

because the lesbian couple might provide some security for "Baby J" through other documents like powers of attorney or wills, there was no need to approve a formal custody agreement.

VIRGINIA

Lambda Legal filed a brief Oct. 25 in the Virginia Supreme Court seeking birth certificates for children who were born in Virginia and adopted by same-sex couples out of state. A lower court refused to order state officials to issue birth certificates that accurately reflect both legal parents.

"Having an accurate birth certificate that lists both parents is important for both the child and the parents," attorney Jack Senterfitt said. "Schools, hospitals or others may refuse services or access to records without a birth certificate that specifically names each legal parent."

According to Lambda, when children don't have birth certificates accurately listing both of their legal parents, they are denied valid documentation of their identity. "Without a valid and accurate birth certificate, children might not be able to register for school, and their parents might not be able to make medical decisions for them in emergencies," Senterfitt explained.

The case involves three families, two in Washington, D.C., and one in New York, who adopted children born in Virginia. After the state refused to issue birth certificates that reflect both legal parents, the families filed a lawsuit in the Circuit Court for the city of Richmond. The commonwealth of Virginia argued that the form lists a mother and father and that officials would not issue birth certificates listing two parents of the same sex for fear that it would confuse a record-keeping system that must be "uniform and consistent." The commonwealth also argued that because unmarried couples in Virginia cannot adopt children, the state could not recognize legal adoptions that occur out of state by such couples. A lower court judge agreed, and now the case is on appeal.



An out-of-court settlement allows Love Won Out to keep spreading its lies in bus shelters around Tampa, Fla.

NEBRASKA

Attorneys filed an opening trial brief Oct. 15 urging a federal court to strike down a Nebraska constitutional amendment that bars the state and cities from ever granting any type of legal recognition for same-sex couples.

"Nebraska's law treats loving, committed same-sex couples like strangers—and blocks them from even advocating for basic protections for their families," attorney David Buckel said. "This lawsuit isn't seeking marriage for same-sex couples, it's seeking a level playing field so that all Nebraskans are full and equal citizens, regardless of whether they're gay or straight."

The American Civil Liberties Union and Lambda Legal brought the challenge to the Nebraska law in April 2003 on behalf of Citi-



Sharon McGowan (right) believes the U.S. Supreme Court will find Nebraska's Section 29 unconstitutional

zens for Equal Protection, Nebraska Advocates for Justice and Equality and ACLU Nebraska, three advocacy organizations that are prevented from seeking equality for gay, lesbian and bi couples because of the law. The federal judge hearing the case issued a favorable decision last fall, allowing the challenge to go forward. The new brief asks the court to make a final ruling in the case that strikes down Section 29 as a violation of the U.S. Constitution's guarantee of equal protection and ban on laws meant only to punish certain people.

"Nebraska's Section 29 is an extreme and sweeping attack on gay families," attorney Sharon McGowan said. "It was designed to punish gay people and completely block them out of the political process. That's something the U.S. Supreme Court has said, on more than one occasion, is unconstitutional."

In 2002, after a bill was introduced before the state Legislature to give same-sex couples the right to make burial arrangements for their partners, Nebraska Attorney General Jon Bruning issued an opinion stating it was unconstitutional because of Section 29, and the bill never reached a full vote.

FLORIDA

Author Wayne Besen criticized Oct. 14 an out-of-court settlement in the Tampa area allowing Focus on the Family to advertise its ex-gay hoax. The settlement will let the divisive hate group promote a dangerous product, mislead residents on gay life and perpetuate outdated myths.

"This is analogous to Pinellas County allowing cigarette companies or asbestos manufacturers to market their potentially deadly wares to children," said Wayne Besen, author of *Anything But Straight: Unmasking the Scandals and Lies Behind the Ex-Gay Myth*. "Focus on the Family traffics in hate, peddling a harmful product that has likely ruined many lives. What they do is scientifically empty, and their claims of sexual conversion have been shown to fail."

In 2000, Focus on the Family paid \$5,000 to advertise in Tampa-area bus shelters for Love Won Out, a traveling road show that purports to help people pray away the gay. This was the same year that conference founder John Paulk got caught cruising at a gay bar in Washington, D.C.

Upon learning about the group's hate speech and failures, the Pinellas Suncoast Transit Authority rejected the bus station posters. Focus on the Family sued, hoping to use its vast resources to intimidate Pinellas into allowing it to run ads touting a defective, misleading product.

Under the settlement's terms, reached last month, Focus on the Family will be allowed to promote Love Won Out on bus shelter ads in the future. Monetary damages were not included in the settlement. **JM**

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