

Elton Carrington Boggan



E. Carrington “Cary” Boggan was an attorney, a leading advocate the gay legal rights movement, and one of the founders of Lambda Legal Defense and Education Fund – a national LGBT-rights organization headquartered in Manhattan which still operates today.

Boggan graduated from law school in 1969 from Wake Forest University, having graduated cum laude. He was given the Warren A. Seavey Award which recognizes achievement in courses in torts and agency partnership. Boggan was admitted to the bar in New York in 1970.

Boggan was crucial to the creation of the Lambda Legal Defense and Education Fund. In 1972, Boggan, along with William Thom and Michael J. Lavery, filed an application to establish Lambda. However, upon review by an intermediate appellate court, their application was denied on the ground that Lambda’s purpose was “neither benevolent nor charitable,” nor was there “a demonstrated need for this corporation.” After litigation to the highest New York Court, the application was eventually granted, and the organization came into existence. The Lambda Legal Defense and Education Fund officially opened its doors in 1973 with the purpose of ensuring “equal protection of the laws and the protection of civil rights of homosexuals.” Lambda is still in operation today and spearheaded the litigation in *Obergefell v. Hodges*, the now famous case which legalized same-sex marriage across the United States.

Soon after he was admitted to the bar, Boggan decided to become involved with the American Bar Association and to use it as a vehicle to promote the repeal of sodomy laws in the states. At that time, all but two states criminalized private sexual conduct between consenting adults. Boggan worked from inside the ABA as Thomas F. Coleman, Arthur C. Warner, William B. Kelley, and Craig W. Patton of the National Committee for Sexual Civil Liberties lobbied from the outside. Boggan became chair of the a committee of the ABA’s Section on Individual Rights and Responsibilities. In 1973, with prodding from his committee and the entire section, the ABA House of Delegates went on record to urge the states to repeal these laws. Boggan served as chair of the Individual Rights Section in 1979. He was the first openly gay lawyer to hold that position.

Boggan also headed the editorial board of Human Rights magazine and the Individual Rights and Responsibilities Section of the American Bar Association and was on the board of the association’s journal.

In 1975, Boggan was [co-author](#) of *The Rights of Gay People: The Basic ACLU Guide to a Gay Persons Rights*. This was the first book of its kind on gay rights.

Boggan represented gay litigants in several major cases. In 1973, Boggan became the first openly gay attorney to argue a case before the New York Court of Appeal in *Matter of Kimball*, a case which allowed an attorney who had previously been disbarred for being gay to be admitted to practice in New York. He won a federal court ruling in 1974 giving gay students at the University of New Hampshire the right to organize in *Gay Students Org. of Univ. of New H. v. Bonner*. In 1978, Boggan represented a Vietnam war hero, Sgt. Leonard Matlovich, after he was discharged from the Air Force because he was gay, which resulted in a \$160,000 payment, a promotion and an honorable discharge for his client. Boggan also represented Vernon E. Berg in a matching suit against the Navy, with similar results.

In 1974, Boggan encouraged attorney Thomas F. Coleman to create and publish a gay rights law reporter to fill a void in legal research and publishing. Coleman went further than Boggan's suggestion and from 1975 through 1979 published the *Sexual Law Reporter*, a respected legal periodical focusing on a wide range of sexual-legal issues, including the rights of LGBT individuals and couples. "Cary was a visionary who inspired me immensely," Coleman later would say. "He was a top-notch lawyer."

From 1978 to 1986, Boggan was an adjunct professor at New York Law School. He was one of the first to teach a law school class on gay rights. He was also a founding partner of the lawfirm of Boggan and Thom. The partnership was dissolved when William Thom was appointed to be a judge in 1984.

Boggan moved to Los Angeles in the late 1980s. He was admitted to the bar in California in 1988 and a professor at the University of West Los Angeles for several years prior to his death. Boggan [died](#) in 1992 at the age of 48 due to complications related to AIDs.

References

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