

NATIONAL news

his doctor disclosed that the 34-year-old is HIV-positive, the foreign service informed him that he did not qualify for medical clearance and wouldn't be considered for employment.

Smith has been living with HIV for seven years, never experiencing any long-term illnesses or opportunistic infections. His T-cell count is on the level that rivals most HIV-negative people. Smith's own doctor has said, "He is in excellent care and excellent health."

On Sept. 3, Lambda Legal filed a lawsuit in federal court on behalf Lorenzo Taylor, a federal government employee who was denied a position as a foreign service officer because he has HIV. The 47-year-old, who holds a foreign service degree from Georgetown University, easily passed the tough written and oral exams required to be a foreign service officer and is fluent in three languages.

NEW JERSEY

The American Civil Liberties Union filed a friend-of-the-court brief Oct. 15 urging the Social Security Administration to provide survivor benefits to the child of a lesbian mother.

Early in their seven-year relationship together, Eva Kadrey and Camille Caracappa talked about having a child. Caracappa was the principal breadwinner in the family, so they decided Kadrey would carry their child.

In March 1998, Kadrey gave birth to a boy named Nicolaj. Caracappa continued to work full time as a free-lance oncology nurse while Kadrey stayed at home and helped out part time keeping the books for Caracappa's business.

Shortly after Nicolaj was born, Caracappa made plans to adopt him and even contacted a lawyer to start the process. She died suddenly of an undiagnosed brain aneurysm at 38, before the paperwork for the adoption was completed.

At the urging of Caracappa's mother, Kadrey filed for Social Security survivorship benefits for Nicolaj in November 2000. Less than a month later, the Social Security Administration denied Nicolaj's claim because the couple weren't married and because Caracappa wasn't the biological mother.

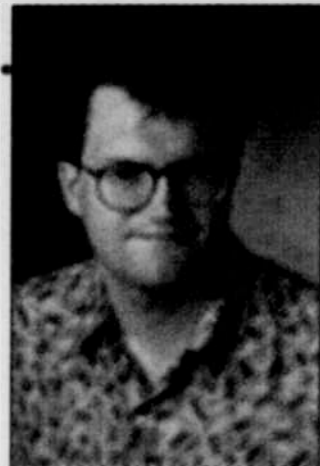
The case is now up for review by an administrative law judge in Voorhees. If the couple had been allowed to marry, Nicolaj would be entitled to Caracappa's benefits. The administration even allows the children of stepparents to receive survivor benefits, the ACLU noted.

"Camille paid into the Social Security system just like everyone else, and now she's being treated like a stranger to her son," Kadrey said. "It's just not right that Nicolaj should lose the benefits she paid for because our government ignores same-sex families."

CALIFORNIA

University of California School of Medicine scientists have added to the body of research supporting the theory that a person's sexual orientation and gender identity are genetically based.

The study, published in the October edition of *Molecular Brain Research*, identified 54 genes in mice that may explain why male and female brains look and function differently. Since the 1970s, scientists have believed that estrogen and testosterone were wholly responsible for the development of male and female genders. Recent evidence, however, indicates hormones cannot explain everything about the sexual differences between male and female brains.



Eric Vilain

"Our research implies that genes account for some of the differences between male and female brains," said Eric Vilain, a genetics professor at UCLA who was the study's principle investigator. "We believe that one's genes, hormones and environment exert a combined influence on sexual brain development."

In explaining sexual orientation Vilain opined: "It's quite possible that sexual identity and physical attraction is 'hard-wired' by the brain. If we accept this concept, we must dismiss the myth that homosexuality is a 'choice' and examine our civil legal system accordingly."

The National Center for Lesbian Rights announced Oct. 20 that it is opposed to the nomination of California Supreme Court Justice Janice Rogers Brown to the U.S. Court of Appeals for the District of Columbia Circuit. According to public education director Marta Donayre, she has a long and extensive history of hostility to civil rights, including affirmative action, reproductive rights and discrimination claims.



Janice Rogers Brown

In a case decided by the Supreme Court this year, she was the only dissenting voice in an opinion affirming the validity of second-parent adoptions by gay and lesbian parents. Although thousands of such adoptions have been granted during the past 20 years, Brown's dissent relied on a hypertechnical reading of California statutes to conclude that these adoptions are not permissible under state law.

"The people of this country need and deserve federal judges who will apply the law in a fair and evenhanded way to ensure that the rights of all people are protected," Donayre said. "Rather than ensuring justice for all, Justice Brown has undermined the rights of vulnerable minorities and made the world a more dangerous place for women, people of color, immigrants, and lesbians and gay men."

Lambda Legal is urging the Board of Immigration Appeals in Washington, D.C., to grant asylum to a man who faced severe anti-gay persecution in Tuxpan, Mexico—but was rejected for asylum by a California immigration judge who said he didn't seem gay and could hide his sexual orientation to avoid persecution.

Jorge Soto Vega faced severe harassment and violence from the community and his own family from an early age. He was detained and beaten severely by police who threatened to kill him if they saw him again because they wanted to get rid of gay people. Earlier this year, a Southern California immigration judge ruled that there was credible evidence that Soto Vega was persecuted in Mexico because of his sexual orientation, but rejected his application for asylum in the United States, saying the 34-year-old didn't appear gay to him and could keep his sexual orientation hidden if he chose to.

"We grant people asylum in America because their countries have told them they have to change who they are in order to be safe," attorney Jon Davidson said. "The basic

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