

By Emily Mills

Illustration by Rama Hughes

Marriage Equality's Lawyer



JANSON WU IS PERSISTENT, and that character trait has helped this young attorney make waves in the fight for full equality in the United States.

Wu is a staff lawyer with the New England-based organization Gay and Lesbian Advocates and Defenders (GLAD), and his hard work in the name of equality was recognized last year when he was given the David Carliner Public Interest Award by the American Constitution Society.

The award, named for one of the country's most groundbreaking immigration and civil rights lawyers, is given each year to an attorney in mid-career doing important public interest work. The \$10,000 prize is part of an effort to encourage these professionals not to transition into private and/or corporate law.

Wu's win seems like a no-brainer: He was instrumental in getting marriage equality passed by the New Hampshire legislature in 2010. Bishop Gene Robinson, the first openly gay bishop in the Episcopal Church, wrote a letter of recommendation for the award based on that work: "I now have a *husband*, not just a 'friend' or partner, because of Janson Wu's

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efforts in our midst.”

The campaign in New Hampshire wasn't exactly a cakewalk. No state had ever passed marriage equality legislatively. And the state has a reputation for shunning the influence of outsiders, so Wu had to gain the trust and respect of local politicians and organizations that hoped to tackle the issue.

First up was state representative Jim Splaine. One of the state's record 400 volunteer legislators, Splaine introduced the marriage equality bill in 2009, when, as Wu says, “no one thought there was any chance of passing marriage equality in New Hampshire.”

Wu's work eventually led to the building of a broad coalition of local and national gay and lesbian rights groups that helped push the legislation. Wu says this was his first real experience with legislative lawyering, and it became a sort of crash course in everything from drafting legislation and testimony to ghostwriting op-eds and letters to the editor of various state newspapers. He also searched for families harmed by marriage discrimination that could tell their stories to lawmakers and the public.

After intense back-and-forth among the Judiciary Committee, the Legislature, and Governor John Lynch, marriage equality finally passed, officially becoming law on January 1, 2010. There have since been several attempts to repeal the legislation, but the then-Republican-controlled House defeated each of them, the most recent by an almost 2-to-1 vote in March of 2012.

Wu also helped to successfully defeat an anti-transgender law in Maine, and is one of the lawyers currently pushing the lawsuit before the U.S. Supreme Court that seeks to overturn the Defense of Marriage Act.

The U.S. Court of Appeals for the First Circuit ruled in favor of the suit last year, calling the act unconstitutional because it works “to the disad-

vantage of same-sex married couples in the half dozen or so states that permit same-sex marriage.”

“We look for lawyers doing important work, creative work, and using the law as a tool in broader battles—and who win,” Jacob Remes, Carliner's grandson and a member of the selection committee, explains. “He and his organization, GLAD, have been remarkably successful.”

Wu's work on transgender rights in Maine started with a successful lawsuit against the restaurant chain Denny's, which had sought to force individuals to use the bathroom of their biological gender, as opposed to the gender with which they identified.

It didn't take long before the political backlash came around: Republican state representative Ken Fredette introduced legislation that would have created an exemption to Maine's anti-discrimination law to allow businesses to require transgender individuals to use the restroom that matched their sex at birth.

Maine's legislature was then in Republican control, and both Wu and GLAD recognized the uphill battle they faced in defeating the bill. “Most thought that we were doomed from the beginning,” says Wu.

Then Wu worked to help form a broad coalition among sympathetic groups, like the Maine Women's Lobby and the Maine Civil Liberties Union.

“The first step in any case is just really doing your homework,” Wu says. “I've spent a lot of time working with the transgender community and talking to its leaders, so that I understand as best as I can as a non-transgender-identified person all the various issues that they're facing.”

Wu traces his introduction to the trans community back to his freshman year of college at Harvard, where he had a classmate who identified as transgender.

“He really articulated to me the barriers that they faced,” he recalls.

The first year of college is, for many young people, when the world really opens up, Wu notes, and it was especially so for him.

“I came from a very rural, conservative community in upstate New York,” he says, “and I grew up with a very specific, first-generation Chinese immigrant family. So my worldview was certainly quite limited.”

After college, Wu went to work in San Francisco, where he was involved with a transgender rights group with the all-too-appropriate acronym PISSR—People In Search of Safe Restrooms.

“You know you've arrived as a movement when they go after you about bathrooms,” Wu likes to quote Kate Clinton as saying. He points out the “sad truth” in the joke, that black civil rights leaders had to fight to desegregate restrooms, feminists had to argue in the courts about the lack of women's facilities in the workplace being an insufficient reason not to hire women, and disability rights activists had to lobby for accessibility in restrooms.

Wu and other advocates widened the focus from bathrooms to the basic humanity of the transgender community. They recognized the importance of reaching out not only to both Democrats and Republicans in the legislature, but also to the public at large, to illustrate that “transgender individuals are people from our communities, our neighbors, our family members, our co-workers, who are just as deserving of equal respect and dignity as anyone else,” Wu observed.

Wu is eager to share credit for the successful campaign against the Maine bill with a large number of people, but especially a young transgender girl by the name of Nicole Maines.

Maines, just twelve years old at the time of the campaign, decided to come out publicly as transgender and lobbied hard against the legislation. She walked the halls of the statehouse speaking to legislators from both

sides of the aisle about why they should vote against it, using her personal story as a hook.

"I think she single-handedly defeated that bill," Wu says proudly. "It's very difficult to ignore youth, especially one who is as articulate and composed and thoughtful as she is."

Issues relating to transgender youth are becoming a much larger focus for organizations like GLAD. As people come out at younger and younger ages, schools and families are struggling with how to approach the subject. GLAD is currently representing Maines, for instance, in a case pending against her school district for not allowing her to use the girls'

restroom.

"What gives me inspiration," adds Wu, "is that one day very soon there's going to be an entire generation of Nicole Maineses out there who have grown up in their childhoods fully supported and affirmed in their identities by their community, by their families, by their friends, and what a huge difference that's going to be for the community."

Wu's next battle may be the one with the most wide-reaching impact: the suit to overturn the Defense of Marriage Act. The Supreme Court agreed to hear the ACLU's lawsuit against the

federal law, and though GLAD's own lawsuit was not taken up, Wu is part of a team of lawyers who will be coordinating amicus briefs, and working on the campaign to continue the tidal shift in public opinion toward support for full marriage equality.

"I feel privileged and lucky to have my job—to get to go to work and persuade courts, legislatures, and the public about the reality of LGBT people's lives," Wu says. "As much as the stories of discrimination can be hard and heartbreaking, the signs of progress and change are the reasons why I intend to continue this fight for the full dignity and equality of LGBT people in every aspect of life." ♦

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