

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)

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

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

**PRELIMINARY STATEMENT**

1. My professional background, experience, and publications are detailed in my curriculum vitae, which is attached as Exhibit B to this affidavit. I have been retained by counsel for Plaintiff as an expert in connection with the above-captioned litigation (“*Windsor*”) and by counsel for the Plaintiffs in *Pedersen, et al. v. Office of Personnel Management, et. al.*, 3:10-cv-01750 (VLB) (D. Conn., filed Nov. 9, 2010). I have actual knowledge of the matters stated in this affidavit and could and would so testify if called as a witness.

2. I have been a Professor of Psychology at the University of California, Los Angeles since 1973, with promotions to tenure in 1978, to full professor in 1982, and to Distinguished Professor in 2010. I am currently the Psychology Department Vice Chair for Graduate Studies. From 2005-2011, I served as Director of the UCLA Interdisciplinary Relationship Science Program. This program, funded by the National

Science Foundation, trains doctoral students in the study of families and other personal relationships.

3. In broad terms, my research addresses topics concerning personal relationships, gender, and sexual orientation. I have conducted research on heterosexual couples, co-authored a book entitled *Close Relationships*, and published articles comparing empirical findings about men's and women's experiences in close relationships. In the 1970s, I was one of the first researchers to conduct empirical investigations of the intimate relationships of lesbians and gay man, and I have continued this program of research for the past 30 years. In addition, I have written several major reviews of the scientific research on same-sex relationships, including a 2007 article in the *Annual Review of Psychology* and a 2009 article in the *Encyclopedia of Human Relationships*. I have also conducted empirical studies on gay and lesbian identity.

4. I received my B.A. in Honors Psychology from Brown University in 1968 and my Ph.D. in Social Psychology from Harvard University in 1973. As reflected in my curriculum vitae (Exhibit B), I have published more than 120 papers in scholarly journals and scholarly books, primarily in the field of couple relationships. I have co-authored or co-edited over 10 books, and I have frequently presented my research at universities and scientific meetings.

5. My expertise extends beyond the specific areas addressed in my own empirical research program to include other theory and empirical research related to sexual orientation and same-sex relationships. A broad knowledge of this area has been necessary not only for my own scholarship, but also for successfully completing my professional duties as a teacher, as Director of the UCLA Interdisciplinary Relationship

Science Program, and as a reviewer of academic journal and book manuscripts.

6. As a result of my research and other accomplishments, I have received several professional awards. I have been elected a fellow of the American Psychological Association and of the Association for Psychological Science. I have received lifetime achievement awards from the American Psychological Association, the International Association for Relationship Research, and the Society for the Scientific Study of Sexuality. I also had the honor of being elected president of the International Society for the Study of Personal Relationships (an organization since renamed the International Association for Relationship Research).

7. In preparing this Affidavit, I reviewed the Complaints in *Windsor* and *Pedersen*, and the materials listed in the attached Bibliography (Exhibit A). I may rely on those documents, in addition to the documents specifically cited as supportive examples in particular sections of this Affidavit, as additional support for my opinions. I have also relied on my years of experience in this field, as set out in my curriculum vitae (Exhibit B), and on the materials listed therein.

8. In the past four years, I have provided expert testimony at trial in two matters, *In the Matter of the Adoption of X.X.G. and N.R.G.* in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, Case No. 06-43881 FC 04, and in *Perry v. Schwarzenegger*, Case No. 09-CV-2292 VRW. I was not deposed in the *X.X.G.* matter, and was deposed in the *Perry* case on October 21, 2009 and December 10, 2009. Additionally, I was deposed as an expert on October 2, 2009 in *Cole v. The Arkansas Department of Human Services* in the Circuit Court of Pulaski County, Arkansas, Case No. CV2008-14284. I also submitted expert testimony through affidavit

in *Donaldson and Guggenheim v. Montana*, in the Montana First Judicial District Court, Lewis and Clark County, Case No. BDV-2010-702, on December 8, 2010.

9. For my work in this matter, I am being compensated at my standard consulting rate of \$200 per hour for preparation time, time spent writing my report, and time spent giving deposition and trial testimony. My compensation does not depend on the outcome of this litigation, the opinions I express, or the testimony I provide.

#### **I. Summary of Opinions**

10. Sexual orientation refers to an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes. Most adults are attracted to and form relationships with members of only one sex. Efforts to change a person's sexual orientation through religious or psychotherapy interventions have not been shown to be effective.

11. It is well-established that homosexuality is a normal expression of human sexuality. It is not a mental illness, and being gay or lesbian has no inherent association with a person's ability to lead a happy, healthy, and productive life or to contribute to society.

12. Like their heterosexual counterparts, many lesbian, gay, and bisexual individuals form loving, long-lasting relationships, including marriage, with a partner of the same sex.

13. Marriage provides a range of social and legal benefits and protections to spouses. These contribute to enhanced psychological well-being, physical health and longevity among married individuals. In the United States, lesbian, gay, and bisexual individuals experience pervasive social stigma and the added stress that results from

prejudice and discrimination. Stigma is reflected both in acts of individuals and in the institutions of society, including its laws, that legitimate and perpetuate the second-class status of gay men, lesbians, and bisexuals. By denying federal recognition to legally married same-sex couples, DOMA both reflects and perpetuates stigma against lesbians, gay men, and same-sex couples. The stigma and discrimination perpetuated by DOMA harm not only individuals in legal same-sex marriages, but gay men, lesbians, and bisexuals as a group.

## **II. Understanding Sexual Orientation**

### **A. What is Sexual Orientation?**

14. The American Psychological Association provides a widely accepted definition of sexual orientation: “Sexual orientation refers to an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes. Sexual orientation also refers to a person’s sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.”<sup>1</sup>

15. Beginning with the research of Alfred Kinsey in the 1940s, researchers have recognized that sexual orientation can range along a continuum from exclusively heterosexual to exclusively homosexual. Nonetheless, it is most often discussed in terms of three categories: heterosexual (having emotional, romantic, or sexual attractions to members of the other sex), gay/lesbian (having attractions to members of one’s own sex), and bisexual (having attractions to both men and women). Most adults in the United

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<sup>1</sup> American Psychological Association, 2008; Herek, 2000, 2001.

States can readily categorize themselves as heterosexual, gay/lesbian, or bisexual.<sup>2</sup> The specific category name that an individual prefers (e.g., homosexual, gay, queer) may vary,<sup>3</sup> but in national surveys in the U.S., nearly all participants are able to indicate their sexual orientation category.

16. For clarity, it is important to distinguish sexual orientation from other aspects of sex and gender. These include biological sex (the anatomical, physiological, and genetic characteristics associated with being male or female), gender identity (an individual's psychological sense of being male or female), and gender-role orientation (the extent to which an individual conforms to cultural norms defining feminine and masculine behavior).

17. Social scientists view sexual orientation as a multi-faceted phenomenon involving attractions, related behaviors, and identity. In research studies, the particular component of sexual orientation that researchers assess will differ depending on the purpose of the research. For example, a study about the experiences of individuals in same-sex marriages would recruit participants based on their behavior of marrying a person of the same sex. A study of personal experiences of social stigma and discrimination among openly gay and lesbian individuals would most likely recruit individuals who self-identify as gay or lesbian.

18. Sexual orientation is inherently linked to social relationships. Sexual orientation is a characteristic of an individual, like their biological sex, age, or race, and it is also about relationships – whether an individual is attracted sexually or romantically to

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<sup>2</sup> See, e.g., Chandra, Mosher, Copen & Sionean, 2011, pp 29-30; Laumann, Gagnon, Michael & Michaels, 1994, p. 293.

partners of the same sex or the opposite sex.<sup>4</sup> Just as heterosexual individuals often express their sexual orientation through relationships including marriage with a different-sex partner, so gay and lesbian individuals express their sexual orientation through relationships including marriage with a same-sex partner. Further, sexual orientation is not merely about sexual behavior but also about building enduring intimate relationships. In other words, sexual orientation is centrally linked to the most important personal relationships that adults form with other adults in order to meet their basic human needs for love, attachment, and intimacy. These relationships, whether with a same-sex or different-sex partner, are an essential part of an individual's personal identity.

### **B. Can Sexual Orientation Be Changed?**

19. Currently, the factors that cause an individual to become heterosexual, homosexual, or bisexual are not well understood. Many theories have been proposed but no single theory has gained prominence or is definitively established by scientific research. Today, most social and behavioral scientists view sexual orientation as resulting from the interplay of biological, psychological, and social factors.<sup>5</sup>

20. A consistent finding across many studies, beginning with the work of Alfred Kinsey in the 1940s and 1950s and continuing through current research, is that most adults report having sexual attractions to and experiences with members of *only* one

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<sup>3</sup> See, e.g., Herek, Norton, Allen & Sims, 2010.

<sup>4</sup> Peplau & Cochran, 1990; Peplau & Fingerhut, 2007.

<sup>5</sup> American Psychological Association, 2008.

sex.<sup>6</sup> As adults, the majority of these individuals have had exclusively heterosexual experiences and attraction, and a minority have had exclusively same-sex experiences and attraction. A small percentage of adults report sexual attractions and experiences with both sexes.<sup>7</sup>

21. The fact that many lesbian and gay adults form long-term intimate relationships with a partner of the same sex, just as heterosexual adults do with a partner of the other sex, provides evidence of the stability of sexual orientation over time.

22. There are currently no national data for same-sex relationships comparable to statistics on heterosexual marriage and divorce. Nonetheless, available research clearly indicates that many same-sex couples are in a committed, long-lasting relationship. Findings from two large population-based surveys of gay men and lesbians in California demonstrate this point.<sup>8</sup> In these surveys, 37% to 46% of gay men and 51% to 61% of lesbians aged 18-59 were in a cohabiting relationship. Among heterosexuals of comparable ages, 62% were married or living with a partner. The relationships of lesbians and gay men were of relatively long duration, and were longer for those who had registered as domestic partners (12.3 years for gay men and 8.9 years for lesbians) than for those who lived together without registering (9.6 years for gay men and 7.8 years for lesbians). Given that most respondents were in their early 40s, the data indicate that

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<sup>6</sup> Kinsey, Pomeroy & Martin, 1948; Kinsey, Pomeroy, Martin & Gebhard, 1953; Laumann, et al., 1994; Chandra, et al., 2011.

<sup>7</sup> Some individuals are very clear about their sexual orientation at an early age. In contrast, because of the social prejudice and discrimination against gay men and lesbians, some adolescents and young adults go through a prolonged period of trying to understand their own sexual identity and coming to terms with being lesbian, gay or bisexual.

<sup>8</sup> Carpenter & Gates, 2008; see also Peplau & Fingerhut, 2007.



many of them had spent a substantial portion of their adult life with the same partner.

23. As discussed above, the significant majority of adults exhibit a consistent and enduring sexual orientation.<sup>9</sup> Nonetheless, a small minority of individuals are exceptions to this majority pattern. For example, while in prison, some men who identify as heterosexual may nonetheless engage in sexual activities with men since female partners are unavailable. Some individuals have reported changes in their sexual orientation in midlife, perhaps as a result of meeting a particular person. Understanding these kinds of exceptions to the general pattern of stable sexual orientation described above is of theoretical interest to scholars. Researchers have used terms like “sexual fluidity” or “sexual plasticity” to refer to changes in sexual behavior, attractions, and identity over time or across situations. Importantly, observations about fluidity in a small minority of people should not obscure the big picture of stability for the majority of adults. In a discussion of women’s sexual fluidity, Peplau and Garnets<sup>10</sup> noted: “Claims about the potential erotic plasticity of women do not mean that most women will actually exhibit change over time. At a young age, many women adopt patterns of heterosexuality that are stable across their lifetime. Some women adopt enduring patterns of same-sex attractions and relationships.” Nor does the fact that a small minority of people may experience some change in their sexual orientation over their lifetime suggest that such change is within their power to effect. This is why standard definitions of sexual orientation characterize it as stable.

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<sup>9</sup> Based on large-scale survey data, Chandra et al. (2011, p. 1) conclude that “Sexual attraction and identity correlate closely but not completely with reports of sexual behavior.” Thus, most heterosexual individuals do not engage in sexual activity with same-sex partners, and most gay and lesbian individuals similarly do not engage in heterosexual behavior.

24. Before the emergence of gay communities in the United States, it was fairly common for lesbians and gay men to marry a person of the other sex.<sup>11</sup> They entered these ostensibly “heterosexual” marriages for diverse reasons: to avoid social stigma, in response to pressure from family and friends, from a belief that marriage was the only way to have children, and/or to participate in a fundamental social institution. In some cases, these individuals only recognized or acknowledged their sexual orientation after marriage. It is psychologically harmful to ask lesbians and gay men to deny a core part of their identity by ignoring their attraction to same-sex partners and instead marrying a different-sex partner. Moreover, the disclosure that a spouse is gay or lesbian is often hurtful to the heterosexual spouse, highly upsetting to the married partners and their children or other family members, and may set the stage for separation or divorce. Therefore, encouraging gay men and lesbians to enter into a marriage with a heterosexual partner is not in the best interests of the individuals or the interests of society.

25. When gay men and lesbians are asked by researchers about their sexual orientation, the vast majority report that they experienced no choice or very little choice about their sexual orientation. In a national survey conducted with a representative sample of more than 650 self-identified lesbian, gay, and bisexual adults, 95% of the gay men and 83% of the lesbians reported that they experienced “no choice at all” or “very

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<sup>10</sup> Peplau & Garnets, 2000, p. 333.

<sup>11</sup> Bozett, 1982; Higgins, 2006. Researchers have estimated the percentage of lesbians and gay men who have been married. An analysis of responses to a 2003 survey of adults in California found that about 25% of lesbians and 9% of gay men ages 18-59 reported having ever been married, most of them presumably to a person of the other sex (Carpenter & Gates, 2008, Table 3).

little choice” about their sexual orientation.<sup>12</sup>

26. Sexual orientation is highly resistant to change through psychological or religious interventions. Recently, the American Psychological Association appointed a task force to conduct a systematic review of the peer-reviewed journal literature on sexual orientation change efforts.<sup>13</sup> The Task Force concluded that “efforts to change sexual orientation are unlikely to be successful and involve some risk of harm” (p. 3). Based on currently available research, there is no credible evidence that these efforts are either effective or safe, and ample reason to believe that these interventions can harm those who participate.<sup>14</sup> The Task Force also found evidence that many individuals who unsuccessfully attempt to change their sexual orientation experience considerable

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<sup>12</sup> Herek, Norton, Allen & Sims, 2010. In that survey, 88% of gay men reported that they had “no choice,” and 7% reported “very little choice.” Similarly, 68% of lesbians responded that they had “no choice at all,” and 15% reported having “very little choice.” See also results from a California survey by Herek, Gillis & Cogan, 2009, Table 5.

<sup>13</sup> APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation, 2009, *Report of the Task Force on Appropriate Therapeutic Responses to Sexual Orientation*. Washington, DC: American Psychological Association. This report provides a detailed review and analysis of relevant research. It is available online at: <http://www.apa.org/pi/lgbt/publications/therapeutic-response.pdf>.

<sup>14</sup> Although some psychotherapists and religious counselors have reported changing their clients’ sexual orientation from homosexual to heterosexual, empirical support for these claims is lacking. After reviewing published empirical research on this topic, the APA Task Force reported that it found “serious methodological problems in this area of research, such that only a few studies met the minimal standards for evaluating whether psychological treatments, such as efforts to change sexual orientation, are effective” (p. 2). Based on its review of the studies that met acceptable standards, the Task Force concluded that “enduring change to an individual’s sexual orientation is uncommon. The participants in this body of research continued to experience same-sex attractions following SOCE [sexual orientation change efforts] and did not report significant change to other-sex attractions that could be empirically validated, though some showed lessened physiological arousal to all sexual stimuli. Compelling evidence of decreased same-sex sexual behavior and of engagement in sexual behavior with the other sex was rare. Few studies provided strong evidence that any changes produced in laboratory conditions translated to daily life. Thus, the results of scientifically valid research indicate that it is unlikely that individuals will be able to reduce same-sex attractions or increase other-sex sexual attractions through SOCE” (pp. 2-3).

psychological distress.

27. Currently, no major mental health professional organization has approved interventions to change sexual orientation and virtually all of them have adopted policy statements cautioning professionals and the public about these treatments.<sup>15</sup> These include the American Psychiatric Association, American Psychological Association, American Counseling Association, and National Association of Social Workers. Further, since adolescents may be subjected to these treatments after disclosing to their families that they are gay, lesbian, or bisexual, the American Academy of Pediatrics has adopted a policy statement advising that therapy directed specifically at attempting to change an adolescent's sexual orientation is contraindicated and unlikely to result in change.

28. In summary, there is converging scientific evidence documenting that sexual orientation reflects an enduring set of attractions and experiences for most people. Efforts to change a person's sexual orientation through religious or psychotherapy interventions have not been shown to be effective.

### **III. Sexual Orientation Does Not Affect a Person's Ability to Function Effectively**

29. The consensus view of scientific researchers and mental health professionals is that homosexuality is a normal expression of human sexuality. Homosexuality is not a mental illness, and being gay or lesbian has no inherent association with a person's ability to participate in or contribute to society.<sup>16</sup> Lesbians

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<sup>15</sup> These policy statements are compiled in *Just the Facts About Sexual Orientation and Youth: A Primer for Principals, Educators, and School Personnel*, a publication that is available from the Just the Facts Coalition on the American Psychological Association's Web site: <http://www.apa.org/pi/lgbt/publications/justthefacts.pdf>.

<sup>16</sup> Herek, 2010; Herek & Garnets, 2007.

and gay men are as capable as heterosexuals of leading a happy, healthy, and productive life. They are also as capable as heterosexuals of doing well in their jobs and of excelling in school.

30. Although homosexuality was once believed to be a mental illness, that mistaken view was discredited by scientific research beginning in the 1970s. In 1973, the American Psychiatric Association removed homosexuality from its Diagnostic and Statistical Manual of Mental Disorders, noting that “homosexuality per se implies no impairment in judgment, stability, reliability, or general social or vocational capabilities.”<sup>17</sup> In 1975, the American Psychological Association endorsed this position and urged psychologists to help educate the public and to dispel the stigma of mental illness associated with homosexuality.<sup>18</sup>

31. Lesbians and gay men are as able to form loving, committed relationships with a same-sex partner and to raise healthy, well-adjusted children, as are heterosexuals in committed relationships with a different-sex partner. Empirical research has repeatedly shown that gay men and lesbians have happy, satisfying relationships.<sup>19</sup> Like their heterosexual counterparts, lesbians and gay men form deep emotional bonds and strong commitments to their partners. Research documents striking similarities between same-sex and heterosexual couples on standardized measures of love, relationship satisfaction, and relationship adjustment. The extensive body of research that examines

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<sup>17</sup> American Psychiatric Association, 1974. For other resolutions by this organization, see <http://www.healthyminds.org/More-Info-For/GayLesbianBisexuals.aspx>.

<sup>18</sup> Conger, 1975. Also, the American Psychological Association has endorsed several resolutions concerning sexual orientation. These can be found at: <http://www.apa.org/pi/lgbt/resources/policy/index.aspx>.

the quality and functioning of same-sex relationships demonstrates that same-sex couples are not inherently different from heterosexual couples. To the contrary, same-sex couples closely resemble heterosexual couples and the processes that affect both types of relationships are remarkably similar.<sup>20</sup>

32. Gay and lesbian individuals are subject to the same stresses of life as their heterosexual counterparts, including the death of a close relative, loss of a job, or a serious illness. Research consistently demonstrates that high levels of stress are harmful not only to psychological well-being but also to physical health.<sup>21</sup> In addition to the life stresses that can affect everyone, members of stigmatized minority groups, including gay men and lesbians as well as ethnic/racial minorities, may experience additional stress caused by prejudice and discrimination. This has been termed “minority stress.”<sup>22</sup> This excess stress has been associated with an increased risk of psychological problems, especially those like anxiety and depression that are most closely linked to stress.<sup>23</sup> Despite the pervasive social stigma against homosexuality and the resulting unique social stressors lesbians and gay men experience, the vast majority of lesbian and gay individuals cope successfully with these challenges and lead healthy, happy, well-adjusted lives. And there is nothing about sexual orientation itself – whether one is heterosexual or homosexual – that makes a person more or less able to contribute to or participate in society.

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<sup>19</sup> Kurdek, 2004, 2005; Peplau & Fingerhut, 2007.

<sup>20</sup> American Psychological Association, 2004.

<sup>21</sup> Thoits, 2010.

<sup>22</sup> Meyer, 2003, 2007.

33. Social relationships can play an important role in buffering individuals from the stresses of life. Like heterosexuals, lesbians and gay men benefit from having a close intimate relationship, for example, with a spouse. Further, people benefit from the social, emotional, and material support that can be provided by family, friends, and others. Research also documents that the psychological well-being of lesbians and gay men is enhanced by having positive feelings about being gay, having developed a positive sense of gay identity, and being open about their sexual orientation with important other people.<sup>24</sup>

#### **IV. Lack of Federal Recognition of Marriage Harms Same-Sex Couples**

34. There is widespread consensus among social science researchers that marriage generally provides many benefits to both spouses. A large body of scientific research comparing heterosexuals who are currently married to those who are not married establishes that marriage fosters psychological well-being, physical health, and longevity. Of course, marriages that are unhappy, conflict-ridden, or violent do not provide the same benefits as the average marriage.<sup>25</sup>

35. The positive benefits of marriage stem, in part, from the tangible resources and special protections that law and society provide to spouses. For example, federal and state statutes accord married partners many financial benefits that promote enhanced economic and financial security compared to unmarried individuals. These include

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<sup>23</sup> Herek & Garnets, 2007; Pascoe & Richman, 2009.

<sup>24</sup> Herek & Garnets, 2007; Meyer, 2003; Pachankis, 2007; Pascoe & Richman, 2009.

<sup>25</sup> Johnson, et al., 2000; Lamb, et al., 2003; Proulx, et al., 2007; Schoenborn, 2004; Waite, 1995.

benefits deriving from tax laws, employee benefits, death benefits, and entitlement programs. In addition, married couples enjoy special rights and privileges that buffer them against the psychological stress associated with traumatic life events, such as the death or incapacitation of a partner. For example, the federal tax code exempts married persons from having to pay estate taxes on any inheritance they receive from their spouses, thus sparing married persons an additional economic burden at the time of their spouse's death. In contrast, by imposing this tax on married same-sex partners, the federal government not only imposes an additional economic burden, but also stigmatizes the relationship at a time when the surviving partner may be particularly vulnerable. The legal status of marriage also enables spouses to exert greater control over their lives when stressful situations arise and to avoid some types of stressors entirely. These include, for example, being compelled to testify against one's spouse in court, having a noncitizen spouse deported, and having one's relationship or joint parental status challenged outside one's home state.<sup>26</sup>

36. There are many other ways in which marriage provides protective benefits that contribute to the health and well-being of spouses.<sup>27</sup> The marriage relationship is a social union that creates a well-recognized and valued kinship relationship. Marriage binds spouses not only to each other but also to the broader community, which understands, appreciates, and values the significance of the marriage relationship. As

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<sup>26</sup> E.g., Herek, 2006; U. S. General Accounting Office. (2004). Defense of Marriage Act: Update to prior report, Document GAO-04-353R, Washington, DC.

<sup>27</sup> E.g., Cherlin, 2009; Herek, 2006; Nock, 1995; Umberson, 1992.



Gove, Style and Hughes<sup>28</sup> note, “in our society the role that most frequently provides a strong positive sense of identity, self-worth, and mastery is marriage.” Social support is central to the institution of marriage. Compared to unmarried individuals, married adults tend to receive more social support from other people, especially from their parents, and this support contributes to individual well-being. The public aspect of marriage can increase each spouse’s sense of security that the relationship will be long-lasting. Finally, for many people, marriage has great symbolic significance, establishing that the individual has a new social identity and is part of a valued and respected social institution.

37. Although these conclusions are derived from studies of heterosexual couples, it is reasonable to infer that same-sex couples will generally benefit from marriage as do their heterosexual counterparts. This idea is supported by the many well-established similarities in the nature and quality of same-sex and heterosexual couples’ relationships.<sup>29</sup>

38. Leading organizations of mental health professionals recognize the benefits of marriage for same-sex couples and the harm created by denying access to civil marriage, including the state and federal legal protections and benefits associated with marriage, to same-sex couples. As one example, in 2005 the American Psychiatric Association, the leading organization representing physicians in the field of mental health, adopted a policy statement on this issue. Their resolution stated: “In the interest of maintaining and promoting mental health, the American Psychiatric Association

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<sup>28</sup> Gove, Style & Hughes, 1990, p. 16.

<sup>29</sup> Kurdek, 2004, 2005; Peplau & Fingerhut, 2007.

supports the legal recognition of same-sex civil marriage with all rights, benefits, and responsibilities conferred by civil marriage, and opposes restrictions to those same rights, benefits, and responsibilities.”<sup>30</sup> Further, based on a review of research on marriage and same-sex relationships, the American Psychological Association passed a *Resolution on Sexual Orientation and Marriage*<sup>31</sup> in which it resolved “[t]hat APA believes that it is unfair and discriminatory to deny same-sex couples legal access to civil marriage and all its attendant benefits, rights, and privileges.”

#### **IV. DOMA Reflects and Perpetuates Stigma Against Lesbians, Gay Men, and Same-Sex Couples**

39. Lesbian, gay, and bisexual individuals are the targets of prejudice and discrimination in the United States.<sup>32</sup> National opinion surveys document that many Americans have negative attitudes toward this group of people and toward legal marriage for same-sex couples. Research has also documented that heterosexuals often view same-sex couples more negatively than heterosexual couples.<sup>33</sup> Gay, lesbian, and bisexual individuals experience discrimination at work and in their communities<sup>34</sup> and most states provide no legal protection against discrimination based on sexual orientation. Significant numbers of gay, lesbian, and bisexual individuals are targets of harassment

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<sup>30</sup> American Psychiatric Association (2005). Support of legal recognition of same-sex civil marriage position statement. Retrieved September 25, 2009 from <http://www.psych.org/Departments/EDU/Library/APAOfficialDocumentsandRelated/PositionStatements/200502.aspx>.

<sup>31</sup> American Psychological Association, 2004.

<sup>32</sup> Herek, 2009a.

<sup>33</sup> Testa, Kinder & Ironson, 1987.

<sup>34</sup> Herek, 2009b.

and violence.<sup>35</sup> These facts demonstrate that gay, lesbian, and bisexual individuals experience pervasive social stigma.

40. Social stigma refers to severe social disapproval of a class of people perceived as being different, deviant, or in violation of cultural norms.<sup>36</sup> In American society today, gay men, lesbians, and bisexuals continue to be a highly stigmatized minority group. Many heterosexuals, who are the dominant group in society, perceive gay men, lesbians, and bisexuals, and same-sex couples, as fundamentally different, hold negative stereotypes about their characteristics, and view discrimination against them as acceptable. Social stigma is reflected both in the acts of individuals and in the institutions of society, including its laws, that legitimate and perpetuate the second-class status of gay men, lesbians, bisexuals, and same-sex couples.

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<sup>35</sup> Herek, 2009b.

<sup>36</sup> Herek, 2009a.

41. By denying federal recognition to married same-sex couples, DOMA both reflects and perpetuates stigma against lesbians, gay men, and same-sex couples. DOMA devalues and delegitimizes the relationships of legally married same-sex couples. By giving heterosexuals exclusive access to the many resources and benefits associated with the institution of marriage, including the many practical and financial benefits extended by the federal government, DOMA perpetuates power differentials between heterosexual citizens and non-heterosexual citizens. DOMA indicates that in the eyes of the federal government, the committed relationships of same-sex couples, even those recognized as legal marriages by a state government, are inferior to heterosexual relationships. By extension, DOMA conveys that partners in same-sex relationships are less deserving of social recognition and government protection. The stigma perpetuated by DOMA affects not only individuals in legal marriages with a person of the same sex, but all gay, lesbian, and bisexual individuals as a group.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 19<sup>th</sup> day of May 2011.



Letitia Anne Peplau, Ph.D.

# **EXHIBIT A**

## Bibliography

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## **EXHIBIT B**

April 2011

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### **Education**

B.A. in Honors Psychology, Brown University, 1968 (Summa cum laude)  
Ph.D. in Social Psychology, Harvard University, 1973

### **Academic Positions at UCLA**

1973-1978	Assistant Professor of Psychology
1978-1982	Associate Professor of Psychology
1982-present	Professor of Psychology
1983-1988	Director, Graduate Program in Social Psychology
1985-1986	Associate Director, Center for the Study of Women
1988-1990	Acting Co-Director, Center for the Study of Women
1994-1995	Director, Graduate Program in Social Psychology
1999-present	Faculty Affiliate, UCLA Center for the Study of Women
2004-present	Vice Chair for Graduate Studies, UCLA Psychology Department
2005-present	Director, NSF IGERT Interdisciplinary Relationship Science Program, UCLA

### **Honors and Professional Societies**

Danforth Graduate Fellowship, 1968-1973  
National Science Foundation Predoctoral Fellowship, 1968-1970  
Phi Beta Kappa  
Sigma Xi  
American Psychological Association (elected fellow in Divisions 8, 9, 35 and 44)  
Association for Psychological Science (fellow)  
American Sociological Association  
Society for Experimental Social Psychology  
Society for the Psychological Study of Social Issues  
International Academy of Sex Research  
Society for the Scientific Study of Sexuality  
Outstanding Achievement Award, Committee on Lesbian and Gay Concerns, APA, 1986  
President, International Society for the Study of Personal Relationships, 1994-1996  
Distinguished Scientific Achievement Award, Society for the Scientific Study of Sexuality, 1997  
Monette/Horwitz Trust Award for Research on Gay, Lesbian, and Bisexual Studies, 2000.  
Outstanding Faculty Award, UCLA Lesbian, Gay, Bisexual and Transgender Campus Center, June 2001.

Distinguished Publication Award 2001, Association for Women in Psychology  
Distinguished Scientific Contribution Award, Division 44, APA, 2002  
Invited Master Lecture at the annual meeting of the American Psychological Association, 2002.  
Elected to membership in the International Academy of Sex Research, 2003  
Distinguished Teaching Award, UCLA Psychology Department, 2003  
Award for Distinguished Faculty Service, Women's Studies Program, UCLA, 2005  
Mentoring Award, International Association for Relationship Research, 2006  
Distinguished "Elder" Award, APA National Multicultural Summit and Conference, 2007  
Heritage Award for Research, APA Division 35 (Society for the Psychology of Women), 2007  
Awarded the Evelyn Hooker Award for Distinguished Contribution by an Ally, APA Division 44 (Society for the Psychological Study of Lesbian, Gay and Bisexual Issues), 2008

### **Editorial Activities**

Member, Editorial Board, *Journal of Social Issues*, 1974-1977  
Member, Editorial Board, *Social Psychology Quarterly*, 1977-1979  
Consulting Editor, *Psychology of Women Quarterly*, 1978-1980  
Member, Editorial Board, *Journal of Homosexuality*, 1980-1985  
Member, Editorial Board, *SIGNS: A Journal of Women in Culture and Society*, 1981-1989  
Member, Advisory Board, *Journal of Personal and Social Relationships*, 1985-1987  
Consulting Editor, *Journal of Personality and Social Psychology*, 1985-1989  
Member, Editorial Board, *Journal of Psychology and Human Sexuality*, 1987-1989  
Member, Advisory Board, *Advances in Personal Relationships*, 1986-1992  
Member, Editorial Board, *Journal of Social Issues*, 1992-1995  
Member, Advisory Board, Columbia University Press Series on Lesbian and Gay Studies, 1993-  
Associate Editor, *SIGNS: A Journal of Women in Culture and Society*, 2000-  
Member, Editorial Board, Contemporary Perspectives on Lesbian, Gay, and Bisexual Psychology, APA Books, 2001-  
Member, Editorial Board, *Sexuality Research and Social Policy: Journal of NSRC*, 2003-  
Member, International Advisory Board, *Ibadan Journal of Social Sciences*, 2004-

### **Selected Recent Professional Activities**

Member, Editorial Board, *Psychology and Sexuality*  
Member, Scientific Review Panel for the Placek Research Award Program, American Psychological Foundation, 1995-2000  
Member, Committee on Women in Psychology Network (representative from Division 8), 1998-present  
Member, Working Group on Same-Sex Families, American Psychological Association, April 2004.  
Chair, Fellows Selection Committee, Society for the Psychological Study of Social Issues (Div. 9 of APA), 2004-2005.  
Member, Fellows Selection Committee, Society for the Psychological Study of Lesbian, Gay and Bisexual Issues (Div. 44 of APA), 2006-2008.

### **Books and Edited Volumes**

Taylor, S. E., Peplau, L. A., & Sears, D. O. (2006). *Social psychology*, 12<sup>th</sup> Ed. Upper Saddle River, NJ: Prentice-Hall.

Taylor, S. E., Peplau, L. A., & Sears, D. O. (2003). *Social psychology*, 11<sup>th</sup> Ed. Upper Saddle River, NJ: Prentice-Hall.

Published into Russian in 2004.

Peplau, L. A., & Garnets, L. D. (Eds.) (2000). Women's sexualities: Perspectives on sexual orientation and gender. *Journal of Social Issues*, 56 (whole number 2).

This volume was selected for the 2001 Distinguished Publication Award of the Association for Women in Psychology.

Taylor, S. E., Peplau, L. A., & Sears, D. O. (2000). *Social psychology*, 10<sup>th</sup> Ed. Upper Saddle River, NJ: Prentice-Hall.

Peplau, L. A., DeBro, S. C., Veniegas, R. C., & Taylor, P. (Eds.) (1999). *Gender, culture and ethnicity*. Mountain View, CA: Mayfield Publishing.

Taylor, S. E., Peplau, L. A., & Sears, D. O. (1997). *Social psychology*, 9<sup>th</sup> Ed. Upper Saddle River, NJ: Prentice-Hall.

Peplau, L. A. & Taylor, S. E. (Eds.) (1997). *Sociocultural perspectives in social psychology*. Upper Saddle River, NJ: Prentice-Hall.

Taylor, S. E., Peplau, L. A., & Sears, D. O. (1994). *Social psychology*, 8<sup>th</sup> Ed. Englewood Cliffs, NJ: Prentice-Hall.

Rubin, Z., Peplau, L. A., & Salovey, P. (1993). *Psychology*, 1<sup>st</sup> Ed. Boston, MA: Houghton-Mifflin.

Sears, D. O., Peplau, L. A., & Taylor, S. E. (1991). *Social psychology*, 7<sup>th</sup> Ed. Englewood Cliffs, NJ: Prentice-Hall.

Peplau, L. A., Sears, D. O., Taylor, S. E., & Freedman, J. L. (Eds.) (1988). *Readings in social psychology: Classic and contemporary contributions*. Englewood Cliffs, NJ: Prentice-Hall.

Sears, D. O., Peplau, L. A., Freedman, J. L., & Taylor, S. E. (1988). *Social psychology*, 6<sup>th</sup> Ed. Englewood Cliffs, NJ: Prentice-Hall.

Sears, D. O., Freedman, J. L., & Peplau, L. A. (1985). *Social psychology*, 5<sup>th</sup> Ed. Englewood Cliffs, NJ: Prentice-Hall.

Peplau, L.A., & Goldston, S. E. (Eds.) (1984). *Preventing the harmful consequences of severe and persistent loneliness*. DHHS Publication No. (ADM) 84-1312. Washington, DC: U.S. Government Printing Office (Monograph).

Kelley, H. H., Berscheid, E., Christensen, A., Harvey, J., Huston, T., Levinger, G., McClintock, E., Peplau, L. A., & Peterson, D. (1983). *Close relationships*. New York: Freeman.

Reprinted (2002) by Percheron Press.

Peplau, L. A., & Jones, R. (Issue Editors) (1982). Homosexual couples. *Journal of Homosexuality*, 8 (whole number 2).

Peplau, L. A., & Perlman, D. (Eds.) (1982). *Loneliness: A sourcebook of current theory, research and therapy*. New York: Wiley-Interscience. Published in Japanese translation in 1988 and in Russian in 1989.

Peplau, L. A., & Hammen, C. L. (Eds.) (1977). Sexual behavior: Social psychological issues. *Journal of Social Issues*, 33, (whole number 2).

### **Articles and Book Chapters**

Fingerhut, A.W. & Peplau, L. A. (forthcoming). Same-sex romantic relationships. In C. J. Patterson & A. R. D'Augelli (Eds.), *Handbook of psychology and sexual orientation*.

Preciado, M. A. & Peplau, L. A. (2011). Self-perception of same-sex sexuality among heterosexual women: Association with personal need for structure. *Self and Identity*, accepted for publication.

Ghavami, N., Fingerhut, A. W., Peplau, L. A., Grant, S. K., & Wittig, M. A. (2011). Testing a model of minority identity achievement, identity affirmation and psychological well-being among ethnic minority and sexual minority individuals. *Cultural Diversity and Ethnic Minority Psychology*, 17, 79-88.

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*This paper received "Distinguished Publication" award from the International Association for Relationships Research, July 20, 2008.*

Fingerhut, A. W., Peplau, L. A., & Ghavami, N. (2005). A dual-identity framework for understanding lesbian experience. *Psychology of Women Quarterly*, 29, 129-139.

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Impett, E. A., & Peplau, L. A. (2003). Sexual compliance: Gender, motivational, and relationship perspectives. *Journal of Sex Research*, 40, 87-100.

*This paper received the 2004 Student Research Award from the Society for Sex Therapy and Research.*

Impett, E. A., & Peplau, L. A. (2002). Why some women consent to unwanted sex with a dating partner: Insights from attachment theory. *Psychology of Women Quarterly*, 26, 360-370.

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- Beals, K. P., & Peplau, L. A. (2001). Social involvement, disclosure of sexual orientation, and the quality of lesbian relationships. *Psychology of Women Quarterly*, 25, 10-19.
- Peplau, L. A. (2001). Rethinking women's sexual orientation: An interdisciplinary, relationship-focused approach. *Personal Relationships*, 8, 1-19.
- Peplau, L. A., & Garnets, L. D. (2000). A new paradigm for understanding women's sexuality and sexual orientation. *Journal of Social Issues*, 56(2), 329-350.
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- Peplau, L. A., & Spalding, L. R. (2000). The close relationships of lesbians, gay men and bisexuals. In C. Hendrick & S. S. Hendrick (Eds.), *Close relationships: A sourcebook* (pp. 111-124). Thousand Oaks, CA: Sage Publications.
- Veniegas, R. C., Taylor, P. L., & Peplau, L. A. (1999). A guide to resources about gender, culture and ethnicity. In L. A. Peplau, S. C. DeBro, R. C. Veniegas, & P. Taylor (Eds.) *Gender, culture and ethnicity* (pp 1-13). Mountain View, CA: Mayfield Publishing.
- Peplau, L. A., Veniegas, R. C., Taylor, P. L., & DeBro, S. C. (1999). Sociocultural perspectives on the lives of women and men. In L. A. Peplau, S. C. DeBro, R. C. Veniegas, & P. Taylor (Eds.) *Gender, culture and ethnicity* (pp 23-37). Mountain View, CA: Mayfield Publishing.
- Peplau, L. A., Spalding, L. R., Conley, T. D., & Veniegas, R. C. (1999). The development of sexual orientation in women. *Annual Review of Sex Research*, Vol 10, 70-99.
- Vincent, P. C., Peplau, L. A., & Hill, C. T. (1998). A longitudinal application of the theory of reasoned action to women's career behavior. *Journal of Applied Social Psychology*, 28, 761-778.
- Hill, C. T., & Peplau, L. A. (1998). Premarital predictors of relationship outcomes: A 15-year followup of the Boston Couples Study. In T. N. Bradbury (Ed.), *The developmental course of marital dysfunction* (pp. 237-278). New York: Cambridge University Press.
- Peplau, L. A., Garnets, L.D., Spalding, L. R., Conley, T. D., & Veniegas, R. C. (1998). A critique of Bem's "Exotic Becomes Erotic" theory of sexual orientation. *Psychological Review*, 105(2), 387-394.
- Perlman, D., & Peplau, L. A. (1998). Loneliness. In H. S. Friedman (Ed.) *Encyclopedia of mental health*, Vol 2 (pp. 571-581). San Diego, CA: Academic Press.
- Spalding, L. R., & Peplau, L. A. (1997). The unfaithful lover: Heterosexuals' stereotypes of bisexuals and their relationships. *Psychology of Women Quarterly*, 21, 611-625.
- Veniegas, R. C., & Peplau, L. A. (1997). Power and the quality of same-sex friendships. *Psychology of Women Quarterly*, 21(2), 279-297.

*This article was awarded the Graduate Student Research Prize by APA Division 35 and the Association for Women in Psychology in 1997.*

Veniegas, R. C., & Peplau, L. A. (1997). A guide to sociocultural resources in social psychology. In L. A. Peplau & S. E. Taylor (Eds.), *Sociocultural perspectives in social psychology* (pp. xiv-xx). Upper Saddle River, NJ: Prentice Hall.

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### **Book Reviews**

Peplau, L.A. (1996). The wit and wisdom of a feminist sexologist. *Psychology of Women Quarterly, 20*, 173-174. (Review of "Sex is not a natural act and other essays")

Peplau, L. A. (1994). Is it a relationship if we're not having sex? Contemporary Boston Marriages. *Journal of Sex Research, 31*(3), 243-245. (Review of "Boston Marriages: Romantic but Asexual Relationships among Contemporary Lesbians")

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Peplau, L. A. (1975). Assessing sexual innovation in marriage. *Contemporary Psychology, 20*(12), 941-942. (Review of "Beyond Monogamy")

### **Selected Recent Paper Presentations, Invited Addresses and Posters**

Peplau, L. A. (August, 2010). *Marriage equality for same-sex couples: Perspectives from relationship research in the United States*. Invited Presidential Symposium presented at the annual meeting of the American Psychological Association, San Diego, CA.

Peplau, L. A. (August, 2010). *Same-sex couples: Research, law and policy*. Presented at the International Lesbian, Gay, Bisexual and Transgender Psychology Summer Institute, University of Michigan, Ann Arbor, MI.

Hill, C. T., & Peplau, L. A. (July, 2008). *Is love blind? Attractiveness ratings by self, partner, and others, and the outcome of dating relationships 25 years later*. Paper presented at the International Congress of Psychology, Berlin, Germany.

Fingerhut, A. D., deRoulhac, C., Natale, C., & Peplau, L. A. (2008, February). *Heterosexuals' attitudes toward gay men and lesbians: Predictors of positive and negative attitudes*. Poster presented at the annual meeting of the Society for Personality and Social Psychology, Albuquerque, NM.

Frederick, D.A., & Peplau, L.A. (2007, January). *The UCLA Body Matrices II: Computer-generated images of men and women varying in body fat and muscularity/breast size to assess body satisfaction and preferences*. Poster presented at the annual meeting of the Society for Personality and Social Psychology, Memphis, TN.

Mulrenan, T., Frederick, D.A., Sadeghi-Azar, L., Ha, J., Peplau, L.A., & Haselton, M.G. (2006, January). *The UCLA Body Matrices as measures of body image and body type preferences*. Poster presented at the annual meeting of the Society for Personality and Social Psychology Conference, Palm Springs, CA.

Laird, K., Mulrenan, T., Frederick, D.A., Grigorian, K., Peplau, L.A., & Haselton, M.G. (2006, January). *Sex differences in preferences for dating a taller romantic partner*. Poster presented at the annual meeting of the Society for Personality and Social Psychology Conference, Palm Springs, CA.

Sadeghi-Azar, L., Frederick, D.A., Mulrenan, T., Peplau, A., Haselton, M.G., & Fessler, D.M.T. (2006, January). *Representations of the ideal male and female bodies in popular media*. Poster presented at the annual meeting of the Society for Personality and Social Psychology Conference, Palm Springs, CA.

Fingerhut, A. W., & Peplau, L. A. (2006, January). *Symposium: Integrating social identity perspectives with research on the experiences of lesbians and gay men*. Symposium presented at the annual meeting of the Society for Social and Personality Psychology, Palm Springs, CA.

Frederick, D.A., Haselton, M., Peplau, L.A., Mansourian, A., & Allameh, S. (2005, January). *Sex differences in desires for sexual variety*. Poster presented at the annual meeting of the Society for Personality and Social Psychology Conference, New Orleans, LA.

Ghavami, N., Fingerhut, W., & Peplau, L. A. (2005, January). *A dual-identity approach to understanding stress experiences of lesbians and gay men*. Poster presented at the annual meeting of the Society for Social and Personality Psychology, New Orleans, LA.

Peplau, L.A., Frederick, D.A., Lever, J., Burklund, L., & Madrid, H. (2005, January). *Correlates of body image dissatisfaction among 52,171 online respondents*. Society for Personality and Social Psychology Conference, New Orleans, LA.

Sadeghi-Azar, L., Frederick, D.A., Allameh, S., Lever, J., & Peplau, L.A. (2005). *Attitudes toward cosmetic surgery and the body across the lifespan*. American Psychological Society Convention, Los Angeles, CA.

Peplau, L.A., Frederick, D.A., Lever, J., Kroskrity, E. (2005). *Body image satisfaction among lesbian, gay, and heterosexual adults*. American Psychological Society Convention, Los Angeles, CA.

Frederick, D.A., Lever, J., Peplau, L.A., Casey, J., & Berezovskaya, A. (2005). *Does size matter? Attitudes toward breast size and shape among heterosexual adults*. American Psychological Society Convention, Los Angeles, CA.

Fingerhut, A.W., Peplau, L.A., & Ghavami, N. (2005, February). *Gay and Lesbian Psychological Health: The Role of Identity*. Poster presented at the National Multicultural Conference and Summit, Los Angeles, CA.

Fingerhut, A. W., & Peplau, L. A. (2005, January). *Stereotypes of women in the workforce: The role of sexual orientation and parental status*. Poster presented at the annual meeting of the Society for Personality and Social Psychology, New Orleans, LA.

Peplau, L. A., Lever, J., Frederick, D., Burklund, L., & Madrid, H. (2005, January). *Correlates of body image dissatisfaction among 52,171 online respondents*. Poster presented at the annual meeting of the Society for Social and Personality Psychology, New Orleans, LA.

Peplau, L. A. (2004, November 12). *New directions in research on women's sexual orientation*. Invited colloquium, Institute for Social and Behavioral Research, Iowa State University, Ames, Iowa.

Peplau, L. A. (2004, September 29). *The development of sexual orientation in women: A social-psychological analysis*. Invited colloquium, Psychology and Women's Studies, University of Michigan, Ann Arbor, MI.

Peplau, L. A., Fingerhut, A., & Ghavami, N. (2004, July). *Individual differences in gay-related stress: A dual-identity perspective*.

Hill, C. T., & Peplau, L. A. (July, 2003). *Sources of self-esteem: A 25-year study*. Paper presented at the 29<sup>th</sup> Inter-American Congress of Psychology.

Peplau, L. A., & Impett, E. A. (2003, April 11). *Sexual compliance: Why partners make "sexual sacrifices."* Invited presentation, Society for the Scientific Study of Sexuality, Western Region Annual Conference, San Jose, CA.

Peplau, L. A. (April 11, 2003). *Gender differences in sex and relationships*. Invited address, Society for the Scientific Study of Sexuality, Western Region Annual Conference, San Jose, CA.

Hill, C. T., & Peplau, L. A. (March 28, 2003). *Romantic beliefs and marital outcomes: A 25-year study*. Paper presented at the Southeast Psychological Association, New Orleans, LA.

Peplau, L. A. (August, 2002). *Venus and Mars in the lab: New research on gender and sexuality*. Invited Master Lecture, annual meeting of the American Psychological Association, Chicago, IL.

Hill, C. T., & Peplau, L. A. (July, 2001). *Life satisfaction: A 25-year follow-up of the Boston Couples Study*. Presented at the VIIth European Congress of Psychology, London, England.

Peplau, L. A., & Garnets, L. D. (May, 2001). *A new paradigm for understanding women's sexual orientation*. Presented at the annual meeting of the Western Psychological Association, Maui, Hawaii.