

NUMBER
THREE
EDITH
WINDSOR
THE
UNLIKELY
ACTIVIST

BY ELIZA GRAY

PHOTOGRAPH BY ROBERT MAXWELL FOR TIME



EDITH WINDSOR'S LIVING ROOM IS FILLED WITH MEMENTOS OF A BATTLE SHE NEVER EXPECTED TO WAGE. GROWING UP GAY IN AMERICA, WINDSOR, NOW 84, MOSTLY KEPT A LOW PROFILE

with her sexuality beyond a vibrant circle of friends. But when her spouse Thea Spyer died in 2009, it triggered a series of events that prompted Windsor to fight for her rights in the U.S. Supreme Court—a fight that concluded with a landmark victory for gay marriage this year.

And so the modest Greenwich Village apartment that Windsor and Spyer shared for more than 30 years now houses trophies alongside relics of the rich life they led together. Near a framed copy of the couple's New York *Times* wedding announcement, there's a photograph of Michelle Obama stooping to give Windsor a tight congratulatory hug. From a pile of thank-you letters she has received, Windsor pulls out a note written in green felt-tip marker by Grace, age 9, thanking her for making it possible for her parents to marry. In her hallway is a piece of artwork with a note from lesbian cartoonist Alison Bechdel that reads, "For Edith! Thank you for paving the way."

Windsor's judicial odyssey began in 2010, when she sued the government for a \$363,053 refund of the estate taxes she had to pay when her spouse died. Under the Defense of Marriage Act, a federal law passed in 1996, the couple's legal marriage in Canada in 2007 didn't qualify them for any federal protections, including the estate-tax exemption for surviving spouses. When the Supreme Court decided 5-4 in Windsor's favor on June 26, it declared DOMA—which excluded gay married couples from some 1,100 federal provisions, like filing joint tax returns and accessing veterans' benefits—unconstitutional. The decision marked the first time the U.S. recognized marriage between partners of the same sex. It was a big win.

Windsor now finds herself transformed into an icon of the gay-rights movement. She wears the mantle well. Feisty, funny and extroverted, Windsor has been, at different points in her life, a

leader. At 13 she was elected vice president of her eighth-grade class. In the 1960s and early '70s, after developing a precocious expertise in computer programming at IBM, she managed (at times reluctant) men. The homes she shared with Spyer in New York City and the Hamptons were salons for many people in the gay and lesbian community. The couple's love and tenacity "empowered the rest of us as we were coming up," says historian and friend Blanche Wiesen Cook.

But like almost all gay people in her generation, Windsor lived a double life. "Most of us have spent most of our lives coming out selectively. It's safe here. It's good here. You can say you have a wife here, but not there," she says. Though she had always been quietly supportive in the gay community, generous with her time and money, she had not been—in the most literal meaning of the word—an activist.

Her case, of course, has changed that. "I can't be more out," she says joyfully.

A HAPPY CHILDHOOD

EDITH WINDSOR, WHO HAS ALWAYS BEEN called Edie, was born in 1929, the youngest of three, to James and Celia Schlain, immigrants from Russia who owned and lived above a candy and ice cream store in a poor part of Philadelphia. When Windsor was 2, the store was quarantined after she and her brother got polio. Her parents lost the store and their house. Despite this, Edie was sheltered from the Depression—her father took a hard-boiled-egg sandwich to work every day for lunch so he could buy books, and little Edie read voraciously. (She still has in her apartment the 19-volume dictionary her father used to learn English.) She was not sheltered from anti-Semitism. Her mother taught her that if a boy called her "a dirty Jew," she should pull his hair and run home.

The family moved to a middle-class

neighborhood because her mother wanted her daughters to meet the right boys. Edie began high school during the war and had dates with boys "every Saturday night of my life." Looking back, Windsor says, she had crushes on girls, but homosexuality wasn't a concept she thought about or applied to herself then. "I didn't even know about it," she remembers. "The first time I became aware, I was at a [college] party with a boy and I was in the kitchen, and the hostess came in and said, 'Do you have homosexual relations?' And I pulled myself together, and I said, 'On occasion.' I never had."

During her time in college, which she started in 1946, Windsor's awareness grew. By chance, she was assigned to write a paper on the 1948 Kinsey report, which argued that homosexuality was more prevalent than previously thought. She fell in love with a girl—a classmate at Temple University—for the first time. "It was both wonderful and terrible," she says. Their romantic relationship caused Edie to break off her engagement to a man. But then, deciding that she didn't want to live life as a gay person, Edie reconciled with him. They eventually married. "In the context of the homophobia that was so prevalent in the 1950s," she wrote in her sworn affidavit to the U.S. District Court for the Southern District of New York, "I certainly didn't want to be a 'queer.' Instead, I wanted to live a 'normal' life."

Though she cared deeply for her husband, the marriage didn't last a year. "He deserved more. He deserved somebody who thought he was absolutely everything. I left. I told him I needed something else," she says. She confided to him that she longed to be with women. When Windsor moved to New York City in the early '50s, the gay community was robust but underground. Sodomy was then outlawed in every state, and the police frequently raided gay bars downtown.



COURTESY EDITH WINDSOR

It wasn't easy for a relatively conservative person like Windsor to find other gay people. The first time she went to a gay bar, she got off a bus at Washington Square Park and asked a woman in a trench coat and pink oxfords if there were a bar "where only women go."

"I sat at that damn bar with one drink, and nobody would talk to me," Windsor recalls. "I was way overdressed. I lasted about two hours, and went back uptown." For a while she dated men, and eventually she found a crowd of gay men to be friends with. But lesbians were hard to come by. When she saw a lesbian couple dancing at a gay bar, she says, she thought, "I hope I have that when I'm old."

HAPPY COUPLE
WINDSOR, RIGHT, AND
SPYER GOT ENGAGED IN
1967. TO GET MARRIED,
THEY WAITED UNTIL
2007—AND HAD TO GO
TO CANADA

"I LIED ALL THE TIME"

ONCE IN NEW YORK CITY, WINDSOR FACED a difficult economic reality of the '50s: without a husband, she would have to support herself with a job in a male-dominated workplace. She began master's studies in applied mathematics at New York University in 1955, learned to program computers and started working on the Atomic Energy Commission's UNIVAC computer, which was installed at NYU. When the FBI called for an interview regarding her security clearance, she was sure the agency had discovered she was gay and that she would lose her job. She dressed "feminine" for the interview in crinolines and high heels, she

recalled in her affidavit, but it turned out the investigators wanted to know about her sister's friends in a union. On the strength of her work at NYU, Windsor went to work for IBM in 1958.

She first met Thea Spyer, a striking beauty with a sharp, analytical mind, at a restaurant in 1963. Spyer—who came from a wealthy family in Holland, spoke Dutch, played the violin beautifully and had been thrown out of Sarah Lawrence for kissing

a woman—was playing the field. Later at a party, they danced all night, even after they'd put their coats on to leave, as their irritated dates looked on.

As the couple grew closer, Windsor was forced to keep the relationship quiet at work, which meant distancing herself from the IBM colleagues she loved. When she was single, she went out with them on weekends, "but once I was in love with somebody, I wasn't going to go to the wine

tasting alone, and I wasn't going to bring [Thea], that's for sure," she says. "I lied all the time." To explain why Spyer called her at work, she invented a relationship with Spyer's "brother Willy"—who was actually a childhood doll that Windsor still keeps in her closet.

In 1967, Thea proposed to Edie with a diamond brooch, because an engagement ring would have been too risky. (Homosexuality wouldn't be declassified as a mental illness in the *Diagnostic and Statistical Manual of Mental Disorders* until 1973.) Edie longed to confide in someone about her love. The night before a biannual conference for computer programmers on the West Coast—where members of the small community, who had gotten to know each other over the years, shared the news of their lives—the usually gregarious Edie felt silenced. "I [thought], you know, I'm sitting here not saying anything, and the most important thing in my life has happened," she says. So she told the small group of people about Thea, and it turned out they were supportive.

Family life was just as hard to manage. Spyer's family in Holland disapproved, so the couple spent the first few Thanksgivings after they got engaged at Windsor's sister's house in Philadelphia. That ended, partly because her sister's husband seemed to not want to spend time with a lesbian couple.

CHANGING ATTITUDES

IN 1969, AFTER A POLICE RAID AT A GREENWICH Village gay bar called the Stonewall Inn, the patrons, many of them drag queens, responded with a violent series of riots that began the gay-liberation movement. Suddenly, barriers that had separated factions within the community started to fall. Windsor, who like other members of her generation was unhappy to be associated with "queens," changed her mind after Stonewall. "It was the beginning of seeing another hunk of us—they are human, they don't have horns, and they just changed my life," she says.

During the 1970s and '80s, Windsor

LEGAL ALLY ROBERTA KAPLAN,
WINDSOR'S ATTORNEY, BELIEVED SHE
WAS THE RIGHT PLAINTIFF





EDIE AND THEA: A LOVE STORY THE COUPLE'S RELATIONSHIP SPANNED FIVE DECADES. THE NIGHT THEY MET, THEY COULDN'T STOP DANCING. THEA

PROPOSED TO EDIE WITH A DIAMOND PIN, ABOVE; IN 1967, AN ENGAGEMENT RING WOULD HAVE DRAWN UNWELCOME ATTENTION. IN THE YEARS



THAT FOLLOWED, THE COUPLE TRAVELED THE WORLD AND BUILT MODEST BUT VIBRANT HOMES IN GREENWICH VILLAGE AND THE HAMPTONS, WHICH

THEY SHARED WITH A GLAMOROUS CIRCLE OF FRIENDS. THEY ALSO GOT INVOLVED IN GAY COMMUNITY ORGANIZATIONS AND BUILT THEIR CAREERS—



THEA AS A PSYCHOLOGIST AND EDIE AS A PROGRAMMER AT IBM. THEIR LOVE REMAINED PASSIONATE EVEN AFTER THEA'S MULTIPLE SCLEROSIS PUT

HER IN A WHEELCHAIR. THEA DIED IN 2009. THE NEXT YEAR, EDIE LAUNCHED WHAT WOULD BECOME A LANDMARK COURT CASE.

and Spyer lived a lot like any other upwardly mobile professional couple. Windsor worked at IBM, and Spyer built a robust practice as a psychologist. (Edie had to cancel two patients' appointments the day Spyer died.) Spyer was a talented cook, and they hosted dinner parties for a glamorous circle of friends at their apartment in the city and at a modest beach house they had in Southampton. They were active in groups like the East End Gay Organization on Long Island, for which they hosted a yearly party over Memorial Day weekend.

Their life hummed along, but there were moments that reminded them that they were different. When the Lesbian, Gay, Bisexual & Transgender Community Center sent the couple a check to pay back a loan, Windsor recalls being afraid to cash it at her bank. They didn't always feel comfortable in some parts of the gay community, which at the time had its own prejudices. One night at a bar in the Hamptons, responding to criticism from gays who disapproved of how the couple's relationship divided into masculine and feminine roles, Spyer stood on a table and said, "If you don't have room for me butch and her femme, then you don't have a movement." In 1977, Spyer was diagnosed with multiple sclerosis, but she continued to work. Around that time, Windsor left IBM after 16 years to travel and volunteer for gay community organizations.

The 1980s were, of course, a brutal decade for the gay community. AIDS decimated the gay male population, and disapproval of gay sex reached a historic high. A 1988 Gallup poll found that 57% of Americans thought gay sex should be illegal. Windsor lost friends, but she says AIDS, like Stonewall, ultimately brought the community together. "Lesbians lived in one world, and the gay men lived in another world. Then when the AIDS crisis happened, the lesbians flocked in to wait on people and to nurse them. So all of a sudden, that wall came down. We were looking at a much greater hunk of our population and loving it."

As the gay-rights movement got stronger, opponents of equality pushed back harder. Public sentiment toward gay peo-



STANDING PROUD WINDSOR OUTSIDE THE SUPREME COURT WHEN IT HEARD ORAL ARGUMENTS IN MARCH 2013

ple in the 1990s seemed to take one step forward and two steps back. In 1993, after campaigning on a pledge to lift the military's ban on gays, President Bill Clinton brokered a compromise that made "Don't ask, don't tell" official U.S. military policy. That same year, Spyer and Windsor registered as domestic partners when it became possible in New York. When Ellen DeGeneres filmed her coming out on her sitcom in 1997, *TIME* marked the event on its cover—with a photo of DeGeneres captioned "Yep, I'm Gay"—and noted that bomb-sniffing dogs had been brought in to check the TV show's set. In 1998, Matthew Shepard, a gay college student in Wyoming, was tortured and murdered.

In 1996, Congress passed, and Clinton signed, the Defense of Marriage Act for the purpose, according to the House, of expressing "moral disapproval of homosexuality, and a moral conviction that heterosexuality better comports with traditional morality." The law defined marriage for federal purposes as a union between a man and a woman and declared that states

would not be required to recognize same-sex marriages performed in other states.

At first glance, DOMA might have seemed little more than a rubber stamp of the status quo. No states permitted gay marriage in 1996, and according to Gallup, 68% of Americans were against it. But some members of Congress were concerned that gay marriage was on the move. Hawaii's courts appeared ready to support gay marriage; a backlash caused legislators there to pass one of the first two (along with Alaska's) state constitutional amendments targeting gay marriage in 1998. Though marriage had been a goal for some since Stonewall, other gays in the movement considered it either a pipe dream or an antiquated institution that could distract from other, more important issues like employment and housing discrimination or the AIDS crisis. Unsuccessful court challenges on behalf of gay marriage in the '70s led gay groups like the Human Rights Campaign to focus their energies on other things.

The movement didn't gain momentum until the spring of 2004, when Massachusetts became the first state to legalize gay marriage. Opponents, meanwhile, won 11 state constitutional amendments banning gay marriage, while Karl Rove turned it into a wedge issue for President

George W. Bush. Though the movement suffered a big loss in California with the passage of the anti-gay-marriage Proposition 8 in 2008, it soon made gains that had seemed impossible a decade earlier. In 2009, gay marriage became legal by court ruling in a Midwestern state, Iowa, and by legislative votes in New Hampshire and Vermont. It passed with Republican votes in New York's legislature in 2011 and by popular vote in 2012 in Maryland and Maine.

Meanwhile, in 2007, after Spyer got a bad prognosis related to a heart condition, which she would eventually die of, she and Windsor decided to go to Canada with the help of a filmmaker and gay-marriage activist who had become an expert at shepherding gay couples across the border to get married. It was not an easy trip for Spyer, whose worsening MS had made her quadriplegic by that time. When their wedding announcement ran in the *New York Times*, dozens of people from Windsor's past life—including old IBM colleagues who finally learned that she was gay—called to congratulate her.

Spyer died quietly at home in 2009. Brokenhearted, Edie was hospitalized with a heart attack. She was then served with a \$363,053 estate-tax bill on property that Spyer had left her. Spouses are exempt from the estate tax, so Windsor filed for a refund from the IRS. It was denied. Because of DOMA, the federal government didn't recognize her marriage.

Furious, Windsor did what so many other ordinary gay people in her generation had been forced to do in response to adversity: she decided to fight. After gay-rights organizations turned her down—they worried, among other things, that she was too privileged to serve as the face of an important case—she connected with Roberta Kaplan, a lesbian and corporate litigator at Paul, Weiss, Rifkind, Wharton & Garrison, who had argued in favor of gay marriage before New York's highest court. In their 2010 suit, Windsor and Kaplan argued that DOMA violated the constitutional right to equal protection. The momentum was with them. In 2011—for the first time in history, according to Gallup—a majority of Americans supported legalizing gay marriage.

PEOPLE NOW STOP HER ON THE STREET TO TELL HER THEY ARE GETTING MARRIED OR TO ASK ADVICE ABOUT LOVE

In 2012, when the U.S. Second Circuit Court of Appeals ruled in Windsor's favor, Windsor told *TIME*, "The amount of dignity that just fell off onto people was incredible."

A TIME FOR JOY

IT IS DIFFICULT TO OVERSTATE THE PRACTICAL benefits to every gay American following Windsor's victory in June. After the Supreme Court decision, gay couples could file joint tax returns, get access to veterans' and Social Security benefits, hold on to their homes when their spouses died and get green cards for their foreign husbands and wives. For many couples—especially those with children and those without means—these benefits and protections are not merely symbolic. At the beginning, for Windsor and Kaplan, the case was about getting Edie her money back.

What Edie knew, and has since made clear, is that marriage equality has effects that go far beyond the practical. Part of the significance of the case for Windsor has been newfound freedom to be out completely. She started hearing from people she had assumed would never accept her because she was gay and learned that they didn't care. (Her deceased ex-husband's wife, after reading about her case, called to talk about how fondly he had spoken of her.)

Marriage equality, like Stonewall and the AIDS crisis, is the next step for members of the gay population to get to know one another. "There is this growth of a sense of community that is glorious," Windsor says. "Try, if all your life you

knew you couldn't have it and now suddenly you can, or suddenly it looks like you are going to be able to because people are fighting for it and working at it. So everybody is up and everybody is out more and more." Bringing more people out of the closet accomplishes the things she hoped would happen with marriage: a breakdown of internalized homophobia, an antidote to a feeling among some gay teenagers that being gay is the "end of their whole life." It has also accelerated the movement, she says. "It balloons—the more of us there are, the more of us there are, the more of us there are. And it's joyous. It's very joyous."

Right now Windsor is the matriarch of the gay movement. She has accelerated a positive shift that was already taking place. The Supreme Court decision in her case smoothed the way for New Jersey's high court to legalize gay marriage there in October. The same thing may happen soon in New Mexico. When Windsor's lawsuit was filed in 2010, gay marriage was legal in five states. Now it is legal in 16. Windsor's role has its challenges—speaking several times a week and living as a public figure for the first time in her life is tiring. (Although if her new convertible and plans to appear on a Caribbean cruise with Maya Angelou in February are any indication, she won't let that stop her.)

Mostly, Windsor is having fun, enjoying meeting all the people in the past few months who stop her in the street to tell her they are getting married or to ask her advice about love. "My life is much richer," she says. In a letter a couple of months before the Supreme Court decision, Terrence McNally, the gay playwright and a friend, wrote, "Thank you for letting us crown you our queen (we never really asked; we just sort of thrust a crown and scepter on you) and being so gracious about it. It can't always be easy or comfortable to be EDIE WINDSOR!!! But I hope Edie Windsor understands how important the other Edie, Queen Edie, is to our community at this moment in our incredible story." ■

PARTNERS WINDSOR WITH A PICTURE OF HER LATE SPOUSE

ROBERT MAXWELL FOR TIME

