

Boston legal eagle

The country's most powerful lawyer in the marriage equality fight is taking her case to other states—and trying to avoid the spotlight **BY FRED KUHR**



As the debate over same-sex unions engulfed the country this summer, Mary Bonauto stood before reporters and cameras to announce that her group—Gay and Lesbian Advocates and Defenders—would continue the fight for marriage equality in Connecticut.

Bonauto introduced five female and two male couples who had applied for marriage licenses and were turned away by clerks in Madison, Conn. All have been in committed relationships for between 10 and 28 years, and five of the couples are raising children. "These are very decent people who really have a story to tell to the people of Connecticut about what their lives are like," she told the gathering.

The media wanted another angle: Bonauto's strategy. How would she fight Connecticut's legal system? Why was she pushing forward when gay marriage was such a political hot potato?

This is Mary Bonauto's professional tightrope—fighting for marriage equality while putting the spotlight back on the couples who are denied equality. Still, there is no denying her role. She was cocounsel in the landmark *Baker v. Vermont* case that led to the creation of civil unions for same-sex couples in that state. She argued the case of *Goodridge v. Department of Public Health* in front of the Massachusetts supreme judicial court, which led to the Bay State being the first in the nation to allow same-sex couples to legally wed.

Even *The New York Times* has weighed in on her role, comparing her to former Supreme Court justice Thurgood Marshall, who, as chief counsel for the National Association for the Advancement of Colored People, challenged public school segregation and won in the landmark case of *Brown v. Board of Education*.

"There's no higher compliment you can pay to a lawyer. So in that sense, I appreciate it," Bonauto says in her soft-spoken style. "But in this movement, as in the African-American civil rights movement, there are so many people at work. So many people have had the courage to come forward, talk about their lives and what it's meant to them to be denied rights. There's too much focus on the lawyers and not enough ►



After the Massachusetts court ruled that gay marriage would be allowed in that state, Bonauto cried when she saw her kids. "Because I thought, *They might really grow up in a different world.* That made me so happy."

on the real people." She steers the conversation back to the couples during an interview at her cramped and paperstrewn GLAD office in downtown Boston.

Anne Stanback, president of Love Makes a Family, the Hartford-based umbrella group for those fighting for marriage equality in Connecticut, recalls a conference in February 2004 at Quinnipiac University in Hamden,

Conn. Stanback and Bonauto were sitting together during a lunch break, and while she was swarmed by attendees wanting to talk about legal strategy, "all Mary really wanted to do was pull out pictures of her children to show everyone," Stanback says. "She not only has her priorities straight, but those children are an important aspect of why she fights this fight."

In fact, when she finally got home

after the Massachusetts supreme judicial court issued its *Goodridge* decision on November 18, 2003, Bonauto cried at the sight of her children. "Because I thought, *You might really grow up in a different world. You might really grow up knowing that if you fall in love with someone and it has honor and integrity, you don't have to be tortured about the fact that it's a man or a woman,*" she says. "And that they would not grow up with a burden that took me so long to shed. That made me so happy."

Bonauto's modesty in part is a result of her humble beginnings. She was born in 1961 in the depressed factory town of Newburgh in New York's mid Hudson Valley, 60 miles north of New York City. She and her three brothers were raised in a devout Catholic family of modest means. Her father was a pharmacist, her mother a teacher, and Bonauto always attended public schools.

The Newburgh of her childhood was troubled by race and class conflict. "When I was in high school in the late 1970s, every year there was some sort of racial riot in the fall and they had to close the schools for two or three days," she says. Bonauto played tennis, basketball, volleyball, and softball and had the opportunity to mix and mingle with a wide range of students. She got to know the "real people behind the headlines," a lesson in the pitfalls of stereotyping that guides her today.

"I noticed how ordinary personal characteristics can become a point of conflict and how those differences, which may in fact be inconsequential, are made very consequential. And this was all very helpful to me going forward in life," she says.

Bonauto no longer considers herself Catholic, but Catholic values still guide her: "What I remember hearing at Mass is having concern for all people regardless of their circumstances, the whole idea of it being harder for a rich man to enter the gates of heaven than for a camel to pass through the eye of a needle. I remember it being reinforced that material circumstances are not necessarily the pinnacle of success and that there are broader values out there." ➤

News of the year

Bonauto attended Hamilton College in Clinton, N.Y., fell in love, and came out as a lesbian. Unsure where to turn, she spoke with a priest she had known since childhood. "As kind as he tried to be, it was clear that he could not accept it, and I felt the Catholic Church could not accept the truth about who I am," she says. "So for all the positive things that I learned from Catholicism, people have to be true to themselves."

She adds, "But when I finally realized what was so different about me, and it was simply that I happened to be drawn to particular people of the same sex, I thought, *This is what the fuss is all about? This is the thing that is so horrible and so wrong? I don't think so, and I don't believe it. This is the one thing that has made me truly happy.*"

What makes her happy today is her family—her partner of 17 years, Jennifer Wiggins, and their 3-year-old twin girls. Bonauto and Wiggins met after Bonauto took a job with a small law firm in Portland, Maine. (She graduated from Northeastern University School of Law in Boston in 1987.) Bonauto expected to be working on issues related to race and poverty. Then, in 1989, the job at GLAD opened up.

Gary Buseck, GLAD's former executive director, now legal director at Lambda Legal, helped hire Bonauto, and he says that what he saw in Bonauto then is what has helped her succeed over the last decade and a half. "The first things I noticed about Mary were her fire and commitment to the work," he says. "And now it has just been complemented by additional knowledge, savvy, and strategic thinking. She's not alone in working on the issue of marriage equality, but we wouldn't be where we are in this country without Mary."

Buseck notes that Bonauto is not only her own worst critic but is always working harder to be better prepared. Kim Westheimer, a roommate of Bonauto's while in law school and author of the book *When the Drama Club Is Not Enough: Lessons From the Safe Schools Program for Gay and Lesbian Students*, remembers

the first time Bonauto argued a mock trial case: "Me, my partner, a few others, we were all sitting on the couch listening to her make the same arguments 10 or 20 times until she got it right. She has always strived for perfection. It came through then, and it comes through now."

Mary Breslauer, a Boston-based communications consultant who has worked with GLAD, says that Bonauto has an uncanny way of focusing attention to the exact issue at hand: "Often we're at a meeting, and everyone is talking. But then Mary has her moment, and she says exactly what needs to be said to keep things going."

Bonauto may be a driving force for marriage equality, but ironically, Bonauto and Wiggins are not currently allowed to take advantage of legal marriage in Massachusetts since they moved back to Portland when Wiggins accepted a job as a law professor at the University of Maine School of Law. According to Massachusetts governor Mitt Romney's interpretation of state law, out-of-state same-sex couples are barred from marrying in Massachusetts since no other state recognizes such marriages. GLAD is now fighting for the rights of those out-of-state couples. And while Bonauto and Wiggins are not plaintiffs in the case, they are waiting for the chance to legally wed. Will it be a big wedding? "I doubt it. Not my style," she notes with a laugh.

In true Bonauto fashion, she moves the focus from herself onto those other families that suffer great harm—financially, legally, or otherwise—because they are not allowed to marry. "It's not about me, it's about the people in the lawsuits, the plaintiffs and their stories. It is imperative to continue this conversation. That is the work of our movement," she says. "And the great thing is that everyone can participate in it. It doesn't need to be led by lawyers or legislative strategists. It is a task that is obligatory for every self-respecting gay, lesbian, bisexual, and transgender person in this country." ■

Kuhr is the editor of the New England GLBT paper *In Newsweekly*.

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