

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-cv-8435 (BSJ) (JCF)

SUPPLEMENTAL EXPERT AFFIDAVIT OF LETITIA ANNE PEPLAU, PH.D.

I, Letitia Anne Peplau, Ph.D., hereby depose and say as follows:

1. I have actual knowledge of the matters stated in this affidavit and could and would testify as to such matters if called as a witness.
2. I have already provided an expert affidavit dated May 19, 2011 (my "Original Affidavit") in this litigation. A complete explanation of my professional background, experience, publications, and compensation appears in my Original Affidavit.
3. I have been asked to respond to the discussion on pp. 10-12 of the Memorandum of Law in Support of Intervenor-Defendant's Opposition to Plaintiff's Motion for Summary Judgment and paragraph 50 of Intervenor-Defendant's Local Rule 56.1 Response to Plaintiff's Statement of Material Facts, filed on August 1, 2011, by Defendant-Intervenor the Bipartisan Legal Advisory Group of the U.S. House of Representatives, and specifically to address an article cited therein: Nigel Dickson *et al.*,

Same-Sex Attraction in a Birth Cohort: Prevalence and Persistence in Early Adulthood,
56 Soc. Sci. & Med. 1607 (2003).

4. In preparing this affidavit I reviewed these portions of the above referenced Memorandum of Law and Rule 56.1 Response as well as the scientific articles cited therein, including the Dickson *et al.* article.

5. Neither the Dickson *et al.* article nor any other studies cited in these portions of the Intervenor-Defendant's filings change, in any way, any of the expert opinions I expressed in my Original Affidavit, including my expert opinions that "[s]exual orientation refers to an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes", and that "the significant majority of adults exhibit a consistent and enduring sexual orientation" (Original Affidavit ¶¶ 10, 23).

6. Indeed, the Dickson, *et al.* article provides further evidence in support of these opinions. Among the participants in the Dickson study, the overwhelming majority of individuals who reported only opposite sex attraction at age 21 also reported only opposite sex attraction at age 26. Similarly, the vast majority of those who reported major attraction to the same sex at age 21 reported this at age 26 as well. The data show that only ½ of 1% of the male participants and 1.3% of the female participants shifted from only opposite sex attraction to major attraction to the same sex or vice versa. The people who did shift in their reported attractions were virtually all individuals who shifted in or out of reporting that they were "more often attracted to the opposite sex" but "at least once" to their own sex. Dickson, *et al.*, at p. 1609 (explaining which responses were classified as "occasional same-sex attraction").

I declare under penalty of perjury that the foregoing is true and correct. Executed this
9th day of September, 2011.

Letitia A. Peplau

Letitia Anne Peplau, Ph.D.