

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

10 Civ. 8435 (BSJ) (JCF)
ECF Case

**DECLARATION OF
LISA M. DIAMOND**

Lisa M. Diamond declares under penalty of perjury, pursuant to 28 U.S.C.
§ 1746, as follows:

1. I am Lisa M. Diamond.
2. I am an associate professor of developmental psychology at the University of Utah. My areas of specialty include the nature and development of affectional bonds and the nature and development of same-sex sexuality.
3. I have reviewed the papers submitted by the Bipartisan Legal Advisory Group of the United States House of Representatives (“BLAG”) in opposition to the Plaintiff’s motion for summary judgment in the above-referenced lawsuit. BLAG cites my work numerous times in those papers.
4. BLAG misconstrues and distorts my research findings, which do not support the propositions for which BLAG cites them. Specifically, on p. 11 of their opposition to the motion for summary judgement, BLAG quotes the following statement from one of my papers: “. . .there is currently no scientific or popular consensus on the exact constellation of experiences that definitively ‘qualify’ an individual as lesbian,

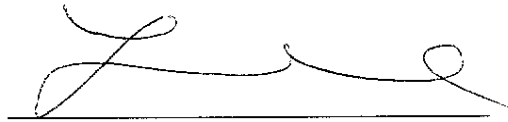
gay, or bisexual” – as support for their claim that sexual orientation is not immutable. This is incorrect. My quoted statement concerns the scientific and popular debates over the defining characteristics of LGBT individuals and it says nothing whatsoever about the immutability of sexual orientation itself. Hence, BLAG has incorrectly characterized my research. BLAG goes on to state on page 11 that “according to multiple studies, a high number of persons who experience sexual attraction to members of the same sex early in their adult lives later cease to experience such attraction” and in support of this claim they provide the following quote from one of my articles: “50% [of respondents] had changed their identity label more than once since first relinquishing their heterosexual identity”. This quoted statement refers to *sexual identity labels* (i.e., how individuals describe and interpret their sexuality), and *not* to sexual orientation. Neither this article nor any of my other published work supports BLAG’s claim that “a high number of persons who experience sexual attraction to members of the same sex early in their adult lives later cease to experience such attraction” (p. 11). Hence they have completely misrepresented my research.

4. Counsel for BLAG never requested that I serve as an expert witness for them in the above-referenced lawsuit. If they had so requested, I would not have agreed to do so.

5. I am providing these clarifications of my work on a scientific basis, and I have no other interest or involvement in this case. I have received no compensation for providing this affidavit.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at 3:00 AM on this 20 day of August 2011.

A handwritten signature in black ink, appearing to read 'Lisa M. Diamond', written over a horizontal line.

Lisa M. Diamond