same dimensions as those in heterosexual families and that clearly elaborating on that and doing more research may be helpful for those who are interested in further understanding couple dynamics.

I do want to underscore that this, his research, is focused on gay and lesbian couples, mostly couples without children, and that these studies don't look at the relationship between the couple variables and the children's

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M. Lamb

adjustment. They are nevertheless very useful because they do show that the research on the dynamics of those couples is subject to and has the same sorts of correlates and variables as do heterosexual couples, both those that are married as well as those who are co-habiting.

Q. Is it fair to conclude that you are a supporter of gay marriage?

A. Yes.

Q. If there were no studies about gay parenting, would you still be in favor of -- studies that you say demonstrate well-adjusted children, would you still support gay marriage?

MR. RIEMAN: Objection to form.

A. Well, I think that's a hard question to answer in that it sort of requires me to ignore the research that we do have. I mean, I have come to support gay marriage because I have spent 35 or so years studying the factors that affect children's adjustment. And most of that research, of course, is research that involves looking at children with opposite-sex orientation on the part of their parents.

There is an increasing body of



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Facsimile: 212.557.2152

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INDEX TO TESTIMONY

WITNESS	EXAMINATION BY	PAGE
M. Lamb	Mr. Dugan	6
	Mr. Rieman	89

INDEX TO EXHIBITS

LAMB		
EXHIBITS	DESCRIPTION	PAGE
1	CV excerpt	8
2	Lamb affidavit	8
3	Bibliography Table of Contents	23
4	Bos study	71
5	Golombok/Spencer study	73
6	Golombok/Tasker chapter	75
7	Patterson chapter	79
8	Wainright/Patterson report	81
9	Kurdek article	83



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SOUTHERN DISTRICT OF NEW YORK

EDITH SCHLAIN WINDSOR, in her
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of CLARA SPYER,

Plaintiff,

-against-

10-CV-8435

THE UNITED STATES OF AMERICA,

Defendant.

(Caption continued on next page.)

DEPOSITION OF LETITIA ANNE PEPLAU, Ph.D.,

Friday, June 17, 2011



Telephone: 212.349.9692
Facsimile: 212.557.2152

One Penn Plaza
Suite 4715
New York, NY 10119

1 L.A. Peplau, Ph.D.

2 average age or the mean age was in the early
3 40s and that the average length of
4 relationships were as I stated them here.

5 Presumably younger people would not
6 -- if you are 30 years old, you would probably
7 not have had the opportunity to be in a
8 12-year same sex relationship.

9 But I am not sure if I am really
10 understanding the question.

11 Q. I think that goes to it.

12 A. Okay.

13 Q. Paragraph 25 of Exhibit 2, second
14 sentence in there, you say, "In a national
15 survey conducted with a representative sample
16 of more than 650 self-identified lesbian, gay
17 and bisexual adults, 95 percent of the gay men
18 and 83 percent of the lesbians reported that
19 they experienced no choice at all or very
20 little choice about their sexual orientation."

21 And I believe you are referring to a
22 study by Herek?

23 A. Yes.

24 MR. DUGAN: Mark that as the next
25 exhibit.



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Facsimile: 212.557.2152

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Suite 4715
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L.A. Peplau, Ph.D.
(Copy of paper by Herek Norton
Allen and Sims was marked as
Defendants' Exhibit 4 for
identification.)

Q. Do you recognize that, Dr. Peplau?

A. Yes.

Q. What is that?

A. This is a copy of the paper by Herek
Norton Allen and Sims that I was referring to
in paragraph 25.

Q. If I could have you turn to page 186,
which is table 3 of this article.

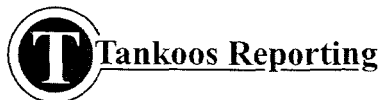
You wrote, "95 percent of gay men
experience no choice at all or very little
choice about their sexual orientation."

Looking at table 3, is it fair to say
that nearly 7 percent of gay men felt that
they had a small amount of choice in their
sexuality and 5.2 percent said that they
experienced a fair amount or a great deal of
choice in their sexuality?

MR. BENSON: Objection to form.

Q. Let me split that up.

Is it fair to say that 7 percent of



1 L.A. Peplau, Ph.D.

2 gay men felt that they had a small amount of
3 choice in their sexuality?

4 A. Yes.

5 Q. And is it fair to say that 5.2
6 percent experienced a fair amount or great
7 deal of choice in their sexuality?

8 A. Yes.

9 Q. With regard to lesbians, doesn't the
10 study show that 31.6 percent of lesbian women
11 experience a small amount or a fair amount of
12 choice in their sexuality?

13 MR. BENSON: Objection to form.
14 Compound.

15 Q. I will split that up.

16 Does this study show that 15.2
17 percent of lesbians experience a small amount
18 of choice in their sexual orientation?

19 A. Yes, that's what the study shows.

20 Q. And does this study show that 16.4
21 percent of lesbians experience a fair amount
22 or a great deal of choice in their sexual
23 orientation?

24 A. Yes, that's what this study shows.

25 Q. And looking at the last column there,



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Facsimile: 212.557.2152

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1 L.A. Peplau, Ph.D.

2 on table 3, if one factors in gays, lesbians
3 and bisexuals, both bisexual men and women,
4 isn't it true that 14.2 percent experience a
5 small amount of choice in their sexual
6 orientation?

7 A. Yes, that's what the table shows.

8 Q. Is it true that 25.2 percent
9 experience a fair amount or a great deal of
10 choice in their sexual orientation?

11 A. So just so I am clear, what we are
12 doing here is we are adding in bisexuals, who
13 are people who are attracted to both men and
14 women, and when you do that you find that the
15 percent of lumping together lesbians, gay men
16 and bisexuals who report they have a fair
17 amount or a great deal of choice is 25
18 percent.

19 And, yes, that's what the table
20 shows.

21 MR. DUGAN: Mark that Exhibit 5.

22 (Paper by Greg Herek was
23 marked as Defendants' Exhibit 5
24 for identification.)

25 Q. Do you recognize Exhibit 5,



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1 L.A. Peplau, Ph.D.
2 gay male couples to be sexually monogamous.".

3 Q. Thank you.

4 Next, I would like you to turn to
5 Exhibit 4, which is the Herek article
6 entitled, "Demographic, Psychological and
7 Social Characteristics of Self-Identified
8 Lesbian, Gay and Bisexual Adults in a U.S.
9 Probability Sample."

10 When you have it, Dr. Peplau, if I
11 could ask you to turn to table 3, please.

12 A. Yes.

13 Q. Do you recall that during his
14 questioning Mr. Dugan asked you some questions
15 about the final column on the right of this
16 article?

17 A. Yes.

18 Q. Can you please comment on the
19 percentage of total gay men, lesbians and
20 bisexual men and women who recorded having
21 either no choice at all or only a small amount
22 of choice or perceived choice about their
23 sexual orientation?

24 A. Yes. The total percent in that
25 classification would be 74.8 percent.



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1 L.A. Peplau, Ph.D.

2 Q. Can I ask you, Dr. Peplau, do we know
3 what the respondents meant here when they were
4 reporting on their perceived choice about
5 sexual orientation?

6 A. We really do not know what the
7 respondents meant when they indicated that
8 they had, for example, a fair amount of
9 choice. I think one possibility is that what
10 they are really saying is that they recognize
11 that they had same sex romantic sexual
12 attractions and then they chose rather than
13 denying or suppressing those attractions, that
14 they chose to act upon them by, for example,
15 forming a same sex relationship. We do not
16 know, but I think there are many -- there are
17 possible interpretations of what choice might
18 have meant to the respondents.

19 Q. If I could ask you please to turn to
20 Exhibit 2, which is your expert affidavit.
21 The first passage I would like to focus you on
22 is paragraph 37 on page 17.

23 Do you recall that Mr. Dugan asked
24 you a number of questions relating to this
25 paragraph?



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I N D E X

WITNESS	EXAMINATION BY	PAGE
L.A. Peplau, Ph.D.	Mr. Dugan	7
	Mr. Benson	99

EXHIBITS

DEFENDANTS'	DESCRIPTION	PAGE
1	Dr. Peplau's CV	9
2	Dr. Peplau's affidavit	9
3	APA answers	14
4	Copy of paper by Herek Norton Allen and Sims	36
5	Paper by Greg Herek	38
6	Book chapter	41
7	Book chapter	45
8	Document	47
9	Herek 2000 citation	48
10	Book chapter	74
11	Journal article	79



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