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**Victory
is Ours**

Graduates of the Law School
Play a Pivotal Role in the
Gay Rights Movement

Mary Bonauto '87 (left) with
partner Jennifer Wriggins. Gay
marriage is Bonauto's triumph.

Human Rights Go Local + Our Man in Baghdad + Retirement Reflections



Cover Story

Victory is Ours

Graduates of the Law School Play a Pivotal Role in
the Gay Rights Movement **BY ELAINE McARDLE**



In November, when the Supreme Judicial Court of Massachusetts issued its landmark decision giving same-sex couples the right to marry, Mary Bonauto '87 was all alone.

Far from the passionate crowds of supporters and opponents, removed from the teams of lawyers and others who labored for years to reach this point, 100 miles from her long-time partner and two young daughters, Bonauto, who'd argued the case before the SJC, sat by herself in a cold, windswept plaza outside the courthouse and began to read the decision. A few blocks away in Bonauto's office at Gay & Lesbian Advocates & Defenders (GLAD), a Boston-based litigation and advocacy group, the seven same-sex couples who were plaintiffs in the lawsuit crowded around computer monitors, shouting with joy as they read the ruling in *Goodridge v. Department of Public Health* on the Internet. But Bonauto wanted to see it for herself, so she'd slipped out to the courthouse to wait for 10 a.m., when a clerk handed her the court's remarkable decision.

"The Massachusetts Constitution affirms the dignity and equality of all individuals," wrote Chief Justice Margaret H. Marshall, making Massachusetts the first state to grant gays the right to marry. "It forbids the creation of second-class citizens."

Sitting in solitude on that gray morning, her coat wrapped tightly around her, Bonauto read and re-read those words, almost forcing herself to believe them. "I was very excited, don't get me wrong. But I was also just sort of shocked," she says. "When you believe something in your heart as a matter of principle, but there's no one who's really agreed with you, no court, no one in a position to make a difference, it's shocking." Bonauto allowed herself a few minutes to feel relief. Then she stood up, unnoticed by passersby as a woman who'd just changed history, and walked back to her office at GLAD.

Just a few months earlier marked another milestone in the struggle for equality for gays and lesbians, when the US Supreme Court in *Lawrence and Garner v. Texas* struck down state sodomy laws. Kevin Cathcart '82, the visionary



Profiles of five graduates who are leaders in the gay rights movement begin on page 14.

leader of Lambda Legal, the litigation powerhouse that filed the lawsuit, was in the courtroom when Justice Anthony Kennedy announced the decision.

"I was sitting there rather nervously," recalls Cathcart, "and Justice Kennedy starts reading, and I'm thinking, 'This is good.' Then he goes a little further, and I went from 'good' to 'Oh my God!'" Very quickly, Cathcart realized not only that the plaintiffs had won but also that the high court was issuing a strong rebuke of its decision just 17 years earlier in *Bowers v. Hardwick*, which upheld sodomy laws. "I always believed we were going to win, but never in my wildest dreams did I think we'd get the opinion we did," he says.

Though surrounded by lawyers, reporters and the eyes of the nation, Cathcart, like Bonauto, celebrated the moment by himself. "You're in the Supreme Court, the most august place on earth, so you can't get up and run out of the room screaming hooray. You can't even talk to the person next to you," he says. "So you're exuberant but you're sitting very quietly because that's the rule. The whole atmosphere is so somber and the decorum is so great, I couldn't imagine letting out a cheer — it's just not done." He pauses, and chuckles. "But, hey, I'd rather be holding in joy than sorrow."

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Class Notes

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a nonpartisan, nonprofit organization dedicated to promoting the Asian American legal profession and improving and facilitating the administration of law and justice.

2000

Last April, **Sherilyn A. Hozman** joined Joseph & Herzfel. The New York City firm handles employment discrimination claims on behalf of workers. After a year and a half in the Suffolk County District Attorney's Office and a year doing medical malpractice defense,

Tracy Morong moved to the Berkshires to work for Lee Flournoy '74. Tracy is adding family law to her civil repertoire and getting back to criminal defense work on the defense side. Last summer, **Benjamin B. Weisbuch** created a new law practice, Arnhold-Weisbuch Associates in Somerville, Mass. He also got married in 2002.

2001

Stacy F. Antonucci is done with a successful two-year term as an Equal Justice Works fellow and staff attorney at the national nonprofit organization Children's Rights and is currently practicing matrimonial/family law with the firm of Kurtzberg & Kurtzberg in Melville, N.Y. **Grace L. Hughes** won a singing contest sponsored by KISS 108 in Boston. She was awarded a recording contract and sang the national anthem at a Red Sox game.

2002

Daniel J. Saval has joined the Boston office of Brown Rudnick Berlack Israels as an associate in the firm's banking and finance practice group.

2003

This fall, **Jeremy E. Gauld** joined Kirkpatrick & Lockhart as one of six new associates in the firm's Boston office.



Gauld

Victory is Ours

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In the last 20 years, the national landscape on civil rights for lesbians, gays, bisexuals and transgendered people has undergone enormous transformation. Even before 2003's momentous victories in *Lawrence* and *Goodridge*, sodomy laws in a dozen states had been overturned; same-sex adoptions had been upheld; major corporations had instituted anti-discrimination policies; and the concerns of gays and lesbians were no longer in the closet, so to speak. In large part, these victories are due to graduates of the School of Law, particularly Bonauto, Cathcart and Urvashi Vaid '83, through their tireless efforts in impact litigation, media campaigns, public education and grassroots organizing.

"They are three of the most influential leaders in the LGBT movement," says Associate Professor Taylor Flynn. "I think this was probably the only law school in the country where it was possible for this to happen," she adds.

Countless other alums have made significant contributions to the movement. For the past 17 years, Richard Burns '83 has been executive director of the storied Lesbian, Gay, Bisexual & Transgender Community Center in New York City, the birthplace of ACT UP and the second-largest LGBT center in the world. Deborah Wald '87 and Joyce Kauffman '92 have built careers championing parental rights

for same-sex couples (Kauffman's significant wins include a 2000 Massachusetts case allowing lesbian partners — one of whom donated the egg, the other who carried the child gestationally — to both be named as legal mothers of their child. Coincidentally, the mothers are the law school's assistant dean and director of admissions MJ Knoll and her partner, Christine Finn.) Even current students are active in the movement: Ethan Eddy '05 was instrumental in getting the city of Boston to ban discrimination based on gender identity and expression.

"The reason I went to law school — and the reason I went to Northeastern in particular — is because I wanted to do gay and lesbian civil rights work," says Jane Morrison '94, a former Lambda staff attorney, now a part-time judge in Atlanta, Georgia, where she helped found a gay and lesbian bar association. "I was inspired and directed by the examples set by people like Kevin Cathcart, Mary Bonauto and Urvashi Vaid, who had been at Northeastern and were doing what I wanted to do."

For the same reason, Northeastern was the only law school Kauffman applied to. "I knew there were all these good, smart, talented people who'd been there," she says. "I knew it was OK to be gay there." ■

Elaine McArdle, a graduate of Vanderbilt University Law School and former features editor of Lawyers Weekly USA, is a regular contributor to Northeastern Law Magazine.

Faculty Notes

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In December, Professor **Hope Lewis** participated in an MCLE panel, "Public International Law — Dead or Alive?," moderated by former Governor Michael Dukakis. Lewis is co-editing, with colleagues Jeanne Woods and Ibrahim Gassama, a book: *Economic, Social, and Cultural Rights: International and Comparative Perspectives* (forthcoming, Transnational Publishers, 2004).

On campus, Lewis is a lead organizer for "Crossing Diverse Cultures: A Human Rights Series," a film and speaker series funded by Northeastern University's Office of Affirmative Action to encourage learning and discussion in the community on issues of diversity and human rights. The first event co-sponsored by the series, "War and

the Possibilities of Peace: Personal Voices from the Middle East," was held in October under the auspices of the law school's new "Northeastern Law Forum," which focuses on discussions on contemporary legal issues (see page 5).

Matthews Distinguished University Professor **Wendy E. Parmet** delivered an address at the Massachusetts Medical Society's conference, "Public Health: Emergencies, Legal Issues, Practical Issues, Ethical Concerns," in December. Parmet's most recent article is "Quarantine Redux: Bioterrorism, AIDS, and the Curtailment of Individual Liberty in the Name of Public Health" in 13 *Health Matrix* 85 (2003).

Professor **Deborah A. Ramirez**'s most recent article is

"Defining Racial Profiling in a Post-September 11th World" in 40 *American Criminal Law Review* 1195 (2003).

In November, Professor **Lucy A. Williams** attended a conference, "Law and Poverty," in Abuja, Nigeria, sponsored by the Social Science Academy of Nigeria and the Comparative Research Programme on Poverty. There, she presented a paper, "Choices of Legal Forums to Address Poverty within a Global Context."

Professor **Margaret Y.K. Woo** participated in a November roundtable, "Challenging Global Governance: A Critical Perspective," and was a discussant for a workshop on critical policy studies on China, sponsored by Harvard University and MIT. Woo is also the organizer of the new "Northeastern Law Forum" (see page 5).

Urvashi Vaid '83

An author and activist, Vaid is a catalyzing force in the gay rights movement

The offices of the venerable Ford Foundation in Manhattan are elegant and impressive: a soaring glass atrium in the lobby, plush leather furniture, quiet hallways. It's the last place that Urvashi Vaid, a tiny whirlwind of a woman with huge, dark eyes and an easy laugh, expected to find herself after years of grassroots organizing for the LGBT movement.

But, in truth, it's a perfect fit.

"My job here is to strengthen the social justice infrastructure in the US," says Vaid, who recommends grants from the foundation to citizen action groups. "I'm not one who sees human rights as severable. They're about bigger principles. The movement I work in might be called a gay and lesbian movement, but its mission is the liberation of all people."

A fiery and passionate orator, Vaid is one of the most visible leaders in the gay rights movement, as much at home in a protest march as a boardroom. Upon graduation from the law school,

she worked as a staff attorney for the ACLU, initiating the National Prison Project's work with prisoners who had contracted HIV. In 1986, she became media director for the National Gay and Lesbian Task Force (NGLTF), one of the nation's oldest and most influential gay rights groups. There, she forced gay rights to the forefront of public attention by educating reporters on AIDS and related issues, and she helped organize the 1987 March on Washington, which drew hundreds of thousands to protest the US Supreme Court's 1986 decision to uphold sodomy laws in *Bowers*.

In 1989, Vaid became the NGLTF's executive director, tripling its operating budget and continuing to garner national attention (in 1990, she disrupted President George Bush's first policy speech on AIDS by holding up a sign that read, "Talk is Cheap, AIDS Funding Is Not"). In 1994, *Time* magazine named Vaid among its "Fifty

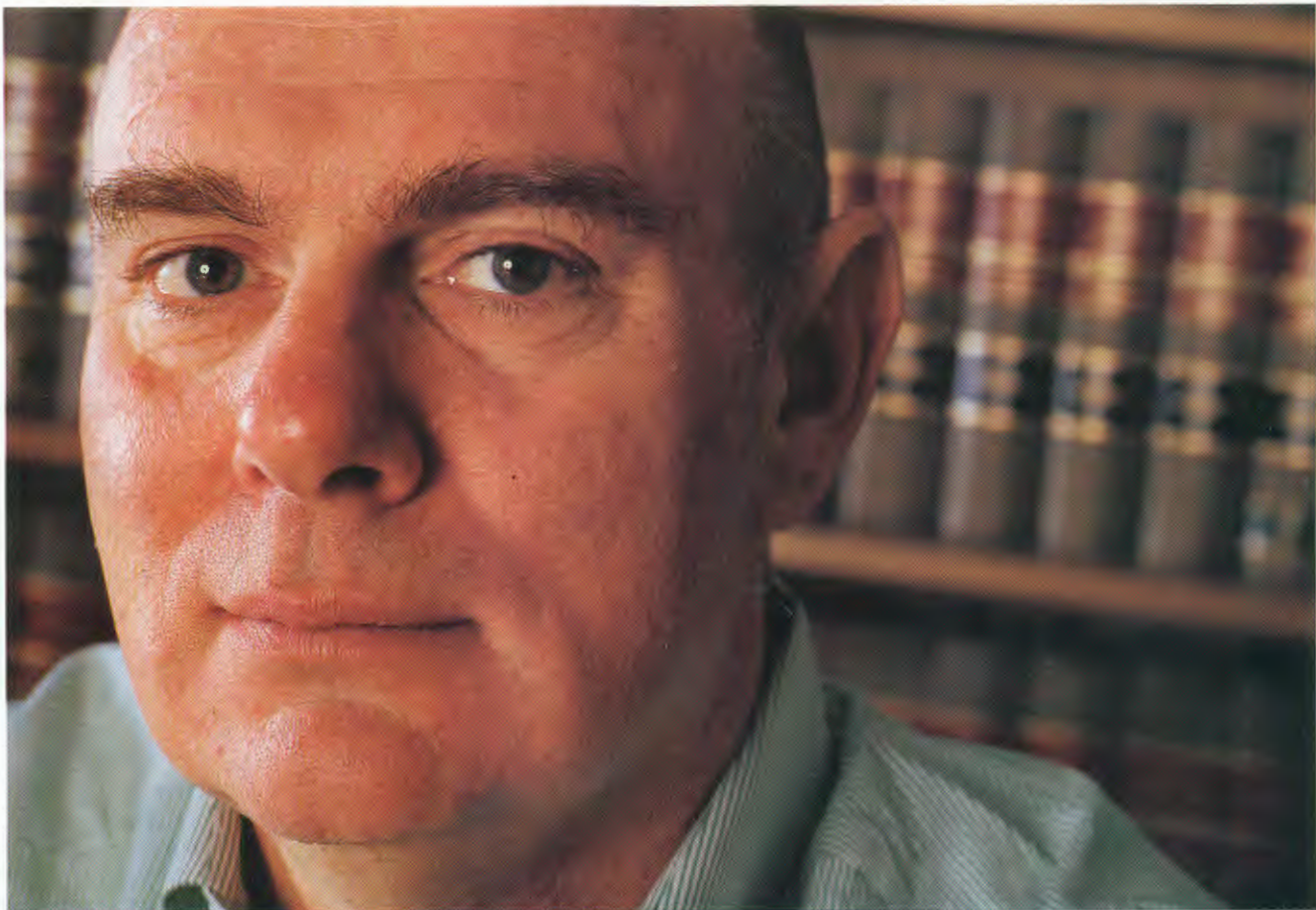
for the Future," a list of the nation's most promising leaders under the age of 40, and *Vanity Fair* profiled her. Vaid's 1995 book, *Virtual Equality: The Mainstreaming of Gay & Lesbian Liberation*, a call for more inclusion within the LGBT movement, attracted widespread attention and glowing reviews. "Urvashi, in terms of being a political activist and also an academic, has been a catalyzing force in the movement," says Professor Taylor Flynn.

"I do think things have changed" in the past 20 years, Vaid says emphatically. But she sees much work left to be done. Although 14 states now have laws prohibiting discrimination based on sexual orientation, there is no similar federal law. But even worse, she says, "There is an organized backlash against gay and lesbian rights. Every time a gay rights law is passed, the right tries to repeal it." Vaid's work at the Ford Foundation is in line with her political position that "the gay movement needed to commit itself to civil rights more strongly. I feel the next set of advances we make will be because we have allies and friends" in the human rights struggle.

"The marriage issue presents a rare opportunity for LGBT people to break through some high barriers to equality," she adds. "But to win this issue, we need our families, our allies and our faith traditions to stand with us." Unfortunately, she notes, this is going to be a tough fight. "We live in a moment in which powerful forces seek to undermine basic values which I believe are strongly part of the American promise."

Looking back, Vaid says, "It was so much fun to feel like you were part of so many ventures that were starting up, and breaking new ground in the gay movement." Northeastern was "a great experience," she says, because it emphasized the law's potential as an instrument for social change and also connected her with a network of lifelong friends. For a while, she says, she, Richard Burns '83 and Kevin Cathcart '82 considered launching their own law firm devoted to gay rights. "The biggest question was whether it would be called Burns, Cathcart & Vaid, because that's alphabetical, or Vaid, Cathcart & Burns," which she favored, she says. "I was, of course, arguing that any patriarchal system must be smashed." She laughs. "And then, we never did do it." ■





Kevin Cathcart '82

Lambda Legal is a national powerhouse with Cathcart at the helm

For Kevin Cathcart, the *Lawrence* decision is the culmination of a long career championing equality for LGBTs and persons with HIV/AIDS. When he graduated from Northeastern, he worked for a year as a children's rights advocate in Massachusetts before serving for eight years as executive director of Gay & Lesbian Advocates & Defenders (GLAD) in Boston (where he hired and worked with Mary Bonauto '87 for several years). In 1992, he took over the helm of Lambda Legal, where he's more than tripled its staff, grown its budget to \$8 million, and, in what he considers one of his biggest accomplishments, opened regional offices in Chicago, Dallas and Atlanta in addition to the main office in New York.

"Under Kevin, we won *Lawrence*, and that was a tremendous step forward. The implications are hugely far-reaching, and we are really looking forward to seeing what happens next," says Professor Libby Adler '94.

Lambda, which became involved in *Lawrence* two weeks after the plaintiffs were arrested, immediately recognized the case's potential for challenging *Bowers*, both in motivating the high court to overturn an earlier decision and in attracting public awareness. "When you have people dragged out of their home in handcuffs and held overnight in jail, it gets the attention of the general public and editorial writers and columnists. That's important, too, in creating the cultural conditions for winning in the court," says Cathcart, who as Lambda's executive director did not litigate the case but served as key strategist and spokesman.

While *Lawrence* has served as a flashpoint for LGBT rights, there were years of behind-the-scenes efforts in public education and state lawsuits that led to the victory, Cathcart says.

"This case — and it's the highlight of my year, the decade, maybe my career — could happen only because of the work Lambda and GLAD and others have done for decades, chipping away at the sodomy laws in this country," he says. "One of the exciting things about the *Lawrence* victory is, for the first time ever, we can almost cross one issue off our to-do list — sodomy law reforms." (Lambda has filed a brief challenging the position of the US military that *Lawrence* doesn't apply to the military code. "If and when we are successful in getting rid of that, then we'll really be able to cross sodomy laws off our list," Cathcart says.)

Cathcart is also proud of Lambda's recent partnership with the Child Welfare League of America in an effort to protect gay and lesbian children in foster care, and of the organization's role in fighting for equal treatment for same-sex partners of gays and lesbians who died in the terrorist attacks of September 11, 2001. But much work remains: the last big legal frontier, he says, is in the area of family and relationship recognition, where Lambda is taking a leading role.

"I've been very lucky in my career because I've always been able to do work I really believed in," says Cathcart, for which he credits the supportive environment at Northeastern and the friends he met there who do similar work. "I've been doing this for almost 20 years. It was unimaginable that anyone who went to law school five years before me could have had this career, not right out of law school. We've created institutions, and that's where I see my mark on this movement as having been — not so much in the cases I was involved in, but in building GLAD and Lambda into being more powerful players in this field." ■

Mary Bonauto '87

GLAD's civil rights project director scores landmark decision in favor of gay marriage

When Mary Bonauto stood before the Massachusetts Supreme Judicial Court in March of 2003 to argue for the right of same-sex couples to marry, she spoke from the heart.

"The plaintiffs stand before this court seeking nothing more and nothing less than the same respect under our laws and Constitution as all other people enjoy; the same liberty right to marry the person of their choice and the same equal right to marry on the same terms applied to other people," said Bonauto, civil rights project director at GLAD. In summing up her oral argument in this

ruling, did Bonauto sense it as an historical moment? "No, I didn't," she says. "I felt that this was a first, and good for them [the court], and I was very proud to be member of the bar in Massachusetts. But my mind immediately went to all the things that would have to be done. In a way, winning brings more challenges than losing, because we know those who oppose it in public and elected office would do everything they could to fight it. And that started immediately."

Even before the SJC announced its decision, the case was a lightning rod for national and local groups opposing gay

Why were these groups so supportive?

"I personally think not only because they recognize that it's right, but also because they have more and more gay attorneys in their ranks, and more and more gay clients," says Bonauto. "This is a civil rights issue, under a Constitution that says we're all equal. It's about living up to our nation's commitment to equality."

Bonauto never imagined herself on such a national platform. Upon graduation, she went to work for a small firm in Portland, Maine, which gave her free reign to do pro bono work related to HIV and AIDS. As an out lesbian, she got numerous calls from gays and lesbians with legal problems, but for whom she often could offer no legal assistance. "I remember getting calls from people, calls from a phone booth, where someone's partner had died and their family had come in and was taking everything out of the house," Bonauto recalls. Because same-sex partners had no legal rights, she could offer only sympathy. "Those experiences are seared into my soul," she says.

And so, although she loved private practice, when GLAD offered her a position in 1990, she saw it as an opportunity to have a broader impact. Much of her work has been in educating the public that gay and lesbian parents can be good coworkers, parents and neighbors (Bonauto and her partner, Jennifer Wriggins, a law professor at the University of Maine, are the parents of twin girls). In 1999, Bonauto and two Vermont attorneys landed the first-ever victory in a challenge to laws prohibiting same-sex marriage, which later led to the nation's first law recognizing same-sex civil unions. "After we accomplished what we did in Vermont, the pressure on us to do the same in Massachusetts was enormous," she says.

Bonauto has also spearheaded landmark cases allowing same-sex couple adoptions in Vermont and Massachusetts, and she was instrumental in working with the city of Cambridge to pass a law making it the first municipality in the state to provide benefits to same-sex partners.

"We win so much, it's hard to get discouraged, and I can see progress, although I can't say it's a straight line. When I think about what we're doing, we're ending formal discrimination under the law. We're making the world a better place," she says. ■



case, Bonauto said the plaintiffs "are simply asking this court to apply constitutional principles to them that apply to everyone else."

Some eight months later, the SJC announced its landmark decision, and Massachusetts became the first state to rule that same-sex couples have the right to marry. "It's an incredible victory," says Kevin Cathcart '82. "Mary Bonauto deserves enormous, enormous credit, and GLAD deserves enormous credit."

When she first read the court's

marriage. Indeed, many within the LGBT movement (including, initially, Bonauto herself) worried that winning this battle would mean losing the war by providing ammunition to those in favor of legislation to ban gay marriage. But there were also many who were in favor of the decision. Eleven amicus briefs were filed supporting the plaintiffs in *Goodridge*, including those from the Boston Bar Association, the Massachusetts Bar Association and major Boston firms such as Palmer & Dodge, and Hale and Dorr.

Deborah Wald '87

Children and family rights are her personal and professional passions

Deborah Wald didn't plan on devoting her career to gay and lesbian rights. But children have a way of changing things.

Wald was happily working in San Francisco as a public defender a decade ago when she and her partner decided to have a baby (they're now the parents of two boys). As they went through the second-parent adoption process, Wald realized she wanted to enter this burgeoning area of law. Today, her solo practice is 50 percent criminal defense and 50 percent something she calls "lesbian and gay family-building."

"My practice is very child-centered," says Wald, who also handles cases pro bono for the National Center for Lesbian Rights. "It's very much focused on expanding the rights of lesbians and gays to be parents."

Indeed, Wald pioneered a process under the Uniform Parentage Act for establishing two women as parents of a child before birth, so that adoption wasn't necessary. "It was the first time we know of that two women were declared the legal and natural parents of a child before birth," she says. As a result, in



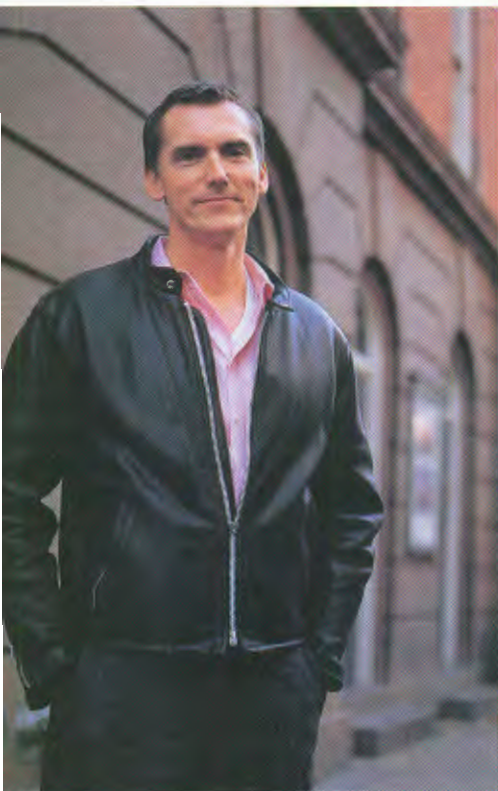
1999 she was named a "Lawyer of the Year" by *California Lawyer* magazine.

Her work takes her near and far. Last year, she successfully challenged a Mississippi court's decision to award custody of a newborn to a father with a history of domestic violence; the mother had been ruled unfit because she'd had a lesbian affair. These days, Wald is frequently in Italy, trying to get the courts there to provide legal rights to lesbian parents of a newborn in intensive care. It's deeply rewarding and makes for a busy life. After all, she notes, "I'm also raising two small kids." ■

Photograph by Seth Affoumado

Richard Burns '83

Journalist turned lawyer, Burns runs the bustling Lesbian, Gay, Bisexual & Transgender Community Center in New York



Phones ringing, people bursting into his office with urgent questions, a pile of letters to be signed, and a million other things to do — immediately. It's just a typical day for Richard Burns, executive director of the Lesbian, Gay, Bisexual & Transgender Community Center in Greenwich Village, New York, a bustling hub that receives 6,000 visitors a week.

In the late '70s, Burns was editor of the *Gay Community News* in Boston, at that time the only gay and lesbian newsweekly in the country. In 1978, GLAD was formed to provide gays and lesbians with legal assistance, and Burns became its founding president. "That led me to think I had to go to law school," he says, "because of the assaults on our community and the fact there were not a lot of openly gay lawyers at the time."

At Northeastern, Burns met Urvashi Vaid '83 and Kevin Cathcart '82; in

Burns' first year, the three decided to contact every faculty member to ask them to incorporate gay issues into their curricula. The group also developed an independent study on gay rights, wryly titled, "The Course That Dare Not Speak Its Name," and formed the Massachusetts Lesbian and Gay Bar Association in 1982.

After graduation, Burns returned to the newspaper and then practiced law for a year. But the AIDS epidemic, and the government's initial failure to respond, led him to rethink his work. "How could I spend my days doing real estate closings? I needed to do work that mattered," he says.

In 1986, Burns was offered the top position at the community center in New York, which became a focal point for AIDS activism, including the creation of ACT UP in 1987. "We worked to create an environment that would foment and encourage community organizing . . . a space for dialogue on political issues," he says. Today, more than 300 groups meet there, and the center has developed mental-health services and programs for LGBT youth. It now has a \$5.7 million annual operating budget, and in 2003 it celebrated its 20th anniversary. ■

Photograph by Don Hamerman

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