

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.

(Caption continued on next page.)

DEPOSITION OF GEORGE A. CHAUNCEY, Ph.D.

Tuesday, July 12, 2011



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1 G. Chauncey

2 the family. And it did this in newspaper ads
3 published in the local papers and the pamphlets
4 that it distributed door to door and so forth.
5 So I would call it demeaning stereotypes and
6 inflammatory rhetoric used by that particular
7 organization.

8 Take another example. In 1992, I
9 believe it was called Coloradoans Against Special
10 Rights, but I need to double check that name, was
11 established in Colorado to enact Amendment 2, a
12 state constitutional amendment that would have
13 overturned existing protections, legislative
14 protections against discrimination against gay
15 people in Denver, Boulder, a couple other places
16 in Colorado, and have prohibited the government
17 from enacting any other such protections
18 legislatively or by regulation.

19 And the group that campaigned for that
20 was connected to groups that campaigned in
21 similar campaigns in other states and cities to
22 overturn such laws, and they distributed door to
23 door and played on churches -- played in churches
24 videos with names like "The Gay Agenda," "Gay
25 Rights/Special Rights," that again demonized

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2 homosexuals as child molesters, as people who
3 engaged in the most startlingly strange and
4 disgusting seeming kinds of sexual behavior, who
5 were a wealthy class, privileged class who didn't
6 need these rights and who threatened children.

7 So, those would be two examples.

8 Q. Can you give any examples of anti-gay
9 groups, contemporary anti-gay groups?

10 A. Well, today those groups would include
11 Focus on the Family, the American Family
12 Association, Traditional Values Coalition.
13 Groups of that sort that have organized -- the
14 National Organization For Marriage -- which have
15 organized around the country to pass
16 constitutional amendments prohibiting same-sex
17 couples from getting married. Those would be
18 some examples.

19 Q. Is the Church of Latter Day Saints an
20 anti-gay organization?

21 MS. KAPLAN: You mean the Mormons?

22 MR. DUGAN: Yes.

23 MS. KAPLAN: Objection to form.

24 A. Well, I guess I would want to say that
25 the Church of Latter Day Saints has certainly

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2 MR. DUGAN: Today.

3 MS. KAPLAN: Objection to form but you
4 can answer.

5 A. Well, again, your question is still a
6 little vague to me, I have to admit. But I will
7 attempt an answer. I will go in one direction.

8 I think that there is a difference
9 between a group seeking a tax break which might
10 be looked upon favorably at one point and then
11 get attention and be portrayed unfavorably at
12 another point and a group of people who are being
13 denied fundamental civil rights.

14 I think that in the case of gay and
15 lesbian Americans, we have seen in the last
16 decade really just an extraordinary degree to
17 which their basic rights have been subject to the
18 vicissitudes of public opinion, with -- since the
19 seventies, a large number of cases in which their
20 civil rights have been put to the vote in popular
21 referenda and, something like in three quarters
22 of the cases, have been taken away, or in just
23 the last decade you have seen 29 states enact
24 constitutional amendments which write in gay and
25 lesbian inequality into the fundamental law of

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2 the states.

3 It is hard to think of many other
4 groups that have been subject to the vicissitudes
5 of public opinion in quite that way.

6 Q. So when you are talking about civil
7 rights that are subject to the whims of public
8 opinion you have in mind things like marriage,
9 housing --

10 A. Freedom from discrimination. Now, we
11 can look in a longer duration and see for a long
12 time black civil rights were subject to the
13 vicissitudes of public opinion and were, even
14 after emancipation, were severely curtailed by
15 legislation across the south and Supreme Court
16 rulings, until a point when the courts said that
17 actually segregation of the schools is
18 unconstitutional.

19 When the court, the Supreme Court said
20 denying the freedom to marry to an interracial
21 couple is unconstitutional, the court said that
22 at a time when the vast majority of white
23 Americans -- and I think it is something like
24 90 percent of white southerners did not believe
25 that interracial couples should have the right to

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2 There were crackdowns in Boise, Idaho and Miami.
3 It would just go on and on. I can't give you a
4 precise number.

5 Q. Were there some regions of the country
6 that were not involved in these crackdowns?

7 A. I am unaware of regions through most
8 of the 20th century, certainly the mid 20th
9 century, which I am talking about here, in which
10 this did not happen.

11 Q. Turning to paragraph 12 on the same
12 page, page 5 of Exhibit 2? You write in that
13 first sentence, "Private hostility and
14 discrimination, often encouraged by government
15 officials, has had a similarly profound and
16 enduring negative effect on lesbians and gay men
17 in American society."

18 Is there any way to evaluate how
19 widespread this private hostility and
20 discrimination is and was?

21 MS. KAPLAN: Objection to form. You
22 can answer.

23 A. Well, again it is difficult to give
24 you precise numbers here, but I will give you two
25 examples of this. As I say in the sentence,

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2 private hostility and discrimination was often
3 encouraged by government officials. And one
4 example of this is that in President Eisenhower's
5 executive order in 1953, he not only banned
6 homosexuals from serving in civilian as well as
7 military agencies of the government but required
8 companies that had federal contracts to ferret
9 out and discharge their homosexual employees.

10 And at that time, early --
11 significantly, during the cold war, Korean war,
12 et cetera -- about 20 percent of American
13 companies had contracts with the federal
14 government, so they were required by this law to
15 do this.

16 It was just taken as a matter of
17 course on the part of most lesbians and gay men
18 in this period that except for a handful of
19 professions and job niches, they had to be very
20 careful to hide their homosexuality because they
21 would lose their jobs if their employers learned
22 that they were gay.

23 The most horrifying example I heard
24 was someone talking about a close friend of his
25 whose partner of many years was dying from a

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2 brain tumor and he was caring for him and he
3 could never tell his employers what was going on
4 and why he was sometimes missing days at work
5 because he knew he would lose his job if he did
6 so.

7 Q. I think you mentioned there were some
8 professions where gays and lesbians could be
9 open. Which professions were those?

10 A. Again, "be open" is a complicated word
11 in this context. There were a handful of
12 professions that were stereotypically associated
13 with gay men or lesbians, which typically were
14 low prestige, low income professions. Being a
15 waiter, low-level clerical work, being a sales
16 clerk at a department store were some of the
17 professions where people felt -- they still
18 typically wouldn't want to let their customers
19 know that they were gay, but often they didn't
20 deal with the public, as it were, and they could
21 get by.

22 But certainly of the many -- at this
23 point I have interviewed more than 180 older gay
24 men, and pretty consistently they felt that there
25 was a ceiling on how far they could progress if

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2 homosexual as an individual and to the growing
3 visibility of those individuals, began to
4 classify and discriminate against certain of its
5 citizens on the basis of their status or identity
6 as homosexuals."

7 When you use the term or the phrase
8 "hostility to same-sex conduct," is that the same
9 as hostility to gays or homosexuals?

10 MS. KAPLAN: Objection to form.

11 A. Well, as I have tried to say, the
12 category of homosexual or heterosexual, gay
13 people or straight people didn't exist in the
14 same way before, so there was certainly a long
15 history of hostility to the behavior that would
16 come to be identified with and seen as
17 characteristic of the people that would come to
18 be known as homosexuals or gay people.

19 So, that's the longer tradition. But
20 as I have said here, it was in the 20th century
21 that the government began to classify and
22 discriminate against certain of its citizens on
23 the basis of their status as homosexuals. Again,
24 that drew on a longer history of vilification but
25 it took a distinctive form in the 20th century.

Name of Cases:

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)

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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

v.

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, MICHAEL J. ASTRUE, in his official capacity as the
Commissioner of the Social Security Administration, UNITED STATES POSTAL
SERVICE, JOHN E. POTTER, in his official capacity as The Postmaster General of the
United States of America, DOUGLAS H. SHULMAN, in his official capacity as the
Commissioner of Internal Revenue, ERIC H. HOLDER, JR., in his official capacity as
United States Attorney General, JOHN WALSH, in his official capacity as Acting
Comptroller of the Currency, and THE UNITED STATES OF AMERICA,
Defendants.

(310-CV-1750) (VLB)

Date of Deposition: Tuesday, July 12, 2011

Name of Witness: George Chauncey, Ph.D.

George Chauncey Errata Sheet for July 12, 2011 Deposition

I wish to make the following changes, for the following reasons:

PAGE LINE: 6:19
CHANGE FROM: "Vicki"
CHANGE TO: "Vickie"
REASON: Typographical Error

PAGE LINE: 7:1
CHANGE FROM: "plaintiffs"
CHANGE TO: "plaintiff"
REASON: Transcription error

PAGE LINE: 8:20
CHANGE FROM: "American history since 1919; courses on American"
CHANGE TO: "American history since 1919; also courses on American"
REASON: Transcription error

PAGE LINE: 8:24
CHANGE FROM: "in the United States, courses on the history of"
CHANGE TO: "in the United States, and courses on the history of"
REASON: Transcription error

PAGE LINE: 11:8–9
CHANGE FROM: "for deposition preparation for the deposition."
CHANGE TO: "for preparation for the deposition."

George Chauncey Errata Sheet for July 12, 2011 Deposition

REASON: Transcription error

PAGE LINE: 12:25

CHANGE FROM: “synonymous”

CHANGE TO: “synonymously”

REASON: Transcription error

PAGE LINE: 14:4

CHANGE FROM: “content to homosociality. So that American”

CHANGE TO: “content to homosociality. American society”

REASON: Transcription error

PAGE LINE: 15:12

CHANGE FROM: “this subject I wouldn’t say that every single”

CHANGE TO: “this subject. I wouldn’t say that every single”

REASON: Typographical error

PAGE LINE: 18:23

CHANGE FROM: “alone between mid 1920’s and mid-1960’s”

CHANGE TO: “alone between the mid-1920’s and mid-1960’s.”

REASON: Transcription and typographical error

PAGE LINE: 23:11

CHANGE FROM: “as second class citizens by denying the right to”

CHANGE TO: “as second class citizens by denying them the right to”

George Chauncey Errata Sheet for July 12, 2011 Deposition

REASON: Transcription error

PAGE LINE: 24:3

CHANGE FROM: “courts to decide what they may wish to about this”

CHANGE TO: “courts to decide what they may wish to do about this”

REASON: Transcription error

PAGE LINE: 25:8–10

CHANGE FROM: “I believe it was called Coloradoans Against Special Rights, but I need to double check that name,”

CHANGE TO: “Colorado for Family Values”

REASON: Witness advised he would confirm the group’s name and he did.

PAGE LINE: 27:25

CHANGE FROM: “it was engaged”

CHANGE TO: “it has engaged”

REASON: Transcription error

PAGE LINE: 29:24

CHANGE FROM: “write in gay”

CHANGE TO: “write gay”

REASON: Clarification

PAGE LINE: 31:5

CHANGE FROM: “have been allow to.”

George Chauncey Errata Sheet for July 12, 2011 Deposition

CHANGE TO: “have been allowed to marry.”

REASON: Clarification

PAGE LINE: 34:21

CHANGE FROM: “Leviticus,”

CHANGE TO: “Leviticus’s”

REASON: Transcription error

PAGE LINE: 36:17

CHANGE FROM: “accustomed to road shows, but in these days they”

CHANGE TO: “accustomed to road shows, but in those days they”

REASON: Transcription error

PAGE LINE: 37:5

CHANGE FROM: “I have think you touched on this”

CHANGE TO: “I think you have touched on this”

REASON: Transcription error

PAGE LINE: 38:20–21

CHANGE FROM: “clippings of crackdowns. And so they both published”

CHANGE TO: “clippings of crackdowns. And so they published”

REASON: Transcription error

PAGE LINE: 42:10–11

George Chauncey Errata Sheet for July 12, 2011 Deposition

CHANGE FROM: “In the 1990’s many clergy condemned and still condemn homosexuality as sinful. The”

CHANGE TO: “In the 1990s, many clergy condemned (and still condemn) homosexuality as sinful. The”

REASON: Typographical error

PAGE LINE: 43:10

CHANGE FROM: “God’s”

CHANGE TO: “God has”

REASON: Transcription error

PAGE LINE: 44:13

CHANGE FROM: “rights of that equality”

CHANGE TO: “rights or that equality”

REASON: Transcription error

PAGE LINE: 48:11–12

CHANGE FROM: “intermeshed. There is some thought that the”

CHANGE TO: “intermeshed -- there is some thought that the”

REASON: Transcription error

PAGE LINE: 51:4

CHANGE FROM: “you know,”

CHANGE TO: “even though it”

REASON: Transcription error

George Chauncey Errata Sheet for July 12, 2011 Deposition

PAGE LINE: 51:5

CHANGE FROM: “conduct. It was”

CHANGE TO: “conduct – it was”

REASON: Clarification

PAGE LINE: 57:16

CHANGE FROM: “of World War”

CHANGE TO: “in World War”

REASON: Transcription error

PAGE LINE: 52:22

CHANGE FROM: “same paragraph, you write, ‘Between the 1920’s and the 1950’s the government, drawing on long’”

CHANGE TO: “same paragraph, you write, ‘Between the 1920s and the 1950s, the government, drawing on long’

REASON: Transcription error

PAGE LINE: 63:3

CHANGE FROM: “who was psychological better adjusted. And no”

CHANGE TO: “who was psychologically better adjusted. And no”

REASON: Transcription error

PAGE LINE: 66:18–21

CHANGE FROM: You say that “ [...]”

CHANGE TO: Omit quotation marks.

REASON: This is a paraphrase of the actual text.

George Chauncey Errata Sheet for July 12, 2011 Deposition

PAGE LINE: 67:11

CHANGE FROM: "I have mentioned. And so there was much more"

CHANGE TO: "I have mentioned. And so there was a much more"

REASON: Transcription error

PAGE LINE: 67:13

CHANGE FROM: "that the"

CHANGE TO: "why the"

REASON: Clarification

PAGE LINE: 68:20

CHANGE FROM: "campaigns and that"

CHANGE TO: "campaigns, in that"

REASON: Transcription error

PAGE LINE: 69:4

CHANGE FROM: "demonization and became an occasion for"

CHANGE TO: "demonization and it became an occasion for"

REASON: Transcription error

PAGE LINE: 74:16–17

CHANGE FROM: "Polling data suggests the magnitude of the shift. In 1985 only a quarter of"

CHANGE TO: "Polling data suggest the magnitude of the shift. In 1985, only a quarter of"

George Chauncey Errata Sheet for July 12, 2011 Deposition

REASON: Transcription error

PAGE LINE: 74:20

CHANGE FROM: “gay and more than half believed that they did not”

CHANGE TO: “gay, and more than half believed that they did not”

REASON: Transcription error

PAGE LINE: 76:6

CHANGE FROM: “camp”

CHANGE TO: “camps”

REASON: Transcription error

PAGE LINE: 76:9

CHANGE FROM: “accepted. It is very regionally and by religion”

CHANGE TO: “accepted. It varies regionally and by religion”

REASON: Typographical error

PAGE LINE: 76:19

CHANGE FROM: “has been relative more openness, less policing,”

CHANGE TO: “has been relatively more openness, less policing,”

REASON: Transcription error

PAGE LINE: 78:12

CHANGE FROM: “can be healed. NARTH also lectures partners with”

CHANGE TO: “can be ‘healed.’ NARTH also lectures, partners with”

George Chauncey Errata Sheet for July 12, 2011 Deposition

REASON: Transcription error.

PAGE LINE: 79:21

CHANGE FROM: “homosexuals to be disordered in some way, a”

CHANGE TO: “homosexuals to be disordered in some way, based on a”

REASON: Transcription error

PAGE LINE: 83:24

CHANGE FROM: “And so, their discrimination has taken”

CHANGE TO: “And so, discrimination has taken”

REASON: Transcription error

PAGE LINE: 84:19

CHANGE FROM: “meant and who was”

CHANGE TO: “meant and who it was”

REASON: Transcription Error

PAGE LINE: 87:7

CHANGE FROM: “respectful”

CHANGE TO: “respectable”

REASON: Transcription error

PAGE LINE: 88:11

CHANGE FROM: “beginning of the 20th century there was much more”

CHANGE TO: “beginning of the 20th century, it was much more”

George Chauncey Errata Sheet for July 12, 2011 Deposition

REASON: Transcription error

PAGE LINE: 91:13

CHANGE FROM: “decision, which was significant, to overturn the”

CHANGE TO: “decision, which was significant, in overturning the”

REASON: Transcription error

PAGE LINE: 91:19

CHANGE FROM: “at any given”

CHANGE TO: “in the present”

REASON: Clarification

PAGE LINE: 94:19

CHANGE FROM: “generic.”

CHANGE TO: “generic term.”

REASON: Transcription error

PAGE LINE: 94:20

CHANGE FROM: ““Fifty years ago no state had a gay rights law””

CHANGE TO: “Fifty years ago no state had a gay rights law”

REASON: Omit quotation marks; transcription error

PAGE LINE: 97:5–6

CHANGE FROM: “changes that have led to decline”

CHANGE TO: “changes that have led to a decline”

George Chauncey Errata Sheet for July 12, 2011 Deposition

REASON: Transcription error

PAGE LINE: 98:3

CHANGE FROM: “because of censorship, less representation at all”

CHANGE TO: “because of censorship, less representation, if at all,”

REASON: Transcription error

PAGE LINE: 98:5

CHANGE FROM: “that on the”

CHANGE TO: “that in the”

REASON: Transcription error

PAGE LINE: 98:19

CHANGE FROM: “there have also been persistence and even an”

CHANGE TO: “there has also been persistence and even an”

REASON: Typographical error

PAGE LINE: 101:9

CHANGE FROM: “Do this strand of gay liberationist”

CHANGE TO: “Does this strand of gay liberationist”

REASON: Typographical error

PAGE LINE: 101:15

CHANGE FROM: “bit but shared”

CHANGE TO: “bit, but it shares”

George Chauncey Errata Sheet for July 12, 2011 Deposition

REASON: Clarification

PAGE LINE: 102:12

CHANGE FROM: "Guy"

CHANGE TO: "Gay"

REASON: Transcription Error

PAGE LINE: 103:2

CHANGE FROM: "Why don't you look at it."

CHANGE TO: "Why don't you look at it?"

REASON: Typographical error

PAGE LINE: 105:13

CHANGE FROM: "Now as I say here, yes, there is"

CHANGE TO: "Now, as I say here, yes, there is a"

REASON: Typographical error

PAGE LINE: 108:11

CHANGE FROM: "directly but often"

CHANGE TO: "directly, but most often"

REASON: Clarification

PAGE LINE: 109:18–19

CHANGE FROM: "people who support anti-gay -- sorry. Laws against discrimination against gay people but --"

George Chauncey Errata Sheet for July 12, 2011 Deposition

CHANGE TO: “people who support anti-gay -- sorry, laws against discrimination against gay people but”

REASON: Transcription error

PAGE LINE: 110:20

CHANGE FROM: “Dr. Chauncey that ran in University of Chicago”

CHANGE TO: “Dr. Chauncey that ran in the University of Chicago”

REASON: Transcription error

PAGE LINE: 111:25

CHANGE FROM: “referring to”

CHANGE TO: “referring to,”

REASON: Transcription Error

PAGE LINE: 112:2–3

CHANGE FROM: “some of the sailors at this naval station training station in Newport”

CHANGE TO: “some of the sailors at this naval training station in Newport”

REASON: Transcription error

PAGE LINE: 112:20

CHANGE FROM: “to page 28. I think it is second page in. This”

CHANGE TO: “to page 28. I think it is the second page in. This”

REASON: Transcription error

PAGE LINE: 115:6–7

George Chauncey Errata Sheet for July 12, 2011 Deposition

CHANGE FROM: “hand -- I don’t think have made a claim that marriage between two women or two men have been”

CHANGE TO: “hand -- I don’t think they made a claim that marriage between two women or two men had been”

REASON: Transcription error

PAGE LINE: 118:7

CHANGE FROM: “the Jews or the”

CHANGE TO: “the Jews, or of”

REASON: Transcription error

PAGE LINE: 118:8

CHANGE FROM: “enslaved people or”

CHANGE TO: “enslaved people, or”

REASON: Transcription error

George Chauncey

George Chauncey, Ph.D

Subscribed and sworn to before me

this 10th day of August, 2011.

Josephine De Bridgita
(NOTARY PUBLIC)



(MY COMMISSION EXPIRES)

CERTIFICATE

STATE OF

Connecticut

COUNTY OF

New Haven

: ss. North Haven