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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.

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

DECLARATION OF LISA M. DIAMOND

THE UNITED STATES OF AMERICA,

Defendant.

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,

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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 affadavit.

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

Executed at 3.66 pm on this 30 day of August 2011.

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Lisa M. Diamond