

## **Public Advocate of the United States: Controversial Anti-Gay Marriage Campaign Mailers**

Public Advocate of the United States (hereinafter, PAUS) is a conservative nonprofit organization. Public Advocate of the United States, *About Us*, <http://www.publicadvocateusa.org/about/>. According to PAUS' 990, it is a 501(c)(4) nonprofit corporation. Its stated purpose is to:

[disseminate] information using regular messages and communications with supporters and the general public through bulletins and printed newsletters and e-mails on topics selected through polls and surveys. The organization provides commentaries on public policy issues that are available to media throughout the United States. Public advocate conducts news conferences, public forums, speaking engagements, street theatre, and makes available individuals to appear on radio and television talk shows. PAUS Form 990, 2010 (available at [http://990s.foundationcenter.org/990\\_pdf\\_archive/521/521112449/521112449\\_201012\\_990O.pdf](http://990s.foundationcenter.org/990_pdf_archive/521/521112449/521112449_201012_990O.pdf)).

More specifically, PAUS purports to focus on supporting traditional marriage, prayer in schools, pro-life legislation, and tax cuts. PAUS also purports to oppose same sex marriage and “so-called ‘Gay Rights,’” pro-choice legislation, and the “creation of special classes of Americans at the expense of the traditional American family,” among others.

PAUS is currently in the news because of a controversial campaign mailer it sent out in the State of Colorado. Caitlin Gibson, *Delgaudio's nonprofit seeks dismissal of lawsuit*, Washington Post (Nov. 5, 2012) (available at [http://www.washingtonpost.com/blogs/virginia-politics/post/delgaudios-nonprofit-seeks-dismissal-of-lawsuit/2012/11/05/3a793524-276f-11e2-b2a0-ae18d6159439\\_blog.html](http://www.washingtonpost.com/blogs/virginia-politics/post/delgaudios-nonprofit-seeks-dismissal-of-lawsuit/2012/11/05/3a793524-276f-11e2-b2a0-ae18d6159439_blog.html)). The campaign mailer featured a gay couple's engagement photo with the phrase, “State Senator Jean White's idea of ‘family values?’” The picture used was an actual engagement photo of a gay couple that PAUS used without the couple's permission. The Southern Poverty Law Center, a civil rights organization, filed suit against PAUS earlier this year. The lawsuit is alleging that PAUS' use of the photograph violated federal copyright law, and that the use of the photograph resulted in threats to the couple and emotional trauma. PAUS claims that the mailer was political speech that is protected by the first

amendment, and that the photo was posted on a blog where the plaintiffs could not expect that it would remain private.

This is not the first time PAUS has been in the spotlight for a controversial mailing. Last year, PAUS sent out a mass e-mail that showed a murder scene where the blood was the colors of the rainbow.

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