
**History
of the
Gay Movement
in Minnesota
and the
Role of the Minnesota
Civil Liberties Union**

**by
Dick Hewetson**

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FOREWORD by Susan N. Herman

President, American Civil Liberties Union

On March 22, 2013, the American Civil Liberties Union (ACLU) ran a full-page ad in the *New York Times* with a photo of ACLU client Edie Windsor, whose challenge to the discriminatory federal “Defense of Marriage Act” had been heard by the Supreme Court the day before. In that ad, the ACLU pledged to continue to fight until marriage equality reaches all fifty states. Edie’s marriage to her life partner, Thea Spyer, was not recognized by the federal government because she and Thea were both women, and so Edie was being charged exorbitant estate taxes that she would not have had to pay had her spouse been a man. But Edie and Thea’s marriage was recognized by the State of New York, and during their forty-year engagement, public opinion had grown to support their right to equal treatment. It even seemed plausible, in 2013, that the Supreme Court would find the discriminatory federal law unconstitutional.

In this book, Matt Stark, editor and publisher of this book (under the auspices of the FRIENDS OF THE BILL OF RIGHTS FOUNDATION, for free distribution of its electronic copy), describes how one of the main roads to the *Windsor* case and to increasing recognition of the right of two women or two men to marry – as well as the right of LGBT people to equal treatment in many other respects – began in Minnesota. Decades before the ACLU’s *New York Times* ad, in 1984 and 1986, the Minnesota Civil Liberties Union (MCLU) printed flyers saying to gay groups, “Your fight is our fight too.” And even before that, in 1970, the MCLU litigated the first case in the country to argue that two men – Jack Baker and Michael McConnell – should have a right to marry.

Matt Stark, whom I met when he was the Minnesota affiliate representative on the ACLU National Board, commented at the time that he realized that this case, *Baker v. Nelson*, did not end in an immediate victory for equality, just as Stark predicted. But their strategy has been working, incrementally, in the long run.

The Minnesota Civil Liberties Union was trying to make equality for LGBT people happen long before these issues hit the national stage. The *Baker v. Nelson* case was necessary because the marriage law in Minnesota, like the marriage laws in every other state, allowed only a man and a woman to get married. And because there were no anti-dis-

crimination laws prohibiting other forms of discrimination against LGBT people, Mike McConnell also needed the MCLU to represent him when, one month after that marriage license was denied, he was also denied appointment to a job in the University of Minnesota Library. Today, the ACLU is supporting legislation pending before Congress that would end employment discrimination on the basis of sexual orientation. If we have made progress in the area of LGBT discrimination, in marriage and in other contexts, it is because Jack and Mike, the Minnesota Civil Liberties Union, and Matt Stark were battling back when immediate victories were unattainable.

In this account of the gay rights movement in Minnesota, Stark shows what was happening in the state, legally and politically, even before the Stonewall uprising in New York. Stark was a key part of many of these efforts, and provides valuable and interesting history of the movement, of the Minnesota Civil Liberties Union's integral role in the legal aspects of that movement, and of his own personal experiences and memories.

ACLU founder Roger Baldwin used to say that no civil liberties victory ever remains won. He could also have said that no civil liberties victory is ever won all at once. Litigation that does not result in an immediate victory can nevertheless pave the way for future victories and for major shifts in public opinion. The story of the LGBT movement in Minnesota is a part of the narrative of American civil liberties.

See page 134 for Herman's biography.

INTRODUCTION by Matthew Antonio Bosch

**Director, GLBTA (Gay, Lesbian, Bisexual,
Transgender & Allies) Programs Office
University of Minnesota**

Dick Hewetson's book explores a fascinating depth of history and knowledge across decades of Lesbian, Gay, Bisexual, Transgender (LGBT) history in Minnesota. While many of us have heard of safe spaces such as OutFront Minnesota, Gay House, Calliope, and Quatrefoil Library, often our younger generations become unaware of the histories that created them from the beginning.

Many are familiar with the milestones accomplished in Minnesota across LGBT communities and the movement at large, but we remain unaware of the historical context or political backdrop which helped or hindered this progress.

As someone intricately connected to students across the University of Minnesota, I would encourage our up-and-coming student scholars, activists, and learners of life (whether straight or LGBT) to engage with this book as an additional feather in your cap of LGBT knowledge.

The Minnesota Civil Liberties Union (MCLU) played a host of key roles in fighting the LGBT rights especially when it was unfashionable to do so – cases involving marriage equality, employment, custody battles, all in a daring attempt to get the courts to answer, “Is it illegal to be LGBT?” You'll read about these cases with the people and politics involved, within the forthcoming chapters of this book.

MCLU also laid the physical foundation for what would become Quatrefoil Library. Quatrefoil and our very own Jean Nickolaus Tretter Collection in GLBT Studies at the University of Minnesota are key sources within the Twin Cities where communities can dig up the diverse and complex histories of our LGBT movements, both local and national. These serve as cornerstones of our movement, sites of documentation for the struggles we have endured and the triumphs we have recorded.

In a university now proclaimed “Top 25 Most LGBT-Friendly Campuses in the U.S.” with 40+ LGBT initiatives and student organizations to join, it's important for students to gain perspectives on the creation of pioneers like Fight Repression of Erotic Expression (FREE) which has now evolved into the Queer Student Cultural Center (QSCC),

or the Steven J. Schochet Endowment's famous Toni McNaron lectures, or the political backdrop regarding the legal fight for the first gay marriage license in the United States.

In staying with the author's and editor's goals of widespread distribution, this book is being offered for free. Many of us like the way that sounds, and it's something students can surely relate to.

A book, with so much incredible knowledge, history, and power like this, inspires me to find out all the angles of what happened, as many people from my own generation were not around in Minnesota to see some of this progress emerge or advance. It's a great tool for academic research, lifelong learning and it can provide a background of Twin Cities' histories connected to the LGBT movement from one of its very own pioneers.

So come begin on a journey to learn about Minnesota's roots, histories, struggles and accomplishments across the LGBT rights movement. We must take time to piece together and preserve our own histories –for if we don't...who will?

See page 135 for Bosch's biography.

PREFACE by Dick Hewetson

When Dr. Matthew Stark asked me to write this book and volunteered to edit and publish it, I was honored. Other than writing a memoir a few years ago, this is a completely new experience for me. However, I realized that I could possibly be more objective than many others. Although I lived in the Twin Cities during this period and I was somewhat involved in the gay rights movement, I appreciate all the individuals and organizations that played a part in those difficult times.

My chief involvement and legacy is Quatrefoil Library, a GLBT resource founded by David Irwin and me.

Because I want to be objective, I had no intention of expressing my opinions and relating my experiences in the book. However, as I became more involved in this project, I realized that I had things to offer so I have put them at the end of each chapter as “Author’s Notes” when I deemed they were appropriate.

As I no longer live in Minnesota, I have not been able to use the Jean-Nickolaus Tretter Collection in Gay, Lesbian, Bisexual and Transgender Studies and Quatrefoil Library as much as I would have liked. However, the staff at both of these facilities have been extremely helpful to me. In addition, I have used web sites, individual telephone and personal interviews, as well as Email to get as much information as I could. I have tried to get different points of view on events and strategies, particularly on the politics of the GLBT movement in the Twin Cities, when they seemed appropriate. Not surprisingly, two people can have different memories of the same event.

I want to thank Dr. Matthew Stark for initiating this book (Appendix 1). Also Jean-Nickolaus Tretter, Founder, and Lisa Vicolli, Library Professional, of the Tretter Collection and Kathy Robbins, Head Librarian of Quatrefoil Library for help on this project.

Along with Tretter, Jack Baker, Tim Campbell and Robert Halfhill, who are “walking encyclopedias” of this part of GLBT history, all gave generously of their knowledge.

Others who were helpful were Dallas Drake of the Center for Homicide Research, Leo Treadway of Wingspan Ministries, and Arvid Nelson of the University of Minnesota Library. I also interviewed Larry Bye, Chernah Coblentz and Kathy Hagen, Judy Linden, Kent Peterson,

Dolly Ruark, and many others mentioned within the book. I have used remarks from these people to give some human insights along the way (when these names appear in footnotes, it refers to an interview or email with the person named).

Throughout the book, I have used the term GLBT (Gay-Lesbian-Bisexual-Transgender) as an inclusive term. In the earlier days, the term “gay rights” was used almost exclusively, as in the present term “gay marriage.” Eventually it became politically correct to include lesbian, and then bisexual and transgender persons.

As the reader will discover, most of this history has been reported in other books and periodicals; but, as far as I know, this is the first time that the Twin Cities GLBT history has been gathered into one book.¹ Many important things happened in Minnesota in the early days of the movement.

I have also wondered where Dr. Matthew Stark got his passion for civil rights and why, at a time when most non-GLBT people showed little interest in GLBT issues, he was comfortable taking them on. In an interview on May 14, 2012, I asked him. His answer was very interesting. He said that he really did not know, but when he was still very young two things affected him.

The issue came up about boys taking girls' home economics classes. He said, “I was one of the two selected in my school because the feeling was that I could take it. And I did and I enjoyed it, and I learned a lot. I always wondered why they didn't have girls taking shop and boys taking cooking classes and stuff like that. I never got very good answers from anybody.”

He also told about going to Boy Scout camp when he was twelve years old.

He related:

A friend of mine, whom I didn't know was gay, went to a Boy Scout camp with me. One day we went over to what was called the Nature Cabin. It was a little building with an older Boy Scout (possibly in his twenties) having snakes and turtles and things like that and he would talk and teach Boy Scouts about them.

¹ Since I began this book, Stewart Van Cleve has published a book on the GLBT history of Minnesota from a different point of view: *Land of 10,000 Loves - A History of Queers in Minnesota* (University of Minnesota Press, 2012). However, it is not written from the perspective of the gay movement.

I don't know what led to it but he immediately started giving this friend of mine a rough time and using terms that I wasn't familiar with: gay, faggot, etc., terms like that. My friend finally burst into tears and ran out of the Nature Cabin. I was aghast. And there I was with the nature man, who had just really treated my friend very badly, and I started aggressively yelling at the nature man for what he had been doing. And we ended up fighting, physically. And he beat me up.

And I ended up going back to my cabin and I realized that he was persecuting my friend because my friend was gay. And I didn't quite know what that was. And I certainly didn't know that my friend was gay until after this occurred. And I didn't want him or any other gay person to be humiliated and persecuted.

From a rather overwhelming project this became a great experience, and I truly enjoyed reconnecting with many people, all of whom were most helpful.

Dick Hewetson
San Francisco, CA
January 1, 2013

See page 130 for Hewetson's biography.

Chapter I

THE EARLY DAYS

As long as there have been inhabitants in what we know as Minnesota, there has been a gay, lesbian, bisexual, and transgender presence. The rules governing the behavior or conduct of the Gay, Lesbian, Bisexual and Transgender people were those of tribal custom and tradition from the Ojibwa (Chippewa) and Lakota/Dakota (Sioux) nations before the arrival of the Europeans. Much of this chapter is taken from Dr. Clara Sue Kidwell's major book, entitled *A Native American Theology*. Her friend, Dr. Matthew Stark, encouraged her to write a brief booklet on GLBT people prior to the arrival of the Europeans. I have included this booklet, entitled *The Berdache as a Stereotype of American Indian Cultures*, as Appendix 2.

The term used in anthropological discussion of GLBT Native American people is *berdache*, a term that actually derives from an Arabic term meaning a male slave or a young boy kept by an older man for sexual purposes. Because of the negative connotation of the term, it is now considered offensive in contemporary gay and lesbian American Indian communities. The preferred term in the contemporary Native American gay communities is either *cross-gender* or *Two Spirit*.¹ The Lakota term *Winkte* was used for men who assumed women's roles and duties. They were held in high esteem and took care of the elderly and orphaned children.²

However, the advent of the European exploration and settlement of this area brought a dramatically different set of social and cultural concepts about the cross-gendered people. Father Louis Hennepin, the 17th Century French explorer, in his book *A Description of Louisiana*,³ mentions that he observed a teen-aged native boy in the Mississippi Valley who "dreamed that he was a girl," afterward giving "such credit" to the dream that "he believed himself to be" a female. He reportedly then "dressed as a girl" and did women's work. His society apparently permitted him to move from a sense of himself as a male to a sense of himself as a female.⁴ Hennepin spoke of "hermaphrodites" and other Native American boys dressed in women's clothing. His use of the word hermaphrodite should not be interpreted to mean intersex people (the

1 Kidwell, Clara Sue, *A Native American Theology*, Maryknoll, N.T., Orbis Books, 2001 3.

2 *Ibid*.

3 *A Description of Louisiana* by John G. Shea, New York, 1880.

4 Katz, Jonathan Ned, *Gay American History*, Revised Edition, Meridian 1991, 611.

current term for a child born with indeterminate genitalia) but rather young men who were in various stages of self-identifying.⁵

Hennepin also noted that “hermaphrodites” were common and that Indian men were guilty of “sodomy,” according to his Roman Catholic beliefs. They kept boys dressed as women, and used them for “infamous purposes.”⁶

Europeans came with an extraordinarily rigorous sense of how gender and sexuality should be expressed. These strict ideas were heightened by rigid civil and religious statutes. In order to eradicate many non-European, (i.e., Native American) gender-normative customs, traditions, and behaviors, these Europeans often practiced violence such as capturing and enslaving native non-Christians, and forced conversion upon them.⁷

The cross-dressing, cross-working, and same-sex erotic activity, reported by Spaniards and Frenchmen who stole the Native American’s land, was spoken by them as “sinful,” “abominable,” “bestly,” “dissolute,” “lewd,” “loathsome,” “shameful,” and “unnatural.” These observers unabashedly judged Native American practices according to the tenets of their Christian morality. They went on to take American Indian children away from their parents, put them in Catholic run schools and later in other church-run schools, in order to wipe out the children’s American Indian cultural background. Kidwell writes differently concerning the respect that Indians gave to the gay men who protected and assisted American Indian women, and the lesbians who assisted the American Indian hunters.⁸

European religious and social thought held that people who did not adhere to Christian concepts of sexual behavior, gender affect, or modesty, were less than human. They were considered to be like animals. This in itself qualified them to be deprived of individuality, liberty, and life itself.⁹

René de LaSalle (1643-87), another French explorer, spent considerable time exploring the area along the Mississippi River that was to become Minnesota. Chroniclers of LaSalle’s expeditions make reference

5 Katz, Jonathan Ned, *Gay/Lesbian Almanac*, Harper & Row, New York, 1983, 25.

6 Ibid, 26.

7 Bronski, Michael, *A Queer History of the United States*, Boston, Beacon Press, 2011, 2.

8 See Kidwell’s booklet in Appendix 2 and her book *A Native American Theology*.

9 Bronski, 5.

to the numerous young Native American males who were transgender, and they gave descriptions, influenced by the Catholic Church, of how unacceptable their relationships were within the social structures of their own people. GLBT historian Jonathan Ned Katz observes this in his *Gay/Lesbian Almanac*.¹⁰ In these reports it is often difficult to separate the European observers' judgments from the evaluation ascribed to the Native Americans themselves, and thus the actual status and character of "sodomy" within native groups remains ambiguous.

Katz also noted that "Hermaphrodites" were common and that Indian men who were guilty of "sodomy" kept boys dressed as women, and used them for "infamous purposes."¹¹

After the end of the French and Indian War (1754-63), part of present Minnesota fell under the jurisdiction of the British and GLBT people who then were under the English Buggery (i.e., sodomy) Law of 1533. Drawn from French law, it was the first civil statute of England to make a secular crime of an act that, up to then, had been only an infraction of church law. The rest of Minnesota fell under the jurisdiction of the French and remained under French ecclesiastical law until the Louisiana Purchase from the French in 1803, when Minnesota became subject to the United States federal law that had not at that time encoded any restrictions against sodomy. Minnesota never was under the Napoleonic Code that was established on March 21, 1804, in which the crime of sodomy had been removed.

Originally part of the Wisconsin Territory, the Minnesota Territory was formed on March 3, 1849, and it adopted the Wisconsin Territorial laws for the new Minnesota Territory. These laws included, "Offenses against chastity: the crime against nature." On March 31, 1851, the Minnesota Territorial Legislative Assembly published revised statutes including, "Every person who shall commit sodomy or the crime against nature, either with mankind or any beast, shall be punished by imprisonment in the territorial prison not more than five years nor less than one year."¹² On May 11, 1858, Minnesota was admitted to the Union as the 32nd state and retained the same sodomy statutes. Thus many Native Americans, whose behavior was totally accepted and respected by their own culture, became criminals under the new State's law.

10 Katz, *Gay/Lesbian Almanac*, 25.

11 Ibid, 26.

12 Revised Statutes of the Territory of Minnesota, March 3, 1849, (unpaginated)

Chapter II

THE FERMENT OF THE SIXTIES

In the United States, the decade of the 1960s was an exciting time for political and social change: the Black civil rights movement, the feminist movement, the American Indian movement, and the antiwar movement protesting the Vietnam War. These movements certainly had an influence on the budding gay liberation movement.

On July 26, 1967, the U.S. Federal Court for the District of Minnesota upheld in a landmark decision the right of individuals to receive materials from the Direct Services Incorporated Sales Company (DSI) that showed semi-nude male figures. Conrad Germain and Lloyd Spinar, owners of DSI Sales, were arrested in 1967 and tried on numerous counts of obscenity.¹³ The indictment alleged that the defendants mailed certain obscene material, as well as advertisements for alleged obscene materials. With the intent of challenging American censorship laws, they pleaded not guilty on February 27, 1967. On July 11, 1967, they waived a trial by jury with the consent of the U.S. Federal Court and of the U.S. Attorney. They were tried before the Court from July 12 through July 24, 1967, in Minneapolis. During the trial the government introduced into evidence nearly every item sold and every brochure and catalog distributed by DSI. The theory used by the government in prosecuting its case was based on the proposition that the DSI materials appealed primarily to homosexuals. Because the average person considered homosexuality morbid and shameful, such materials automatically should be classified as “obscene,” the government claimed.

The DSI case was overseen by an unusually progressive Federal District Judge, Earl R. Larson, who ruled that just showing a man in his skivvies wasn't inherently pornographic despite the images being targeted at a gay audience. This cleared the way for more male physique magazines and, one supposes, nude fitness clubs, which existed in the Twin Cities back at that time.

In his seven-page memorandum written at the conclusion of the trial, Federal Court Judge Larson stated, “the materials have no appeal to the prurient interest of the intended recipient deviant group; do not exceed the limits of candor tolerated by the contemporary national community;

13 *Physique Pioneers: The Politics of 1960s Gay Mass Consumption*, by David K. Johnson, Department of History, University of South Florida. Address delivered in Mexico City at a Queer Studies Symposium in Mexico City in April 2007.

and are not utterly without redeeming social value. Furthermore the Court concludes that the evidence does not suggest pandering.” It acknowledged that profits were made on these materials but cautioned that commercial activity in and of itself could not be used as justification for narrowing the protection of expression secured by the First Amendment. The Court decided that the publications did not entirely exploit its customers on the basis of their prurient interest.¹⁴

Judge Earl Larson was a member of the First Unitarian Society in Minneapolis, a friend and mentor of Dr. Matthew Stark, and he and a number of law professors and other lawyers helped found the Minnesota Civil Liberties Union, so his rulings were not surprising.

Stark says, “I didn’t recruit him. He founded the MCLU. And then he became a federal district judge. Before he was a federal district judge, he had been a lawyer in private practice.”¹⁵ Tim Campbell, long-time gay activist, recently said that in the 1960s adult bookstores were very important as sources for gay people to learn who they were. Campbell said that these stores were the only places to get gay reading materials such as the national gay newspaper *The Advocate* and other magazines that advertised places to go to and organizations which would appeal to gay men. Also, one could find gay pulp novels in these adult bookstores, because stores such as Shinder’s in downtown Minneapolis and in downtown St. Paul were willing to carry gay “pornography.”¹⁶

In the spring of 1969, two students at the University of Minnesota in Minneapolis, Koreen Phelps and Stephen Ihrig, envisioned a brighter future for gays and lesbians. Not knowing how to make it happen, they contacted Leo Laurence of the Society for Individual Rights (SIR) in San Francisco, who became their mentor. SIR was founded in 1964 as an organization that was assertive and self-confident. Rather than being secretive, as early GLBT organizations such as The Mattachine Society had been, they were liberationist and more democratic.¹⁷

These two visionaries, as students at the University of Minnesota, under the auspices of the Free University (no affiliation with the Univer-

14 U.S. District Court, District of Minnesota, Fourth Division; Memorandum 4-67-Crim 15, July 26, 1967, 6. (The Ginzburg Case, *Ginzburg v. United States*, 383 U.S. 463 (1966) defined pandering as open advertising of materials in such a manner as to appeal to the erotic, salacious interests of customers of the business.)

15 Dr. Matthew Stark.

16 Tim Campbell.

17 Brent, Bill, *Society for Individual Rights Historical Essay*, [www.foundsf.org/index.php?title=Society_for_Individual_Rights_\(SIR\)](http://www.foundsf.org/index.php?title=Society_for_Individual_Rights_(SIR))

sity of Minnesota), began by teaching a class called “The Homosexual Revolution” at the Coffee House Extemporé, a left wing establishment on the West Bank of the Mississippi River near the University of Minnesota. The Free University, which had been developed by radical University of Minnesota students, existed from 1968 to 1979 with neither credit nor degrees.¹⁸ The first meeting of this class (again not a University of Minnesota class) was on May 18, 1969, and it continued to meet weekly thereafter. An article by student S. Jane Albert that appeared on June 20, 1969, in *The Minnesota Daily*, the University of Minnesota student newspaper, was headlined “Free U starts 'homosexual revolution'.” That headline says it all. It’s the first published account of gay liberation in Minnesota.

Albert aptly began her article, “First there was Black Power. Then Red Power. And now, through the efforts of two former University students, Pink Power has come to Minneapolis. Gay Power, as it is properly termed, is a homosexual movement that seeks to change the laws, attitudes and prejudices of uptight, upright heterosexual America.”

One could consider this event as the real birth of the gay movement in Minnesota.

By midsummer, the Free University class developed into an actual organization. Bob Halfhill says, “We decided to get recognized as a student organization.” The University officially accepted them as a student organization—a GLBT first in the nation—called Fight Repression of Erotic Expression (FREE).¹⁹

One of their first actions, in February 1970, was to “integrate” a dance at the University by descending on it with about fifty members of FREE to dance in same-sex pairs. Stephen Ihrig, one of the founders of FREE, told the *Minneapolis Star*, “One of our main functions as a group is to acclimatize the straight public to our existence—to our reality.”²⁰

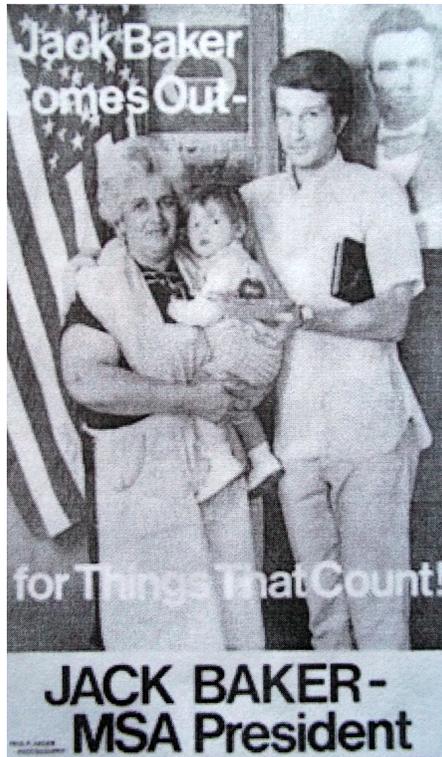
The young organization served as a student group, as well as for

18 James Park, *History of the Minnesota Free University*, www.tc.uMinnesota.edu/%7Eparkx032/MFU-H&html.

19 Robert Halfhill interview February 7, 2012.

20 Wrathall, John D. “What Are You After?” Chapter Six of *Breaking the Silence, Final Report of the Select Committee on Lesbian, Gay and Bisexual Concerns*, The University of Minnesota System, November 1, 1993, 55.

people beyond the University of Minnesota campus area of the Twin Cities. FREE sponsored public speakers who addressed such groups as church audiences—at times to “quiet, questions [and] doubts”²¹—at the same time participants organized dances with “free coffee and lots of dancing.”²² As a student organization they met at the University of Minnesota student center, Coffman Union.



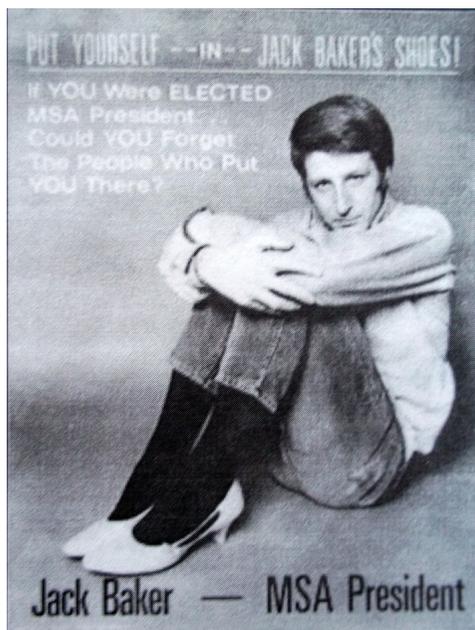
Jack Baker joined FREE and immediately became its President. Baker was responsible (editor) for the newsletter that began with a chirpy “Hi There!” and summarized the week’s events of protests, new contacts, and the ever-present committee reports. Jack’s active participation became essential for FREE’s survival, and the group disbanded shortly after Baker became president of the Minnesota Student Association.²³

21 Queer Student Cultural Center Collection, Jean-Nickolaus Tretter Collection in GLBT Studies, University of Minnesota Library.

22 Baker, Jack. “FREE News.” Minnesota: 12/18-1/9, 1970. Page 1.

23 Out History Web Site, www.outhistory.org/wiki/F.R.E.E.

In 1970, Baker was the first openly gay person elected as president of an American university student body, and he was re-elected a year later.²⁴



FREE organized the first gay rights protest in Minnesota on Feb 11, 1970, when Thom Higgins, one of their officers, was fired from his job with the State Services for the Blind. Higgins, himself partially blind, worked on the Talking Book Radio Network. He was fired after he informed his supervisor that he would be appearing in a press conference on behalf of FREE. Higgins and FREE filed a complaint with the State Commission for Human Rights. The Commission eventually dropped the case, claiming that they had no jurisdiction since sexual orientation was not mentioned in the state's anti-discrimination statutes. Higgins and FREE, with the aid of the MCLU, filed an unsuccessful lawsuit against the Human Rights Commission for failing to handle the case. A few months later the University Regents voted to deny another FREE member, Mike McConnell, a job within the University Library system. As when Higgins was fired, FREE fought the discrimination through

²⁴ Hanson, Dan, *History of the Minnesota Gay and Lesbian Legal Assistance*, Minneapolis, Friends of the Bill of Rights Foundation, 2009, 1.

protests and a lawsuit.²⁵

In the fall of 1970, the University denied FREE the right to organize a conference on campus, and FREE brought yet another unsuccessful lawsuit against the University.²⁶ This case is covered in Chapter IV.

Kent Peterson, a television photojournalist, remembers that when he was in high school in 1970 there was a lot of talk about Baker's campaign poster in *The Minnesota Daily*. Peterson said he knew he liked boys, but wasn't sure he liked boys in high heels. However, he was excited to know that there was a place for him to go to meet gay people when he arrived as a freshman in 1973. He found a four-line notice in *The Minnesota Daily* about the gay coffee house at Coffman Union. He describes having to go to an outside entrance at the east end of the Union, going through a fire door, then going to a sub-basement with a low ceiling. He went through a tunnel that was all concrete and painted black. He reached the coffee house which was a dingy, black, smelly and smoky room. It was a typical beatnik coffee house with tables, with three chairs each. There was a small stage at one end of the room. He remembers that there were interesting discussions at the coffee house.²⁷ Bob Halfhill, who was one of the people who set up the coffee house, says that there were only dances.²⁸ (This is an interesting example of how people remember things differently years later.)

Meanwhile, six weeks after Phelps and Ihrig's "The Homosexual Revolution" class started meeting, and seven days after Albert's article was printed, New York City finally caught up to San Francisco and the Twin Cities. The Stonewall Rebellion in Greenwich Village began on the night of June 27, 1969, as a protest against the latest in a series of police raids on gay bars.²⁹

The *Stonewall Rebellion* is usually thought of as the beginning of the modern gay rights movement, but, as I have shown, such things were happening in other parts of the country. In the early morning hours of June 28, 1969, the patrons of the Stonewall Inn who had been hassled by the police decided to fight back. The most common version is that the patrons were mostly drag queens and they locked the police in the bar.

25 John D. Wrathall, "What Are You After?", 55.
[/www.youngstranger.com/whatareyouafter.pdf](http://www.youngstranger.com/whatareyouafter.pdf)

26 Wrathall, 55.

27 Kent Peterson interview March 4, 2012.

28 Robert Halfhill interview February 7, 2012.

29 Holdgrafer, George, *Free Before Stonewall: Twin Cities Gay Organization Launched Six Weeks Prior to Pivotal New York Event*. LAVENDER MAGAZINE, Issue 366.

Police continued to raid the bar the following two nights. The patrons continued to fight back.

As a result, organizations formed for gay rights and the following year, 1970, the New York City gays celebrated with the first *Gay Pride* event. Since then, the last Sunday in June has been almost universally accepted as the time for *Gay Pride* festivals. The Twin Cities has had a *Gay Pride Parade*³⁰ in June since 1971. The history of the Pride festival in the Twin Cities is covered in Chapter III.

Almost simultaneously with FREE, the University of Minnesota Medical School improved the environment for GLBT people with the development of the Program in Human Sexuality (PHS) in 1970. It was created in response to needs expressed by physicians and health-care providers who felt ill-prepared to deal with a wide range of issues related to human sexuality, including homosexuality. The PHS also worked with community leaders and with theological seminaries to educate and conduct research on human sexuality. Faculty support for, and interest in, the program resulted in the development in 1971 of the curriculum for the Sexual Attitude Reassessment Seminars (SAR). PHS went on to develop a new required Medical School curriculum in human sexuality, which was one of the first comprehensive programs in the country.

Early Uprisings

In *The Advocate* of March 1967, Matthew Breen, editor in chief, wrote how things changed in Los Angeles when plainclothes police officers raided the Black Cat just after midnight on January 1, 1967. The officers beat patrons of this Silver Lake neighborhood bar for kissing and embracing in celebration of the New Year. Fourteen patrons and staff were arrested. In February an unprecedented 200 people gathered outside the Black Cat to demonstrate against police harassment and brutality.

This action led the gays to publish a paper called *Society for Individual Rights (SIR)* which was founded in September 1966 by an organization called Personal Rights in Defense and Education (PRIDE). Two years later, *The Advocate*, as it came to be known, reported the raids at the Stonewall Inn³¹ in New York City.³² *The Advocate* is still published as the

30 The annual June festival has had different names throughout the years. From this point on I will use the term "Gay Pride Festival."

31 The Stonewall Inn Raids are often referred to as the beginning of the modern gay movement.

32 *The Advocate*, March 1967, page 7.

premier Gay publication in the United States. It started as a mimeographed sheet, then became a tabloid style newspaper, and is now a slick magazine.

Many laws had been passed, throughout the country in the late nineteenth century, against cross-dressing. Ostensibly, they were written because women often dressed as men in order to get employment, and this was considered deceitful. They may also have been in response to feminist demands for equality. Feminist Elizabeth Cady Stanton asserted, “when we have a voice in the legislature we shall dress as we please;” that is, in the more comfortable garb limited at that time to men.³³ San Francisco passed its law in 1866 and Minneapolis passed one in 1877.³⁴

One August night in 1966, the management of Compton's Cafeteria in San Francisco called the police when some transgender customers became raucous. Compton's was located in San Francisco's Tenderloin District from 1954 to 1972. The Tenderloin was a notorious neighborhood where such people as prostitutes and small time illegal gamblers hung out. Compton's was one of the few places where transgender people (cross-dressers) could congregate publicly in the city, because they were not even welcome in gay bars. In addition, the cafeteria was open all hours. Because California sodomy and dress code laws banned homosexuality and cross-dressing, police used these laws as justification to raid bars and jail GLBT people.³⁵

When a police officer accustomed to manhandling the Compton's clientele attempted to arrest one of the trans women, she threw her coffee in his face. At that point a riot began, dishes and furniture were thrown, and the restaurant's plate-glass windows were smashed. Police called for reinforcements as the fighting spilled into the street, where a police car had all its windows broken out and a sidewalk newsstand was burned down.

The next night, more transgender people, other Tenderloin street people, and other members of the GLBT community joined in a picket of the Compton's Cafeteria, which would not allow transgender people back in. The demonstration ended with the newly installed plate-glass windows being smashed again. This was a turning point with GLBT people resisting the police and fighting back in San Francisco.³⁶

33 William N. Eskridge, Jr, *Gaylaw*, Cambridge, Mass, 1999, p27-8.

34 *Ibid*, p338-9.

35 *Alice 40th Anniversary History Series – Article #1*, Alice B. Toklas Democratic Club.

36 Susan Stryker and Jim Van Buskirk, *Gay by the Bay*, San Francisco, Chronicle Books 1966

Chapter III

DEVELOPMENT OF A SENSE OF COMMUNITY

After years of having almost no place for GLBT people to meet each other, except in gay bars (which were usually dimly lit and poorly identified), GLBTers began to build communities. I like to think of “communities” rather than the expression usually used as “gay community.”

As Jean-Nickolaus Tretter said in an interview, “The '70s were a time of remarkable social development. Positive things were happening for GLBT people.”³⁷

In this Chapter, I have tried to give a comprehensive idea of what was developing. In no way is this list complete. But I hope it will give the reader an idea of how exciting life became for GLBTers, compared to the '60s and the times before when most GLBT people were closeted and alone. A totally comprehensive list can be found in the recently published book *Land of 10,000 Loves- A History of Queer Minnesota*.³⁸

37 Jean-Nickolaus Tretter.

38 Stewart Van Cleve, University of Minnesota Press, 2012.

Places for GLBT People to go for Friendship and Support

Gay House: In the early seventies, gays and lesbians began to form organizations and find places to gather other than the bars and cruising areas (places where gay men meet each other, such as parks). One of the first centers in the nation was Gay House that opened in 1971 in a converted single-family home south of Loring Park in Minneapolis, Minnesota. A few gay men including Mike McConnell³⁹ and John Preston⁴⁰ saw the need for a place for people to learn about and meet other gay men. They opened Gay House, part “counseling service,” part hippie crash pad, and part library. It was staffed completely by volunteers who were not professionally trained. Unfortunately, it closed in 1979 from a combination of interpersonal issues, finances, and the inappropriate sexual behavior of some of the “counselors” who misused their positions, whereby it became a private “dating service.”⁴¹

Tim Campbell, who became a gay activist and publisher of the *GLC Voice* remembers spending a lot of time at Gay House in 1973. Tom Green, one of the volunteers, had provided picture puzzles. So instead of spending time at a happy hour at some bar, Tim who had stopped drinking, spent his afternoons at Gay House working on the puzzles. He said, “Instead of experiencing *delirium tremens*, I relaxed with the puzzles.”⁴²

OutFront Minnesota Community Services: Today OutFront Minnesota Community Services, the largest such organization in Minnesota, provides education, training, community organizing, legal advocacy and services, and anti-violence advocacy and services to the gay, lesbian, bisexual, transgender, and allied communities.

It is Minnesota’s oldest extant organization for GLBT community services and is a testament to the changing social climate of Minnesota. A small meeting of volunteers at Gay House began the organization around 1970. Working as the Gay Action Council (GAC), these individuals acted as impromptu counselors for closeted and newly-out people before psychiatrists could be trusted. The American Psychological Association

39 Mike McConnell is discussed at length in Chapter IV.

40 John Preston went on to become a well-known author.

41 *Gay House*, outhistory.org / www.outhistory.org/wiki/Gay_House

42 Tim Campbell.

removed Homosexuality as a character disorder in 1973. *OutFront Minnesota Community Services* grew out of the GAC.⁴³

Lesbian Resource Center: In 1972, Karen Browne opened the *Lesbian Resource Center* (LRC) in a commercial building south of Loring Park. *The New Woman's Survival Catalog*, published in 1973, reported, "Gay Women in the Minneapolis/St. Paul area have opened a *Lesbian Resource Center* in Minneapolis to better serve the needs of lesbians. We have found that other organizations are either too male or straight-oriented, leaving us with a sense of invisibility. We are now coming out completely, affirming we are here."⁴⁴

Besides the organizations mentioned above, both the *Twin Cities Pride Festival* and *All God's Children* Metropolitan Community Church (described later in this Chapter) grew out of *Gay House*.⁴⁵

Dolly Ruark gives an example of what these organizations meant. She began thinking that she might be a lesbian in 1973. This was a big deal, considering that her father was a Baptist minister. She went to a regional National Organization for Women conference in Rockford, Illinois. Del Martin and Phyllis Lyon's book *Lesbian/Woman*⁴⁶ had just been released in paperback and was on sale. She stayed up all night reading it, and confirmed her thoughts that she was Gay. She went home, content in the knowledge, but didn't do anything about it immediately.

About six months later, she went to the *Lesbian Resource Center* and spoke with a counselor, who urged her to get involved with groups and activities at the Center as a way to connect with other Lesbians. Again, she did nothing, for another six months.

In 1974, she saw a small ad in the Minneapolis paper, reaching out to gay women, placed by Minnesota Gay Women's Alliance (*MGWA*). It gave an address on Elliot Avenue South in Minneapolis, and mentioned that the group met every other Monday. She finally gathered up the nerve to go. It was a regular house, which hosted a number of different social

43 Out Front Minnesota Web Site, OutfrontMinnesota.com

44 Grimstad, Kirsten and Rennie, Susan, *The New Woman's Survival Catalog*. New York: Coward, McCann & Geoghegan, 1973, page 208.

45 *Gay House*, [outhistory.org / www.outhistory.org/wiki/Gay_House](http://outhistory.org/wiki/Gay_House). (author unknown)

46 A groundbreaking book when it was published in 1972.

organizations. She arrived early and waited nervously for someone else to arrive. It wasn't long before someone arrived. This woman was very nice and made Dolly feel at ease in a scary situation. She introduced her to other women as they came in. She later discovered that this woman was a member of the Minnesota Orchestra.

This was a social group, but many of the women didn't use their real names for fear of being discovered. They had discussions at that location, about their family situations and other issues. There were get-togethers at some people's houses, low-key parties. They were held only at the homes of people who were willing to give out their real names and addresses. Some of the women also belonged to *Good Old Lesbian Dames* (GOLD), but Dolly was too young for them. GOLD was for women 35 and older.

Some formed a potluck group, which lasted about five years. They met once a month. They also took "field trips" to movies and other events. One night they went to a University of Minnesota Gopher women's basketball game. Dolly and another woman went to a few games together. She lost interest, but Dolly was "hooked" and still attends the games.⁴⁷

The *Aliveness Project* was founded in 1985, as an alternative source of services and support for people living with HIV/AIDS, by a group of people with AIDS that included Perry Tilleras and David Runyon. Steve Katz was the first Director. With an anonymous donation for a down payment, they purchased a building at 33rd Street and Pillsbury Avenue in south Minneapolis. It became a community resource committed to maintaining a space that provides support, information, and direct services to enhance the quality of the lives of those affected by the virus.⁴⁸

47 Email from Dolly Ruark, April 16, 2012.

48 Email from Phil Willkie, May 22, 2012.

Resources

The Lesbian Resource Center spawned *Amazon Feminist/True Colors Bookstore* and *A Woman's Coffeehouse*. The Coffeehouse eventually moved into Plymouth Congregational Church at 19th Street and Nicollet Avenue in Minneapolis.⁴⁹

Harvey Hertz initially opened *A Brother's Touch* bookstore at Franklin and Nicollet Avenues in Minneapolis in 1983. Later the store moved to 2327 Hennepin Avenue South in Minneapolis, where it remained until its closing in 2003. Its closing was part of a national trend, a result of both competition from national chains and online booksellers. By 2003, GLBT books were readily available in chain bookstores.⁵⁰

In February 1986, the *Quatrefoil Library* opened in the Minnesota Civil Liberties Union's recently acquired building at 1021 West Broadway in Minneapolis. David Irwin and Dick Hewetson, who wanted to make David's collection of 1500 GLBT books as well as many periodicals available to the public, founded this library. Back then, such books and publications could not be found in mainstream bookstores or public libraries. It was the generous offer of Dr. Matthew Stark, then executive director of the Minnesota Civil Liberties Union (MCLU), that finally made the planned library a reality.

Within eighteen months, the library outgrew the space at MCLU and found a larger location in a remodeled school building at 1619 Dayton Avenue in St. Paul. It is conveniently located between Minneapolis and St. Paul with good public transportation and a lighted parking lot.

The *Quatrefoil Library* has grown to over 15,000 volumes, as well as DVDs and books in Braille, and is bursting at the seams. *Quatrefoil* has always been operated completely by volunteers and is open daily throughout the year except for major holidays.⁵¹

49 *Lesbian Resource Center*, Outhistory.org, www.outhistory.org/wiki/Lesbian_Resource_Center.

50 Uptown, Minneapolis—Past, Present and Future, uptownmusings.blogspot.-com/2009/03/do-you-remember-brothers-touch.html.

51 *A History of Quatrefoil Library* by Adam Keim was published in 2009 by the Friends of the Bill of Rights Foundation, edited by Dr. Matthew Stark and financed by him for free distribution. It can be downloaded at qlibrary.org.

The Jean-Nickolaus Tretter Collection in Gay, Lesbian, Bisexual and Transgender Studies was begun by Jean-Nickolaus Tretter. After being discharged from the Navy, he and his friends organized the first Twin Cities commemoration of the Stonewall Riots in June 1972. At around the same time, Tretter began to collect gay and lesbian materials in a piecemeal fashion. He didn't start out with the grand scheme of an archive; he just gathered things that seemed to matter. Tretter studied social and cultural anthropology at the University of Minnesota from 1973 to 1976, and wanted to specialize in gay and lesbian anthropology, but could not get the institutional support he needed. Since 1982, he has been a member of the Los Angeles-based International Gay and Lesbian Archives, where he served as both a board member and the Upper Midwest representative. The Tretter Collection is now affiliated with the Schochet Center for GLBT Studies at the University of Minnesota Library.⁵²

In 2006, the University of Minnesota Wilson Library, the *Tretter Collection*, and the *Quatrefoil Library* sponsored the first international conference for GLBT archives, museums and libraries. The conference was held at the Wilson Library on the University of Minnesota Minneapolis campus. Over 120 people came from three continents. This was the beginning of regular such conferences throughout the world. There were many useful workshops. Veteran gay rights activists going back to the 1950s, **Barbara Gittings**, **Frank Kameny**, **Andreas Pretzel** from the Berlin Holocaust Museum, and **Elizabeth Kirikiri** from New Zealand were featured speakers.

Because the conference coincided with the Twentieth Anniversary of *Quatrefoil Library*, the University provided free shuttle buses from the conference to the Library for its celebration.

Fresh Fruit, the longest running GLBT radio show in the country, has been on KFAI Fresh Air Radio in Minnesota since 1978. Claude Peck was one of the people involved in the beginning. In 2008, *Fresh Fruit* celebrated its 30th birthday!⁵³

52 Society of American Archivists web site. www2.archivists.org/groups/lesbian-and-gay-archives.

53 KFAI Web Site, www.kfai.org/freshfruit

Very early, there were attempts to start newspapers. Most of them, such as *Positively Gay* (Bruce Brockway⁵⁴), *the Northland Companion* (Craig Anderson), *Gaily Planet* (Tom Burke), *So's Your Old Lady* and the *Uptown Voice*, were short-lived.

The GLC (Gay and Lesbian Community) Voice was published by Tim Campbell from November 1979 through April 1990. Although Campbell made an effort to make this a paper for both men and women, the lesbian community never accepted it. Many considered it a radical paper.⁵⁵ From the time *Quatrefoil Library* opened, Campbell ran a free ad for it. When people were asked how they learned of the Library, they said they saw the ad in *Equal Time*, which never ran an ad. Obviously, they did not want to admit that they read the *GLC Voice*.

Equal Time, published from March 31, 1982, to July 6, 1994, was an essential news source that advocated “equal time for gays and lesbians.” For many years it featured “Dykes to Watch Out For,” a popular and long-lived comic strip by graphic novelist Alison Bechdel.⁵⁶

Twin Cities Gaze. Published from 1985 to 1992 by Brad Theissen.

Lavender Magazine was founded by George Holdgrafer and Stephen Rocheford in 1995. The publication’s first issue begged the question “What’s normal, anyway?” It is the longest lasting of the Twin Cities GLBT publications. It is available every two weeks in a slick magazine form. Keeping up with the times, it is presently published physically and online, and Lavender, Inc. now hosts podcasts.⁵⁷

54 Bruce Brockway was the first HIV case diagnosed in Minnesota.

55 Tim Campbell.

56 outhistory.org/wiki/EqualTime.

57 outhistory.org/wiki/Lavender_Magazine

Music Groups

The Twin Cities Men's Chorus was organized in 1981 by Frank Lamendols, John Bisciglia, Tom Gale, and Keith Kalway. In 1981, it changed its name to the *Twin Cities Gay Men's Chorus*. It still exists with over 120 members.⁵⁸

Calliope Women's Chorus, a feminist chorus dedicated to promoting social change through song, was organized in 1976. It now has a full concert season every year and performs throughout the nation. *Calliope* members are lesbian, bisexual, and heterosexual. All women are welcome to join in singing with excellence and pride. Its concert themes and programming promote social change through increasing awareness about the subject of each concert and “keeping hope alive” for the people who work for change.

Calliope commissions new works by women composers, and arranges and performs works of women musicians of the past, as another way of helping women's voices to be heard.⁵⁹

The *Minnesota Freedom Band*. Tom Valach and several of his friends were walking in the 1982 *Twin Cities Pride Parade* down Hennepin Avenue from Lake Calhoun to Loring Park in Minneapolis. One of them remarked, “what this parade needs is a marching band.” Some of them had played in school and decided to see if they could generate enough interest to start a band.

They contacted Tim Campbell of the *GLC Voice* and asked him to run a recruitment ad. The first gathering of almost a dozen people was at Tom Valach's apartment. They formed a small committee and set a date for their first rehearsal.

On September 12, 1982, they met in the old *Metropolitan Community Church* space on West 22nd Street in Minneapolis. Thirty-three musicians attended and Jim Cochrane was selected as their first Conductor. Their first concert was on December 12, 1982, at Wiley Hall on the University of Minnesota campus. The next year they led the *Parade* at the annual *Twin Cities Pride Festival*.⁶⁰

58 Twin Cities Gay Men's Chorus Web Site. www.tcgmc.org

59 Calliope Women's Chorus Web Site. www.calliopewomenschorus.org.

60 March 30, 2012 Email from Tom Valach.

The band now consists of GLBT and allied people. As well as being a marching band, it also provides concerts and jazz performances.⁶¹

One Voice Mixed Chorus, Minnesota's gay, lesbian, bisexual, and transgender (GLBT) and straight allies community chorus, was formed in 1988—one of the first choruses in the country to bring together men and women from the GLBT and allied communities. The intent was to unite for a common goal of creating social change through music. Today, *One Voice* is the largest GLBT chorus in North America. It is comprised of 90 men and women of diverse cultural backgrounds, from ages 17 to 75, drawn together as members and allies of the GLBT community.⁶²

The *Minnesota Philharmonic Orchestra (MPO)* was founded in 1993 by Kevin Ford, a gay man who had the vision of a gay and lesbian orchestra that would build community and fellowship through the performance of classical music. Although Kevin succumbed to complications from HIV-AIDS in 1995, the organization continues to grow and diversify fifteen years later. Today, the MPO includes players from a wide variety of backgrounds and orientations who share a commitment to inclusiveness, nondiscrimination, and to the performance of works by underrepresented composers.⁶³

61 Minnesota Freedom Band Web Site. Minnesotafreedomband.org.

62 One Voice Mixed Chorus Web Site. www.ovmc.org.

63 MPO Web Site. www.Minnesotaphil.org.

Theater

Out-and-About Theatre. Richard Rehse directed a play called “The Faggot” at Minneapolis’ Theater in the Round in 1976. It was such a success that he decided gay people could have their own GLBT theater. Opening in May 1977, it was one of the earliest GLBT theaters in the country. At the time it closed in the spring of 1984, it was the oldest continuing gay theater in the country.

On January 4, 2012, *Lavender Magazine* ran the following article:

*The Twin Cities has had niche theaters for gay and feminist issues since the 1970s: the fabled **Out-and-About Theatre** for then “gay” issues (before the “GLBT” and “queer” monikers emerged); and the **At the Foot of the Mountain**, a deep-feminist, hence, naturally queer-inclusive group that reached national acclaim.*

*That tradition still holds with **Outward Spiral Theater Company**, which has been around for 13 years. They’ve halted traditional seasons of play productions to focus on community events such as Pride and Transgender Day of Remembrance. Their edgy and passionate youth performance troupe, **Empowered Expressions**, plays often at **Patrick’s Cabaret**.*

Patrick’s is truly a Twin Cities queer theater story of historical consequence. In 1986, Patrick Scully created a venue for queer and avant-garde dancers, writers, performance artists, musicians, and more, that nurtured some brilliant talents and still does. Indeed, the Cabaret was the focus of the right-wing Republican-driven so-called Culture War. Rush Limbaugh and Senator Jesse Helms, in their attacks on the National Endowment of the Arts, were infamous for the misinformation they put out on queer-driven art right at Patrick’s. The Ron Athey controversy at Patrick’s old site in 1994 created a national uproar. The new site is right on the light rail line.⁶⁴

64 Lavender Magazine, January 4, 2012.

Twin Cities Pride Festival

What has become the *Twin Cities Pride Festival* has evolved over the years. What could be considered the first *Twin Cities Pride Parade* was a fifty person strong protest march in 1972 on the newly constructed Nicollet Mall in downtown Minneapolis. Downtown shoppers and office workers composed a majority of the event's few spectators. "Of these, few had even the foggiest idea of what the marchers were talking about," said Jean-Nickolaus Tretter.⁶⁵

The first *Twin Cities Pride Guide* in 1973 was a single sheet of paper designed so it could be folded and discarded in the event of a police raid.⁶⁶

In 1976, Tim Campbell picked up the organizing of the *Twin Cities Pride Festival*. He says he did not even know he had to get a permit until Jack Baker told him to do so. He had been putting out flyers on GLBT issues. This led to his organizing the *1976 Gay Pride Parade*. He decided to put out a brochure with advertising to help pay for the *Parade*. Campbell says that Steve Endean and Allan Spear⁶⁷ thought that the *Parade* was bad publicity for gay rights.⁶⁸

In 1981, there was a controversial Block Party for one hour on Hennepin Avenue. This is discussed in Chapter VII of this book and discussed fully in Jason Smith's book, *Gay Pride vs. the City of Minneapolis*.⁶⁹ Tom Burke, a graduate of Georgetown University, moved to Minneapolis in 1975 and soon got involved with gay organizing. In a 2003 interview with Jason Smith, Burke said that after watching the *Pride Parade* for several years, he and his friend Brad Golden felt that the dry, political nature of the event was driving people away. Burke and Golden said they took over the event because they wanted to change it from a march and a rally to a festival. Burke said, "*Gay Pride* in its own way is sort of a 'coming out' celebration for many people; it's the first gay thing they ever do."

Brad Golden said in a 2009 interview that claiming the leadership of the Twin Cities Pride Festival was easy because there were no people

65 Jean-Nickolaus Tretter.

66 outhistory.org/wiki/Twin_Cities_Pride_Festival

67 Their story is in Chapter V of this book.

68 Tim Campbell.

69 Jason Smith, *Gay Pride vs. the City of Minneapolis*, Published 2011 by the Friends of the Bill of Rights Foundation, edited by Dr. Matthew Stark for free distribution.

willing to do the work. He also said there were political forces actively trying to slow down their efforts in gaining visibility and expanding Gay Rights. Even the bar crowd thought we were doing something wrong, hindering Gay progress somehow. Jack Baker, who had figured prominently in previous Gay rights cases, castigated the leaders of the Democratic Farmer Labor (DFL) party and the champions of the early gay movement in Minnesota. He said they abandoned their idealism and became part of the mainstream political system. He particularly criticized Minnesota Senator Allan Spear,⁷⁰ who in 1974 became one of the first openly gay elected public officials in the U.S. He claims Spear “was hiding in the closet at the time he was proclaiming that he was the leader of the gay people and that we were supposed to obey him. And you know we laughed at that. How could somebody who’s hiding in the closet be the leader of gay people.”⁷¹

In 2008, Dr. Matthew Stark, Executive Director Emeritus of the Minnesota Civil Liberties Union, was Grand Marshal of the *Twin Cities Pride Festival* parade.

Professional Organization

The *Northland Business Association* was founded in 1981 to promote and make the community aware of lesbian-and gay-owned businesses, and businesses that were supportive of lesbians and gays; and to advance issues of concern to businesses and professional people in the gay community. Members included merchants, entrepreneurs, entertainers, attorneys, physicians, public officials, teachers, theologians, and others.

After growing for several years, the group began to see a drop-off in participation in the late 1980s, and by 1988, it could no longer support itself financially. As part of a nationwide trend toward the dissolution of gay business organizations, the board voted to dissolve the organization in July 1988.⁷²

70 Allan Spear is discussed more in Chapter VI.

71 Jason Smith, p22-24.

72 Minnesota Historical Society, www.Minnesotahs.org/library/findaids/00465.xml

Funding Organizations

Philanthrofund: While planning their respective estates, David Berchenbriter, Jim Quinn, Gregory White, and Bill Zwarft collectively sought a foundation for GLBT scholarship and service. Because they could not find an organization in Minnesota, they decided to create one. In December of 1987, eight community members formed a board of directors and ***Philanthrofund (PFund)*** was born.

In its early days, ***PFund*** offered humble grants and scholarships—White noted \$50 as “a major grant” in 1988—and the annual endowment initially amounted to \$1,500.

Like any other foundation, it creates its money by investing donated funds and accruing the profits of the investments. Unlike other foundations, ***PFund*** predominantly uses a collection of small and medium-sized donations rather than to rely on major one-time donations.

The organization’s early success is remarkable if one considers that it began during the years (late 1980s and early 1990s) of the AIDS crisis—many in the community felt financially and emotionally burdened by HIV/AIDS-related causes. Volunteers and donors similarly wanted to express the organization’s message: “We are strong enough to take care of our own.” In 1990—just three years since its inception—***PFund***’s endowment had increased to \$8,000 and it joined the Minnesota Council of Foundations.

Donations increased in size and number as media attention focused on the positive effects of ***PFund***’s activities—the organization’s growth eventually prompted a separation of grants for other organizations and scholarships for students. In 2002, 20 students received scholarships from the \$50,000 scholarship fund. In 2009, the Foundation awarded more than \$140,000 to recipients in the Upper Midwest. ***PFund*** presently oversees more than \$1,000,000 in financial investments and other assets, making it one of the largest GLBT foundations in the United States.

Religious Groups

Dignity (GLBT Catholics): On October 26, 1974, Father Henry LeMay from Granite Falls, Minnesota, held the first **Dignity** Twin Cities Chapter meeting and liturgy at the Thunderbird Motel in Bloomington, Minnesota. By 1976, **Dignity** was celebrating liturgies at the Newman Center next to the University of Minnesota Minneapolis campus. Over the years **Dignity** has had difficulty being able to use Roman Catholic churches and has used many locations. As of this writing, they are meeting at Prospect Park United Methodist Church in Minneapolis.⁷³

Earlier, when there was a controversy over **Dignity** meeting at the Newman Center across the street from the U. of M. campus, Dr. Matthew Stark was invited by the President of **Dignity** to address the group on the separation of state and church. Stark says he was surprised to see a group of priests and nuns along with the **Dignity** students. He said the last question he was asked was what did he think of their group meeting at the Newman Center across the street from the University of Minnesota Campus. He told them he thought they were “mad” to be part of this church.⁷⁴

Soon after on October 1, 1986, the Vatican issued a letter to all Bishops that they must withdraw all support from any GLBT organizations. Thus, Roman Catholic churches can no longer allow **Dignity** meetings in their buildings.⁷⁵

Wingspan Ministry (Gay Lesbian Bisexual Transgender Lutherans). In 1978, after the Initiative⁷⁶ that repealed the Gay Rights Ordinance in St. Paul, Minnesota, Leo Treadway, a member of *St. Paul Reformation Lutheran Church*, worked through a chapter of *Lutherans Concerned North America*⁷⁷ with Lutheran pastors to build on a Bishop’s pastoral letter calling on the church to strengthen its support for GLBT issues. In 1981, he received approval from Pastor Paul Tidemann to launch an exploratory effort that led to the formal adoption of **Wingspan** as an official ministry of *St. Paul Reformation Lutheran Church* to reach out to

73 Dignity Web Site. www.dignitytwincities.org.

74 Dr. Matthew Stark.

75 Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons Given at Rome, 1 October 1986.

76 Fully reported in Chapter VI of this book.

77 A national organization for GLBT Lutherans founded in Minnesota.

GLBT Lutherans. Two years later, lesbian Anita Hill joined the ministry at *St. Paul Reformation Lutheran Church*. Hill was eventually called to be pastor of the congregation. This led to the *Lutheran Church* censuring the congregation for ordaining and calling an openly identified lesbian who was in a committed relationship.⁷⁸

Spirit of the Lakes Church. In 1988, several dozen people gathered in the “Upper Room” at the ***Aliveness Project*** in Minneapolis as a community church without denominational affiliation. This became ***Spirit of the Lakes Church***. In 1992, it was welcomed into the *United Church of Christ* and is the first congregation of a mainline denomination serving GLBT people and those allied with them.⁷⁹

Affirmation (GLBT Methodists). Rick Huskey, who as an undergraduate student at *St. Olaf College* in Northfield, Minnesota, helped organize the *Northfield Gay Liberation Front* in 1971, and Gene Leggett, an openly gay minister from Texas, along with a few other openly gay men, offered the delegates and visitors to the May 1972 General Conference of the *Methodist Church* in Atlanta, Georgia, the opportunity for conversation about homosexuality. Few responded positively. Instead, in the waning hours of the conference, a paragraph in the new Social Principles was amended to hold, “We do not condone the practice of homosexuality and consider this practice to be incompatible with Christian teaching.”⁸⁰

In July 1975, the *United Methodist Gay Caucus* organized in Evanston, Illinois. Later renamed *Gay United Methodists (GUM)* formed to insist that GLBT lives and love are gifts of God, not rebellion against the divine will. About a year after making a powerful presence at the 1976 General Conference, GUM became ***Affirmation***.⁸¹

Metropolitan Community Church. From a religious discussion group at *Gay House*, a congregation began in Minneapolis. It met in people’s homes, then in a rented duplex at 3829 Harriet Avenue in Minneapolis, Minnesota. In April 1975, the church moved to the *Friends Meeting*

78 March 28, 2012 correspondence with Leo Treadway.

79 Spirit of the Lakes Web Site, www.spiritucc.org

80 Profile of Dr. Rick Huskey, www.lgbtran.org/Profile.aspx?ID=39.

81 Affirmation Web Site. www.umaffirm.org.

House at 44th and York Avenue South in Minneapolis, and continued to meet in different places. A second congregation began meeting at Foxy's Bar on West Seventh Street and Kellogg Boulevard in St. Paul.

At a meeting in August 1982, the two congregations combined and chose the name *All God's Children*. On Sunday, August 24, 1986, they moved to their present location at 3100 Park Avenue in Minneapolis.⁸²

Integrity (*Gay Episcopalians*). The national organization still exists, but the one in the Twin Cities seems to have disappeared. During the summer of 1975, Frank Eggers invited some people to his condominium in southeast Minneapolis to discuss the forming of an *Integrity Chapter*. I was not particularly interested because I had left the *Episcopal Church* by this time, but since I was a friend of Frank's, I agreed to attend. Two other people attended: Alan Peabody and David Irwin. This is where I first met David Irwin, who eventually became my partner! I was surprised to see Alan Peabody because we had been students at the University of Minnesota at the same time, and Alan was married and had two children.

Not much came of the discussion. Alan left very early, and I had little interest in forming ***Integrity***. The following year the *Episcopal Church* held its national convention at the old auditorium at Grant St. and Third Avenue South in Minneapolis. During that gathering some local folks, including Martha Winslow, met with Ron Wesner the national president of ***Integrity***.

The group began having pot luck suppers and services. At one point they met at St. John's Episcopal Church in the Linden Hills neighborhood west of Lake Harriet in Minneapolis. Later, Bishop John Anderson appointed the Rev. John Rutger as chaplain to *Integrity*. Another priest, Jim Newman, was also involved.⁸³

82 MCC web site. www.agcmcc.org

83 Information gleaned from a phone conversation with Michael Suhr who had been a member of *Integrity*.

Other Organizations

Gamma was founded in 1977, as a social and athletic organization for gay men, by Ric Raines. In the mid-90s, *Gamma* had grown to over three hundred members. It still exists with about fifty members.

Through the years, activities have included sports like cross-country skiing, volleyball, biking, picnics, attending local professional sports (especially soccer with the Minnesota Kicks and football games with the Vikings), trips to Chicago for opera and musicals, plus other sports events. Through the years there have also been banquets, cocktail parties, potlucks, gay-themed video nights, opera video nights, and discussions of gay-themed books. Presently *Gamma* still sponsors opera and gay-themed video nights, bridge, potlucks, and walks around the lakes.⁸⁴

Gay and Lesbians Elders Active in Minnesota (GLEAM) was established in 1989 to provide a friendly and safe environment in which older Gays and Lesbians, together, meet and socialize. By providing on-going opportunities through joint programs, their goal is to enhance the quality of life for many of our communities' isolated elders.⁸⁵

The *Atons* were founded in 1972 as a gay men's fraternity of those who dress in leather and Levis, and is dedicated to promoting a positive image of their lifestyle through various activities. As part of their mission, they work to encourage local, national, and international fellowship, and they also work to foster both the unity and diversity of the leather community.⁸⁶ In 1977, another group of leather and Levis men called the *Black Guard* signed a charter.⁸⁷

The North Star Gay Rodeo Association was founded by five rodeo enthusiasts in October of 1989: Frank Bohlander, Jim Chalgren, Bob Jansen, Ron Olson, and John Ritter, who brought gay rodeo to the Upper Midwest.⁸⁸

84 An undated *Gamma Brochure* from the Tretter Collection and Conversation with Vern Maetzold, president of Gamma, May 24, 2012.

85 outhistory.org/wiki/Gay_and_Lesbian_Elders_Active_in_Minnesota

86 Atons Web Site, www.atons.net.

87 Blackguard Web Site. www.blackguardMinneapolis.com.

88 North Star Gay Rodeo Association web site. www.nsgra.org.

The *North Country Bears* was founded in 1993 by RustyBear as the Northland's first bear fraternity. Their stated goal is to provide comfortable gathering places for bears (large and furry men) and those for whom bears are a fetish, from all over the Upper Midwest. They have had hundreds of events and gatherings, raised money for many different charities, and say they have a great time doing it.⁸⁹

Out To Brunch. In 1985, a small visionary group formed **Out To Brunch**. They rely on members to provide the energy, ideas, and skills needed to offer a wide variety of social activities every month. It has expanded to serve hundreds of women over the years.⁹⁰

Parents, Families and Friends of Lesbian, Gay, Bisexual and Transgendered Persons (PFLAG) promotes the health and well-being of gay, lesbian, bisexual and transgendered persons, their families and friends, through support to cope with an adverse society, education to enlighten an ill-informed public, and advocacy to end discrimination and to secure equal civil rights for GLBTers. PFLAG also provides opportunity for dialogue about sexual orientation and gender identity, and acts to create a society that is healthy and respectful of human diversity.⁹¹

89 North Country Bears Web Site, www.ncbears.com.

90 Out To Brunch Web Site. www.outtobrunch.org

91 PFLAG Web Site. www.pflagtc.com

Notes from the Author

The following are some of my personal experiences with organizations mentioned in this chapter.

In 1972, Father Dick Smith of *St. Patrick's Episcopal Church* in Bloomington, Minnesota, introduced me to Gay House. The first time I visited, I met a few men including Mike McConnell. I dropped in there a few times, but always felt out-of-place as a 42-year-old middle class person among very young counter-culture people. I made an appointment there to talk to a counselor. When I arrived for the meeting he informed me that he had something more important that day and could not see me.

I had learned at *Gay House* that Barbara Gittings, a member of the *American Library Association* and long-time GLBT activist, would be speaking at the *Episcopal Church Center* at the University of Minnesota. As an Episcopal priest, I felt safe going to hear her lecture. Her poise and positive attitude about homosexuality had a great part in my coming to terms with my sexuality. This is the first place I ever saw Jack Baker and Steve Endean. Over the years Barbara Gittings became a personal friend of David and me because of our common interest in libraries. In 2006, when *Quatrefoil Library* celebrated its Twentieth Anniversary, it was a great thrill to see Barbara and Frank Kameny, who had demonstrated for gay rights back in the late 1950s. They also participated in the first international conference for GLBT archives, museums, and libraries at the University of Minnesota in 1986 (mentioned above in the section on the *Tretter Collection*). Since then, both of them have died.

I went to *Gay Community Services* where Jack (who became John) Yoakam was my counselor. I was trying to find out how to meet other gay men, but it seemed that my ripe old age of 42 was a deterrent. Jack had formed a group. When I asked to join, he told me I would not be comfortable joining it because I was too old.

Strangely, although I am an atheist, I had a part in the beginning of the *Metropolitan Community Church (MCC)* in Minneapolis. I received a call from *Gay House* telling me that there was a Roman Catholic priest interested in forming a local *MCC*. He wondered if I would help him. Realizing that there was a need for such a group for those who were uncomfortable in their churches, I reluctantly agreed to help.

The priest, a young man named Steve Baron, was a resident counselor in a home for boys with substance abuse problems. He was eager to get away on his two days off, so I invited him to stay at my place, where he

spent time calling folks including the Rev. Troy Perry in Los Angeles about organizing the *Metropolitan Community Church*. He assured me that he would reimburse me for the phone calls. He also took to using my car while I was at work, to do “church business.” I checked to see if he had a valid driver’s license. He had one from Illinois.

One day I came home from work to find my car badly damaged and parked at the curb. On my dining room table was a note from Steve, telling me that I was an evil person and that he would never see me again. I was concerned about going to the police because I was still closeted. I went to see Jack Baker, who was by then an attorney. He suggested I sue for damages in small claims court, which I did, naming the *MCC* and Steve as defendants. Needless to say, I was immediately considered evil and shunned by the community, but I did win my case.

Eventually it became evident to the congregation that Steve was an alcoholic and had never been a priest. I later discovered that my liquor cabinet, which I rarely used, was full of empty bottles. I then learned that he was sent to rehab and had been stealing money from the *MCC* congregation. I note that the *Metropolitan Community Church* history does not mention any of this and has misspelled his name!

Also *Gay House* called me once because a man my age had read about *Gay House* in the *Minneapolis Sunday Tribune*. He had decided he was transsexual. I met with “Don.” At this point I was still having difficulty with my own sexual orientation, but I did some research and discovered a psychiatrist in St. Paul who dealt with transgender people. “Don” had a successful experience with Dr. Randall Kosky and eventually became “Diane.”

Once I attended a dinner meeting of the *Northland Business Association* at a hotel in Bloomington, Minnesota. The speaker was a Lesbian activist from New York City. When she mentioned that the Stonewall riots were led by drag queens, I applauded heartily. I received dirty looks from almost everyone in the room!

By 1972, I had completely disassociated from the *Episcopal Church*. I met David Irwin in 1975, and we decided to develop our relationship by buying a condominium on Grand Avenue in St. Paul. I sent out my usual Christmas letter, finally “coming out” to all friends and relatives. The editor of the local *Integrity* newsletter asked to publish my letter. It seems that Bishop Philip McNairy (Minnesota) received a copy of it and was furious. He notified my previous bishop, Stanley Atkins in Eau Claire, Wisconsin, who had never responded to my Christmas letter nor

sent me a card. Atkins then sent an extremely nasty letter. I brought this up at the *Integrity* meeting, hoping to get support from the members because I was being attacked for being open about my sexuality, but those at the meeting were too busy planning a picnic even to discuss it with me!

Both David Irwin and I served on the Board of the *Out-and-About Theatre*. When I visited San Francisco in 1978 or 1979, I introduced myself to Allan Estes, who founded *Theatre Rhinoceros*, which is now the oldest continuous running GLBT theater in the country. He said that *Out-and-About Theatre* was his inspiration. He said, “If Minneapolis can have a gay theater, certainly San Francisco could have one also.”

In 2006, David Irwin and I were the second recipients of the “Power of One award” from *Philanthrofund* for founding *Quatrefoil Library*.

My final years in the Twin Cities, I played bridge regularly with Gamma.

Chapter IV

THE UNIVERSITY OF MINNESOTA

First Gay Marriage License in the United States

On May 18, 1970, after careful planning, Jack Baker and Michael McConnell put on jackets and ties, and held a press conference to tell the Minneapolis press they were going to get married. With the press on hand, they walked hand in hand into the Hennepin County Clerk of Court's office in Minneapolis to apply for their marriage license. Baker, a law student, knew that the law did not specify that the two people marrying had to be of the opposite sex.⁹² The Clerk of the Hennepin County District Court, Gerald Nelson, accepted the application but requested a formal opinion from Hennepin County Attorney George Scott on the question of whether two people of the same sex could be issued a marriage license. Scott declared there were "sufficient legal impediments" to prohibit such a license. It would "result in an undermining and destruction of the entire legal concept of our family structure in all areas of law." Nelson so informed Baker and McConnell.⁹³

Jack and Michael had met in Oklahoma, where Jack was working as a field engineer for a concrete producer in Oklahoma City and Michael was pursuing his Master of Library Science degree at the University of Oklahoma.⁹⁴

On Jack's 25th birthday, March 10, 1967, he had proposed to Michael that they become lovers and make a commitment to live as a couple, and no one could ever convince them that they were second-class citizens. Michael accepted with one condition—that some day they would marry legally.⁹⁵

In the 1970s, same sex marriage was not recognized anywhere in the United States. However, it was not specifically outlawed in Minnesota's statutes, but no gay couple had ever dared to take advantage of the law.

92 Dudley Clendinen and Adam Nagourney, *Out for Good*, New York, Simon & Shuster, 1999, 56.

93 *Ibid.*, 57.

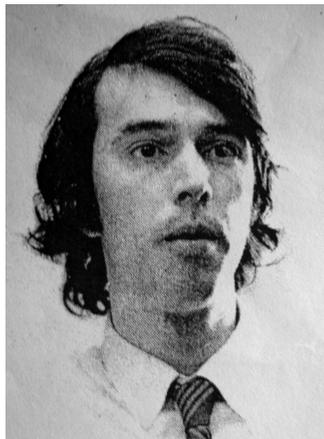
94 Bronson, Ken, *A Quest for Full Equality*, Boston, Beacon Press, 2011 2.

95 *Ibid.*, 3.

After much discussion, FREE (Fight Repression of Erotic Expression)⁹⁶ announced that two of its members, Jack and Michael, would apply for a marriage license at the Hennepin County courthouse on Monday, May 18, 1970. The date was chosen to allow media coverage to unfold nationwide on Michael's birthday the following day, May 18, 1970, which was also the first anniversary of the formation of FREE

The *San Francisco Chronicle* joined the debate with an editorial declaring boldly that it is time to take "A New Look at Homosexual Marriage." Jack and Michael were featured in *Look* magazine. The two also appeared on such programs as *The Phil Donohue Show* and *The David Suskind Show*.

In November 1970, represented by then Executive Director Lynn Castner and attorney Michael Wetherbee⁹⁷ of the Minnesota Civil Liberties Union, and with the enthusiastic support and leadership of Matthew Stark, then the president of the MCLU, and with the support of the MCLU Board of Directors, Baker and McConnell sued to gain the marriage license. The national American Civil Liberties Union executive committee was asked by Stark, who was at the time on the ACLU board of directors, to participate but they declined to do so.



R. Michael Wetherbee

96 FREE is discussed at length in Chapter II.

97 Wetherbee, the first openly gay attorney in the United States to be hired by an affiliate of the American Civil Liberties Union, was hired by Dr. Matthew Stark, President of the MCLU.

In January 1971, the Hennepin County District Court upheld the denial of the license. Baker and McConnell then appealed to the Minnesota Supreme Court which, in October 1971, upheld the decision of the District Court. The Minnesota Supreme Court held that Minnesota's marriage statute "does not authorize marriage between persons of the same sex and that such marriages are accordingly prohibited." It added that, "[t]here is no irrational or invidious discrimination" with Minnesota's classification of persons authorized to marry; consequently, such classification does not offend the First, Eighth, Ninth, or Fourteenth Amendments to the United States Constitution." On appeal, the United States Supreme Court unanimously declined to review the case "for want of a substantial federal question." The issue involved only the Minnesota State law, not the United States Constitution nor federal laws.

Michael did not want to wait for the courts to sort out the legality of his marriage. He wanted a legal relationship so that Jack could monitor his medical care, if needed, and inherit his property. Michael accepted the offer of a law school friend, who offered to process a petition for adoption. Even though Michael was an adult, the judge insisted that he obtain consent from his brother, sisters and parents. The petition was finally approved on August 3, 1971.⁹⁸

On August 16, 1971, using their legal names Michael McConnell and Pat Lyn McConnell (Baker's name after the adoption), they applied for and were granted a marriage license in Mankato (Blue Earth County), Minnesota.⁹⁹

On September 3, 1971, they were married by the Rev. Roger W. Lynn of the United Methodist Church. The service was conducted in the Minneapolis apartment of Paul Hagen. Since then, many gay and lesbian couples have had blessing of their unions performed in various churches.¹⁰⁰

Years later in November of 2004, Norman Dorsen, former president and general counsel of the American Civil Liberties Union (ACLU), wrote a letter to Dr. Matthew Stark stating that Stark was ahead of his time.

98 Bronson, 15.

99 Ibid, 23.

100 Bronson, p.24



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Matthew Stark
444 Penn Ave. South
Minneapolis, MN 55405

November 1, 2004

Dear Matt,

It was good to speak with you after so many years. It gave me an opportunity to recall, among other things, the initiative of the Minnesota Civil Liberties Union to establish the right of gay couples to marry as a civil liberties issue that the ACLU should support. As I recall when you first brought the matter to the ACLU board in 1970 or thereabouts, there was little or no enthusiasm for the issue. You and your affiliate were ahead of your time, and I am glad that soon thereafter the ACLU became a determined advocate of gay rights, in large part through the new Lesbian/Gay Rights Project, for which as you may know I raised most of the needed financial support.

Best wishes,

Sincerely,

McConnell said, years later, “We didn’t apply for a marriage license because we thought it would be fun to do. We did it because we thought it would have a profound impact on this culture. The most sacred institution in our country is marriage.”¹⁰¹



Marriage of Jack Baker (l) and Mike McConnell (r)

In an article published in *PULSE* of the Twin Cities (an alternative newspaper) on March 5, 2003, p 4, Jack Baker wrote:

“The world belongs to those who make things happen. Though our friends labeled us the ‘crazies,’ the notion of same-sex marriage resonated. We enticed friend and foe alike, worldwide, to debate Michael’s birthright and his entitlement to equal treatment in the courts. Research first published in 1994 confirmed that the simple act of a male couple confronting the civil government to qualify for the same inheritance and tax benefits as other childless couples was unique in the history of time itself. It set in motion a series of thought currents that continue to transform an entire world 33 years later.”

101 Clendinen, 57.

Dr. Matthew Stark, on May 14, 2012, explained in an interview,

“[w]e knew we were going to lose... There was no question about it. But there was an understanding that somebody needed to get it on the agenda of Minnesota and the country. And we did. And although it's better to take a winner and make precedent, we did it knowing that it would be a loser and it was. It seemed clear that this was an issue. A substantial affiliate of the American Civil Liberties Union took the case and the national ACLU said they wouldn't join us.

Two matters important to civil liberties occurred because the Minnesota Civil Liberties Union took this issue to the executive committee of the American Civil Liberties Union. I informed the ACLU executive committee that I had hired Michael Wetherbee as the MCLU legal counsel with the full approval of the MCLU board of directors as the first out gay person to be hired by an affiliate of the ACLU or by the national ACLU. I knew Wetherbee was gay when I hired him and he became a friend of mine thereafter. And he and Lynn Castner (then the MCLU Executive Director), took the first same sex marriage case to the courts in the United States on behalf of the MCLU.

Secondly, the MCLU board of directors knew in advance that the MCLU would lose this first ever same sex marriage case. And we knew this was not a peripheral issue! It was a major national issue. And the MCLU put this legal issue before the entire country knowing that although we would lose, our taking this case would let the entire legal community and the citizens of this country know that this issue would not go away and some day, soon, our position in favor of same sex marriage would prevail.”

McConnell's Employment

McConnell was about to begin work as head cataloguer for the University of Minnesota Library in St. Paul. Before applying for the marriage license, he went to see Dr. Ralph Hopp, Director of the University Library, who had hired him and told Hopp of his plans. "Well, thank you for telling me," Hopp said with a smile.¹⁰²

The University of Minnesota Board of Regents rescinded the offer to employ Michael McConnell as a librarian. Then the MCLU volunteer attorneys, Lynn S. Castner, Steve Goldfarb, and John Goetz, and with the assistance of the American Civil Liberties Union legal counsel Melvin Wulf, unsuccessfully represented McConnell in his efforts to have his employment with the University reinstated.¹⁰³

Bob Halfhill helped organize members of FREE, the Young Socialist Alliance and the Socialist Workers Party, who gathered in front of Morrill Hall, a major center on the campus, in favor of McConnell's being hired by the University of Minnesota library. While he was then on the faculty of the University, Assistant Professor Dr. Stark, Coordinator of Human Relations Programs, spoke against the Regents of the University of Minnesota at this rally.¹⁰⁴ In a statement made on July 21, 2012, Halfhill said, "the President of the University of Minnesota was furious at Stark for his supporting McConnell against the University of Minnesota Board of Regents. However, I was delighted that Stark spoke at the rally and thought he was an outstanding straight person who had the courage to support gay rights."¹⁰⁵

McConnell's job was at stake when it came up for review on June 22, 1970. The Faculty, Staff and Student Affairs Committee of the Board of Regents met privately with the University Attorney. It was exactly one month after the Hennepin County marriage license had been denied. The Committee voted against Michael's appointment, but offered to "hear a statement" from him at their next meeting. Michael appeared before the Committee accompanied by Lynn Castner and MCLU Legal Counsel Michael Wetherbee. In spite of pleas from staff and faculty and the plea of the Student Affairs Committee that "individuals have the right to expect that value judgments shall be made only on their ability to

102 Clendinen, 56.

103 Dan Hanson, *History of MnGALLA*, Golden Valley, Minnesota, Friends of the Bill of Rights Foundation, 2009, 2.

104 Robert Halfhill.

105 Halfhill's full statement is in Appendix 1.

perform the duties outlined for the positions to which they have been appointed,” the Committee voted against the appointment. The full Board of Regents agreed that same day. McConnell praised Dr. Ralph Hopp, the University Librarian. “He was caught in the middle of a political drama, but he was always supportive and gracious to me.”¹⁰⁶

McConnell, represented by the MCLU staff attorney Michael Wetherbee and ACLU attorney Melvin Wulf, then filed suit for injunctive relief in the Federal District Court in Minneapolis. The injunction against the University of Minnesota was granted in September 1970. The University appealed to the United States Eighth Circuit Court of Appeals, which heard oral arguments in February 1971. In October 1971, the Appeals Court reversed the decision of the District Court, finding that the University had “ample specific factual information...that the appointment would not be consistent with the best interest of the University.”

In January 1972, the MCLU and the American Civil Liberties Union appealed this decision to the United States Supreme Court, which declined to review the case.¹⁰⁷

In an interview on May 14, 2012, Dr. Stark commented,

“The MCLU represented him (McConnell) and we lost. And that then, and even now, was a shocker to me. The issue hung on the fact that there were no laws saying that you may not discriminate against gays and lesbians. So it went immediately to a Federal District Court, which ruled correctly. And then the University appealed it to the 8th Circuit Court of Appeals, and we lost. And then we appealed it to the U.S. Supreme Court and they declined to review the case. And that was a shocker. There was nothing we could do about it. We won it, initially, at a local level. And when the University of Minnesota appealed it, they immediately won. And then we appealed their appeal. And the Supreme Court said it’s not an issue. And that was it.”¹⁰⁸

106 Bronson, p10-11.

107 McConnell v. Board of Regents: 451F.2d 193 (Minn. 1971)

108 In 2112 Baker and McConnell gave many of their files to the Tretter Collection. Because the Tretter Collection is now part of the University of Minnesota, they asked for an apology for the way McConnell was treated. The University said it could not offer an apology but said that they “regretted” what had happened. (University Press Release)

Baker's Bar Exam

On November 21, 1972, while in his third year of law school, Jack Baker applied to the State Board of Law Examiners, an arm of the Minnesota Supreme Court, to take the Bar exam. The application fully disclosed his name change to Pat Lyn McConnell. Once again, the process was not routine. The rules require that an applicant be “a person of good moral character,” and allowed the Board to “require such further evidence regarding moral character and educational qualifications as it deems proper.” Jack’s application was put on hold until a hearing could be held before the Board.

On December 22, 1971, Jack appeared before the Board accompanied by Michael Wetherbee, Legal Counsel for the MCLU. The Board focused on “possible fraud in the application for a marriage license” obtained in Mankato a year earlier. Baker insisted that all provisions of Minnesota law had been complied with. Also, he explained, no legal action, civil or criminal, had been taken against him as a result of the incident. “The Board kept confusing residency with domicile, which the law defines as the place one intends for a permanent home,” Baker explained. Since they were at the time staying in the apartment of a friend and had met the five-day residency requirement, there was no basis for a charge of fraud. Four days later, Baker was informed that “the State Board of Law Examiners had concluded that it will make no objection to your application,” which will be processed in due course. “As far as I’m concerned,” he told *The New York Times*, “the last hurdle hasn’t been met.” The exam was given on February 19-20, 1973. Five weeks later, he was notified that he did not pass. He tried again in July with the same result. Finally, in February 1974, he passed the bar exam.¹⁰⁹

109 Bronson, 35.

Changes at the University of Minnesota

In 1970, simultaneously with the founding of FREE, the University of Minnesota Medical School improved the environment for GLBT people with the development of the Program in Human Sexuality (PHS). It was created in response to needs expressed by physicians and health-care providers who said they were ill-prepared to deal with a wide range of issues related to human sexuality, especially homosexuality. The PHS worked with community leaders and with theological seminaries to educate and conduct research on human sexuality. Faculty support for, and interest in, the program resulted in the development in 1971 of a curriculum for Sexual Attitude Reassessment Seminars (SAR). PHS developed a newly required Medical School curriculum in human sexuality that was one of the first comprehensive programs in the country.

The current director of the PHS, Dr. Eli Coleman, studied sexual orientation when he did his dissertation in the PHS in the early 1970s. He has made important scholarly contributions to the study of homosexuality, and been on the board of the *Journal of Homosexuality* since 1979.¹¹⁰

ROTC

1993 was a critical year for activism at the University of Minnesota. Student activists began to draw attention to the discrepancy between the University's anti-discrimination policy and the fact that the Reserve Officer's Training Corps (ROTC) was expelling GLBT people and forcing them to pay back money they had received from the program. They organized "pink picnics" on Northrop mall and Valentine's dances in Coffman Union to "prove the existence of gay people."

110 Wrathall, John D., *What Are You After?*, " Chapter Six of *Breaking the Silence, Final Report of the Select Committee on Lesbian, Gay and Bisexual Concerns*, The University of Minnesota System, November 1, 1993, p60-61.

Faculty Visibility

With this increasing visibility of GLBT students, some of the faculty members came out. The first lesbian to do so was Professor Toni McNaron. In 1979, she informed the chair of the English Department that from that point on she would present syllabi and articles from “a lesbian-feminist perspective.” University of Minnesota graduate student John D. Wrathall wrote, “As gay male and lesbian faculty gradually became aware of each other, informal groups and networks, such as the “Lesbian Faculty and Staff Potluck” (1991) or the Faculty and Staff Forum developed for the purpose of support. Many of these faculty provided support for bi, gay, transgender, and lesbian students or co-workers.”

Dr. Gary Thomas, a University of Minnesota Humanities professor, came out in 1971, during the heady days of FREE. Dr. Allan Spear, a professor in the History Department, made newspaper headlines when he came out in December 1974, becoming the first openly gay state senator in Minnesota. Dr. Jacquelyn Zita was already out of the closet when she was hired to teach in the Women’s Studies Department in 1980.

Until the 1980s, these four were the only teaching faculty at the University of Minnesota who were generally known by students to be GLBT.¹¹¹

Notes from the Author

It was my pleasure to be part of the University of Minnesota’s Program in Human Sexual Attitude Reassessment Seminars (SAR) when David and I were invited to the home of Judy Linden and Mary Sheehan, where participants of SAR came to a cocktail party to meet GLBT people. I jokingly called this, “come see the queers in their natural habitat.”

I also remember hearing Dr. Eli Coleman give a talk, at the First Unitarian Society in Minneapolis, that I found quite enlightening. Until the recent serious study of homosexuality, it was commonly believed that men were homosexual because they never matured beyond adolescence. Coleman pointed out that gay men never learned to socialize as adolescents; therefore, they continued to behave as adolescents. This explained much of my “adolescent” behavior when I came out in my early 40s. Eureka!

111 Ibid, 58.

Chapter V

IS IT ILLEGAL TO BE GLBT?

Back in the 1960s and 1970s, GLBT people lived under the cloud of being immoral (theology), sick (psychiatry), and illegal (state and federal laws). This was a heavy burden to carry. Some managed to overcome this and live a relatively normal life, but many suffered from low self-esteem, depression, and self-loathing. Some, especially adolescents, succumbed to suicide.

The Diagnostic and Statistical Manual of Mental Disorders (DSM-II) published by the American Psychiatric Association provided a common language and standard criteria for the classification of mental disorders. In it, homosexuality was deemed a mental disorder. Fortunately, in 1973 homosexuality per se was removed from the DSM-III as a mental disorder.¹¹² However, religious groups, by and large, still considered GLBT people to be sinful, and there were still laws used to punish them.

Chapter IV covered the MCLU cases surrounding Jack Baker and Michael McConnell. This chapter will cover other cases taken by the Minnesota Civil Liberties Union (MCLU) on behalf of GLBT people.

112 The diagnostic status of homosexuality in DSM-III: a reformulation of the issues, *The American Journal of Psychiatry*, Vol. 138, No 2, February 1, 1981

Minnesota Sodomy Law/Statute

Sodomy laws/statutes existed in most states. Some covered both heterosexuals and homosexuals, and some only homosexuals. Minnesota's laws applied to both.

*Complaint Concerning The Honorable Robert Crane Winton, Jr.,
350 N.W.2d 337 (Minn. 1984)*

MCLU Case No. C-6383

In 1982, Hennepin County District Court Judge Crane Winton was indicted under the Minnesota sodomy statute/law and subsequently pled guilty to two counts of misdemeanor prostitution. Following this, a three-judge panel of the Board on Judicial Standards recommended to the Minnesota Supreme Court that Judge Winton be removed from the bench for willful misconduct "prejudicial to the administration of justice;" specifically, his having hired prostitutes and engaged in sodomy. Richard Osborne, a volunteer attorney, filed an amicus brief for the MCLU with the Minnesota Supreme Court challenging the constitutionality of the Minnesota sodomy statute/law. The MCLU argued that the sodomy statute/law violated the right to privacy and is not necessary to further a compelling government interest. However, the Minnesota Supreme Court did not address the issues raised by the MCLU, and on May 25, 1984, the Court accepted the Board on Judicial Standard's recommendation and ruled that Judge Winton be removed from the Bench.¹¹³

113 Written by MCLU volunteer attorney Rick Osborne.

McClellan v. Humphrey, U.S. District Court, Minn. Filed 1985

MCLU Case No. C-4883(b)

In November 1985, MCLU volunteer lawyers William J. Keppel and James E. Dorsey filed suit in the United States District Court of Minnesota on behalf of Steven McClellan and Joan Whitney-McClellan, Eric Stultz, John and Jane Doe, and Betty Boe, against Minnesota Attorney General Hubert Humphrey III. The suit challenged the Minnesota Sodomy Statute as violating the plaintiffs' constitutional right of privacy. The Minnesota Sodomy Statute prohibits oral and anal intercourse by any persons, married or not, heterosexual or homosexual.

The plaintiffs each challenged the statute for different reasons:

- Because Steven McClellan had degenerative multiple sclerosis, he and his wife, Joan Whitney-McClellan could engage in sexual relations only by violating the statute.
- Eric Stultz was a gay man who had violated the statute and planned to continue doing so.
- John Doe was a licensed and certified sex therapist who counseled emotionally and physically handicapped persons to engage in activities prohibited by the Sodomy Statute, and he and his wife, Jane Doe, had violated the statute and planned to continue doing so.
- Betty Boe was a lesbian woman who had violated the statute and planned to continue doing so. She was also a licensed professional whose license could be endangered were she charged under the statute.

In June 1986, the U.S. Supreme Court upheld the constitutionality of the Georgia State Sodomy Statute in *Bowers v. Hardwick*, 478 U.S. 186 (1986). As a result of that decision, the McClellans withdrew their suit from the Federal Court.¹¹⁴

¹¹⁴ Written for the MCLU booklet on GLBT cases, June 1992, by William J. Keppel and James E. Dorsey of Dorsey and Whitney as MCLU volunteer attorneys.

Minnesota v. Gray, 413 N.W. 2d 107 (Minn. 1987) Court File No. C5-86-2047

MCLU Case No. C-0486

In July 1986, Richard Gray was charged with violating the Minnesota Sodomy Statute (see also the following case). After the Minnesota District Court found the State Sodomy Law unconstitutional in that case, the State appealed to the Minnesota Supreme Court. In June 1987, the MCLU refiled the *McClellans et al.* suit against the State in Hennepin County District Court, and with MCLU volunteer attorneys William J. Keppel and James E. Dorsey, of Dorsey & Whitney law firm, filed an amicus brief on behalf of the *McClellans et al.* with the Hennepin County District Court, arguing that the Sodomy Statute violated the right of privacy inherent in the Minnesota Bill of Rights by intruding into the most intimate and private aspects of an individual's life.

On December 1, 1986, the Hennepin County District Court dismissed the complaint against Gray on the ground that the Minnesota Sodomy Statute is unconstitutionally broad, both on its face and as applied to him. The Hennepin County District Court held that the Statute infringes on the right of privacy guaranteed by the Minnesota Constitution.

The State appealed the decision to the Minnesota Supreme Court on December 2, 1986. The MCLU again filed an amicus brief, making the same arguments it had made before the Hennepin County District Court. On October 2, 1987, the Minnesota Supreme Court reversed the Hennepin County District Court's decision, reinstated the complaint, and remanded the case for trial or other disposition.

In October 1987, the Minnesota Supreme Court declined to strike down the Sodomy Statute on the facts of the Gray case because there were allegations that Gray had paid to have sex with a minor. In March 1989, the Minnesota District Court dismissed the *McClellans et al.* suit.¹¹⁵

The Minnesota Supreme Court recognized the existence of a right of privacy under the Minnesota Bill of Rights but limited its scope of protection to only fundamental rights.¹¹⁶ The Minnesota Supreme Court characterized this case as one involving commercial, rather than private, sexual conduct and held that commercial sexual conduct is not a fundamental right.¹¹⁷

115 *McClellan v. Humphrey*, U.S. District Court, Minn. MCLU Case No. C-4883(b)

116 *Gray*, 413 N.W.2d at 111 (citing *Roe v Wade*, 401 U.S. 113, 152 (1973)).

117 *Ibid*, 114

Following the Minnesota Supreme Court's decision, however, charges against Gray were dropped when the prosecution's sole witness refused to testify.¹¹⁸

The United States Supreme Court struck down Sodomy Laws in *Lawrence v. Texas*, 539 U.S. 558 (2003). More and more states, counties, and cities now have laws protecting GLBT people in employment and housing, but there is still no federal law protecting them. Some churches and synagogues have come to accept them but many people, such as Roman Catholics, Evangelicals and Mormons, still consider them sinners.

¹¹⁸ William J. Keppel and James E. Dorsey of Dorsey and Whitney, MCLU volunteer attorneys and Ron Hook, MCLU volunteer attorney.

Indecent Conduct

Minneapolis v. Victor (Amicus)

MCLU Case No. C-0180

In December 1979, Minneapolis police arrested and ticketed approximately 100 men in a private bathhouse. The officers stated that they observed several men engaging in various sexual activities in the open lounge areas and small cubicles within the locker room, in violation of the City's indecent-conduct and disorderly-house ordinances. The defendants challenged these ordinances because they prohibited private consensual sexual conduct between adults, or they punished mere physical presence in places where such activities took place. In April 1980, MCLU volunteer attorneys Jeffrey J. Keyes and Robin Newman filed an amicus brief in Minneapolis Municipal Court in support of the defendants' motion to dismiss the prosecution. In July 1980, the Minneapolis Municipal Court denied the defendants' motion. The defendants appealed this decision to Hennepin County District Court. The MCLU filed an amicus brief in support of the defendants with the Hennepin County District Court in June 1981. The Hennepin County District Court ruled against the defendants, who then petitioned the Minnesota Supreme Court for review. In September 1981, the State Supreme Court denied the petition.¹¹⁹

¹¹⁹ MCLU Executive Director Dr. Matthew Stark: No legal case records were found by either of the two MCLU volunteer attorneys, Jeffrey J. Keyes and Robin Newman, or by the Minnesota Civil Liberties Union at its office or at its repository at the Minnesota Historical Society, or by Terry Stoke, a private legal investigator, or by Jill Sonnesyn, librarian, Hennepin County District Court. Presently, Jeffrey Keyes is a U.S. Magistrate Judge with whom Dr. Stark spoke and he has no records at all of this case which he took years ago. The two law firms at which Jeffrey Keyes has served, first, when he litigated this case he was at Gray Plant & Mooty, and subsequently when he transferred to Briggs & Morgan, had no legal files on this case.

Employment

Schmitz v. Northwestern Bell: U.S. District Court, District of Minnesota, Fourth Division, Case File Civ. 4-73-481

MCLU Case No. C-4873

In February 1973, Byron Schmitz applied for a job with the Northwestern Bell Telephone Company. In April 1973, Schmitz was interviewed by Northwestern Bell and offered a job subject to a physical. A company nurse asked Schmitz his current classification with U.S. Selective Service and he replied, “4-F.” When the nurse asked the reason for this classification, Schmitz said that it was because he was gay. Afterward, Schmitz was told by the hiring manager to call her the following day if he wished to accept the job.

The next day, when Schmitz called Northwestern Bell to accept the job, he was told that the offer was withdrawn because he had failed the physical. The reason stated was that the Northwestern Bell Telephone Company had no medical program for homosexuals. Later, the *Minneapolis Star* newspaper printed a letter from the Company stating that its policy was “not to employ admitted homosexuals” because to do so “would tend to have an adverse effect on how our company is regarded by other employees and the general public.”¹²⁰

Tim Campbell, editor and publisher of the *GLCVoice*, remembers someone from MCLU showing up to support a protest against Northwestern Bell. Tim also was amused that Northwestern Bell claimed not to hire homosexuals because the receptionist at their downtown Minneapolis office “was a flaming entertainment queen.” He did an impersonation of the comedienne, Phyllis Diller. He usually had long nails and visible painted eyebrows, even at work. “A lot of us were kind of chuckling at that and how the ‘don’t ask, don’t tell’ sometimes pushed itself in ridiculous extremes.”¹²¹

120 MCLU Staff

121 Tim Campbell.

Big Brothers v. Johnson, 284 N.W.2d 823 Court File No. 48950
(Minn. 1979)

MCLU Case No. 8577

In November 1974, Gary Johnson applied to be a volunteer “big brother” with Big Brothers, Inc. After Johnson disclosed that he was gay, Big Brothers told him that it was their policy to inform mothers of any young boys he might be assigned to of his sexual orientation.

In January 1975, Johnson filed a complaint of discrimination with the Minneapolis Department of Civil Rights against Big Brothers. MCLU volunteer attorney Jack Baker and MCLU staff attorney Patsy Reinard argued that Big Brothers is a public accommodation as defined in the Minneapolis Civil Rights Ordinance, and its practice of inquiring as to the “affectional or sexual preference” of any volunteer applicant is discriminatory, in violation of the Minneapolis City Ordinance.

In August 1976, the director of the Minneapolis Department of Civil Rights concluded that Johnson’s allegations of discrimination were “well-founded” and referred the case to a special hearing examiner. However, the examiner concluded in March 1977 that Big Brothers is a public accommodation, but that their inquiry as to affectional or sexual preference is “not unlawful.”

Not to be deterred, Johnson appealed to the Hennepin County District Court in April 1978. It modified the examiner’s conclusions of law to say that the Big Brothers may ask an applicant his “sexual or affectional preferences” and may communicate this information to the mothers of little brothers, provided it is “not a discriminatory use of the information.”

Johnson appealed to the Minnesota Supreme Court, where the MCLU filed an amicus brief on October 16, 1978, arguing that the Hennepin County District Court improperly applied the Minneapolis Civil Rights Ordinance to allow inquiry into sexual orientation. Instead, the MCLU argued, inquiry into sexual orientation was actually per se discrimination. The Minnesota Supreme Court rejected the MCLU argument affirming the Hennepin County District Court’s ruling.¹²²

122 Written by MCLU Executive Director Matthew Stark.

Public Schools

Stark et al. v. Special School District No. 1, Hennepin County District Court, Case No. 27-CV-000786896

MCLU Case No. C-1281

This case challenged a decision of the Minneapolis School Board to prohibit the use of gay or lesbian speakers in public elementary schools. MCLU volunteer attorney Lynn Castner filed suit in Minnesota District Court on January 13, 1982, on behalf of elementary school teachers, parents, and a lesbian speaker who wished to challenge the policy. The Minnesota District Court consolidated this case with a similar case brought by the Minneapolis Federation of Teachers on January 25, 1982. The plaintiffs sought relief in the form of a writ of *mandamus* to require the School Board to rescind the policy that prohibited the use of gay and lesbian speakers.

On May 1, 1986, the School Board and the Minneapolis Federation of Teachers reached an agreement that would rescind the January 13, 1981, memo that initiated the policy. The School Board agreed to issue another memo that would follow previously existing school regulations concerning speakers on alternative lifestyles (i.e., sexual minority issues).

On June 17, 1986, the MCLU moved to sever its case from that of the Minneapolis Federation of Teachers, and to amend its complaint to include a new memo against the older speaker policy and obtain greater freedom for classroom teachers' selection of outside speakers from prior review by school principals.

On August 14, 1986, the Court denied the effort of the MCLU and ruled the case moot, stating that the School Board's issuance of the first memo granted the relief initially sought. In any event, the MCLU and the Minneapolis Federation of Teachers forced Superintendent Richard Green and the Minneapolis School Board to adopt a policy that would guarantee, in the future, that it would not discriminate against gays and lesbians being used as classroom speakers.¹²³

¹²³ Written by Executive Director Emeritus Dr. Matthew Stark and Lynn Castner, former legal counsel of MCLU.

United States Federal District Court, District of Minnesota, File No. 4-83-0420

MCLU Case No. C-3283

This case challenged the Minneapolis public school administration's censorship of a Gay, Lesbian, Bisexual, Transgender (GLBT) advertisement to be placed in *The Arrow*, the Southwest High School student newspaper, edited by Plaintiffs Jeff Robertson and Julia Risser, senior students. A GLBT organization wanted to run an ad inviting interested persons to an informational event. The student editors accepted the ad, but when the edition was submitted to Harlan Anderson, the Southwest Principal, for approval as required by student publication rules, he pulled the ad and refused to let it run.

Ken Northwick, Operations Superintendent for the Minneapolis School District, allowed Principal Harlan Anderson's editorial decision to stand, in spite of the fact that there were no Minneapolis School District rules in place to guide any editorial decision making by school administrators.

The MCLU became involved in this case with volunteer attorney Brian K. Flakne, who commenced litigation in Federal District Court in the District of Minnesota to enjoin the School District and its employees from censoring editorial decisions of the editorial staff of *The Arrow*, a student-run publication. The Complaint was brought under federal statute 42 U.S.C. 1983, which was enacted on April 20, 1871, as part of the Civil Rights Act of 1871, and is also known as the "Ku Klux Klan Act" because one of its primary purposes was to provide a civil remedy against the abuses against private citizens that were being committed in the southern states, especially by the Ku Klux Klan. The Civil Rights Act of 1871 was intended to provide a private remedy for violations of federal law. The Act was passed by Congress because some public officials charged with protecting citizens under the existing law were unable or unwilling to do so. The Act allows private citizens to sue for relief under Federal Civil Rights Law.

The Complaint in this case alleged that the Minneapolis Public School District's blocking of the Gay Pride Committee's paid advertisement was an impermissible prior restraint of commercial speech and a violation of freedom of the press, which deprived public high school students of their right to receive information. The case was assigned to Federal District Court Judge Miles Lord, who granted a temporary restraining order and subsequently certified the class and made the named Plaintiffs class representatives, after he determined that there was a group of similarly

situated students. The certified class was all of the public school students in the Minneapolis School District.

Attorney Frederick Finch, retained to represent the Minneapolis School District, argued that a different standard of censorship applied to public school student publications and that the Minneapolis School District's action was appropriate. Judge Miles Lord, in ultimately granting a preliminary injunction in favor of the Plaintiffs, ruled that the absence of clearly articulated standards for ads in public school student publications operated as an impermissible prior restraint, and that while a different standard for students might apply, the absence of any guidelines was unconstitutional.

The case was appealed by the Minneapolis School District to the U.S. Eighth Circuit Court of Appeals, but was satisfactorily settled on May 3, 1985. The Minneapolis School District agreed not to pursue the Appeal, and to allow the preliminary injunction to become permanent. The Minneapolis School District then undertook a revision of its policies on student publications and created new standards for those publications as argued for by MCLU volunteer attorney Brian Flakne.

Since this case was brought under the Federal Civil Rights Act, which allows a winning party to collect attorney's fees, and since plaintiffs had prevailed on their constitutional claims, the Minneapolis School District had to pay in excess of \$8,000 for the Plaintiff's attorney's fees and costs. Attorney Flakne donated the fees to the MCLU. This was likely the first class action in the State of Minnesota to be certified and used to make constitutional attacks upon quasi-governmental actions under 42 U.S.C. 1983.¹²⁴

124 Written by MCLU volunteer attorney Brian Flakne.

Guardianship and Custody

Guardianship of Kowalski: 382 N.W. 2D 861, Court File No. C1-85-1595 (Minn. Ap1986), and 393 N.W. 2D 310, Court File No. C6-86-176 (Minn. Ap1986), and 478 N.W. 2D 790, Court File No. C2-91-1047 (Minn. Ap1991)

MCLU Case No. C-0485

On November 13, 1983, Karen Thompson's domestic partner, Sharon Kowalski, suffered severe permanent injuries in an automobile accident, including brain damage and resulting cognitive communicative impairment. Neither Thompson nor Kowalski had previously "come out" to their families as lesbians or about the true nature of their relationship. Unfortunately, Kowalski's parents asserted the rights to make all decisions concerning Kowalski's healthcare, rehabilitation, and—most significantly—her place of residence. Profoundly homophobic, Kowalski's parents denied Thompson, a St. Cloud State University Physical Education professor, any access to their daughter! Karen Thompson and Sharon Kowalski's parents had been going back and forth between the Sherburne County District Court and the Minnesota Court of Appeals with Karen and Sharon losing these fights. The Minnesota Gay & Lesbian Legal Assistance (MnGALLA) was asked to step in to assist with helping to raise funds for Karen Thompson's legal expenses. Recognizing that this was an important case for the gay and lesbian communities, that Karen Thompson's lawyers badly needed funds to pursue the litigation, and that MnGALLA stood to gain substantial public relations benefits, the MnGALLA board on March 26, 1985, authorized MnGALLA to receive funds to enable Karen Thompson to pursue ongoing litigation upon approval of bills by resolution of the MnGALLA board. As a result, from May 1985, when the first checks were processed, through June 30, 1987, according to the MnGALLA board meeting minutes of January 2, 1988, the total sum of \$32,229.86 was paid on behalf of the Karen Thompson case, of which nearly all went to her legal fees.¹²⁵

The Sharon Kowalski guardianship case began in early 1984 in Sherburne County District Court, mainly under Judge Bruce R. Douglas, as the result of the tragic accident that occurred in 1983. Judge Douglas named Donald Kowalski (Sharon's father) as guardian, but allowed

¹²⁵ Dan Hanson, *History of the Minnesota Gay & Lesbian Legal Assistance*, Golden Valley, Minnesota, Friends of the Bill of Rights Foundation, 2009, 42. Hanson wrote most of the information on this case.

Karen Thompson equal rights to visitation and medical information on April 25, 1984. Douglas retained jurisdiction of the case until it was removed to St. Louis County in 1987. The issue of placement of Sharon came up repeatedly, and Beth Redistrict, Karen Thompson's first attorney in the case, represented her early in 1984 through September of 1985, when Karen hired M. Sue Wilson and her partner, Toni Melpomene. These two attorneys were retained after a July 25, 1985, hearing where Judge Douglas gave Sharon's father guardianship and "the power to determine who may visit Sharon Kowalski." This restriction effectively precluded Karen Thompson from having any contact with Sharon, given the hostility of Sharon's parents. Minnesota Civil Liberties Union legal counsel, Janlori Goldman, and MCLU attorney, Amy Bromberg, upon direction from Dr. Matthew Stark, then Executive Director of the MCLU, visited Sharon Kowalski while she was a resident of a Duluth nursing home. Goldman advised Stark that Sharon Kowalski indicated to them that she wanted to be represented by the MCLU. Stark then secured the assistance of Brian O'Neill, one of the outstanding attorneys in the Faegre & Benson law firm, as the MCLU volunteer attorney directly representing Sharon Kowalski. (Earlier, the MCLU Board of Directors had voted in favor of the MCLU supporting Sharon Kowalski and Karen Thompson in this case.)

The MCLU submitted a friend of the court brief written by attorney Brian O'Neill for the July 25, 1985, Sherburne County District Court hearing. However, on September 13, 1985, the Minnesota Court of Appeals upheld the District Court's ruling limiting Karen's visitation rights. Tim Campbell, editor and publisher of the *GLCVoice* brought this case to the attention of the GLBT community with a front page article in the May 19, 1986, *GLCVoice* researched and written by Julie Miller, headlined "Why Can't Sharon Come Home?"

Nearly four years later, Judge Robert Campbell of the St. Louis County District Court had jurisdiction of the case because Sharon Kowalski was in a nursing facility in that county. Donald Kowalski chose to resign as Sharon's guardian in 1989 for personal reasons and Judge Campbell on April 23, 1991, appointed Karen Tomberlin to be guardian of Sharon Kowalski. Tomberlin was not related to the Kowalskis, but was opposed by Karen Thompson and her attorneys. By this time, Fred Friedman, a state public defender from Duluth, had been appointed by Judge Campbell to represent Sharon Kowalski.

In an appeal to the Minnesota Court of Appeals from Judge Campbell's 1991 Order, Fred Friedman continued to represent Sharon Kowalski.

However, the Court of Appeals accepted Brian O’Neill as also representing Sharon Kowalski and he submitted the MCLU’s brief on behalf of its client, Sharon Kowalski.

The Minnesota Court of Appeals hearing was held on November 6, 1991. Brian O’Neill, attorney for the MCLU, made argument before the Minnesota Court of Appeals. Judge Jack Davies wrote the Minnesota Court of Appeals opinion issued on December 17, 1991, in which the three-judge panel ruled unanimously, appointing Karen Thompson as guardian of Sharon Kowalski—8 years after the tragic accident! One of Judge Davies’ significant findings included the statement, within his opinion, that Sharon and Karen constituted a family of affinity which ought to be given respect.

On January 17, 1992, Tomberlin’s attorney filed an appeal to the Minnesota Supreme Court. On February 14, 1992, the Minnesota Supreme Court refused to hear the case, thus ending the tortured legal proceedings for Sharon Kowalski and Karen Thompson.

Throughout the case, the MCLU was an active friend of the court participant with Brian O’Neill and others from the Faegre & Benson firm actually representing Sharon Kowalski, as Sharon had requested of Janlori Goldman. The MCLU was heavily involved in this case, undoubtedly, because of Dr. Matthew Stark’s personal involvement with the Minnesota Gay & Lesbian Legal Assistance (MnGALLA).¹²⁶

126 Dan Hanson, Dr. Matthew Stark, Brian O’Neill.

*The Marriage of Annette Robinson and Steven Robinson:
27-FA-000094987, Hennepin County Family Court*

MCLU Case No. 2190

Annette and Steven Robinson were divorced in 1983, and custody of their child was awarded to Annette Robinson. In May 1990, Steven Robinson requested Hennepin County District Court to modify the dissolution agreement by awarding him custody of the child. The sole reason given by Mr. Robinson for the request was, "...I firmly believe it is in (my son's) best interest to be raised in a heterosexual family."

In July 1990, MCLU volunteer attorney, M. Sue Wilson, filed an amicus brief on behalf of the MCLU with the Hennepin County District Court. The amicus brief argued, among other things, that Mr. Robinson's reason for requesting custody was really a statement of bigotry and that to grant his request on that basis alone would deprive Annette Robinson of her right to due process of law under the Fourteenth Amendment to the United States Constitution. Shortly after receiving the MCLU amicus brief by M. Sue Wilson, Steven Robinson dropped his request for custody and Annette Robinson maintained custody of her son.¹²⁷

127 Written by M. Sue Wilson, MCLU Volunteer Attorney.

Armed Forces

Jane Doe v. Department of the Army 510 F. Sup900, Court File No. 3-79-184 (D. Minn. 1981)

MCLU Case No. C-2978

As a man, “Jane Doe” served eight years in the U.S. Air Force, achieving the rank of staff sergeant. He was granted top-secret clearance and won numerous performance awards. He left the service with an honorable discharge in 1967. In 1974, Doe was diagnosed as a transsexual. He voluntarily underwent hormonal treatment and surgery and became a woman.

In 1976, Jane Doe applied for admission as an officer of the U.S. Army Reserve. She passed the physical but was disqualified by the Army because the Army deemed her sex change resulted in a major abnormality and defect of the genitalia.

The MCLU took this case and secured the volunteer service of attorney Louise Miller O’Neil. Doe filed a discrimination suit against the Army in the United States District Court of Minnesota in March 1978. Three years later in March 1981, the District Court dismissed Doe's complaint on the basis of lack of reviewability. Deferring to military expertise or discretion, the U.S. District Court of Minnesota refused to review military regulations concerning the Army's general medical fitness standard and accepted the Army's contention that transsexuals would require more medical maintenance than non-transsexuals which could interfere with Doe's performance. In the process, the U.S. District Court of Minnesota also held that transsexuals are not a protected class.¹²⁸

128 Written by MCLU Staff.

Steffan v. Cheney, 733 F. Supp1115, District Court, District of Columbia, Civ. A., No. 88-3669-OG (D.D.C. 1989).

MCLU Case No. C-0189

Naval Cadet Joseph Steffan learned in March 1987, that the Navy Investigative Service was investigating him for his alleged homosexuality. The Navy denied Steffan's request to graduate from the United States Naval Academy and submitted his case to the Naval Academy's Academic and Performance Boards, both of which recommended that Steffan be discharged. Faced with the choice of resigning or being discharged, Steffan resigned from the U.S. Naval Academy on April 1, 1987, four weeks before his graduation.

The Lambda Legal Defense and Education Fund filed suit on Steffan's behalf in the U.S. District Court for the District of Columbia on December 29, 1988. Steffan won the first round on July 21, 1989, when the U.S. District Court denied the Navy's motion to dismiss.

MCLU volunteer attorney Stephen Belfort from the University of Minnesota Law School submitted an amicus brief for the MCLU arguing that Steffan's forced resignation was in violation of his Fifth Amendment right to due process of law and of his Fourteenth Amendment right to equal protection of the law.

In November 1989, the U.S. District Court for the District of Columbia dismissed the Lambda suit when Steffan refused to comply with the discovery order asking him whether he engaged in "homosexual acts." However, in December 1990, the U.S. Court of Appeals for the District of Columbia reversed the U.S. District Court's dismissal on the basis that the Navy had forced Steffan's resignation because he was homosexual, not because of his homosexual conduct. The U.S. Court of Appeals for the District of Columbia remanded this case to the U.S. District Court for the District of Columbia, which found that the U.S. Navy ban on homosexuals was justifiable, in part, as preventing the spread of the AIDS virus.

Steffan again appealed to the U.S. Court of Appeals for the District of Columbia. The MCLU, together with the ACLU Lesbian and Gay Rights Project and the ACLU of the National Capital Area, submitted an amicus brief in support of Steffan, arguing that the military's ban on homosexuals violated his Constitutional rights to due process and equal protection under the Fifth Amendment, as well as his rights of free speech and free association under the First Amendment to the United States Constitution.

A three-judge panel of the U.S. District Court for the District of Columbia ruled for Steffan, holding that the U.S. Department of Defense directives that the ban is not rationally related to any legitimate goal of the military but disadvantages a class solely upon irrational prejudice and violates the equal protection component of the Fifth Amendment's Due Process Clause. However, on rehearing *en banc*, the U.S. Court of Appeals for the District of Columbia affirmed the U.S. District Court ruling, calling Steffan's discharge an employment decision and not a First Amendment issue.¹²⁹

129 Written by MCLU volunteer Gigi Penn and Dr. Matthew Stark.

Chapter VI

LEGISLATION FOR GAY RIGHTS

In the late 1950s, encouraged by his political friends including Dr. Matthew Stark, then Coordinator of Residence Counseling in the Dean of Students Office at the University of Minnesota, Allan Spear, a University of Minnesota Associate Professor of History, was considering coming out as a gay man and running for political office. He decided he could not do both. Therefore he ran for the State Senate as a closeted gay man in the new Forty-second District that included the U. of M. campus in Minneapolis. In addition to supporting the Democratic-Farmer-Labor (DFL) Party platform, he pledged to introduce a same-sex marriage bill if elected. Spear won his election to the Senate in 1972.¹³⁰

Spear, in his autobiography,¹³¹ said that until the spring of 1972, he could observe the gay movement only from the sidelines. However, when gay issues entered the DFL caucuses, he could no longer avoid direct involvement. When he attended his district convention he was surprised to find three gay delegates. One of them, Jim Anderson, came over and introduced himself. He told Spear that he had heard that he supported gay rights and would like to talk to him. Spear was terrified and thought he was going to be forced out of the closet. They went to the back of the room where Anderson introduced him to the other men who were not at all threatening. They only asked him for help in their effort to secure a gay state delegate and pass a gay rights resolution. Spear gladly agreed to do so.

A slate of delegates had been drawn up and when it was suggested that it be reopened so that a gay delegate could be included, most of the leadership was against the idea. Spear's friend Marcia Greenfield invited (unknown to Spear) the three gay men to the rear of the room. After a few minutes, she rose to her feet and said that it was important that we leave with good feelings and that everyone feel fairly represented. She withdrew as a candidate in favor of Jim Anderson. Anderson was elected and Greenfield went to the convention as an alternate.¹³²

On December 9, 1974, Spear came out as a gay man through an article in the *Minneapolis Star Tribune* written by his friend Deborah Howell,

130 Dudley Clendinen and Adam Nagourney, *Out for Good*, New York, Simon & Shuster, 1999, 227.

131 Spear, Allan, *Crossing the Barriers*, Minneapolis, University of Minnesota Press, 2010

132 Ibid, p216-217.

girlfriend of Senator Nick Coleman. He went on to be elected President of the Senate in January 1993, and remained President until he retired in 2000.¹³³

Steve Endean, a student at the University of Minnesota, was from a middle-class Roman Catholic family. He had been an altar boy and had considered the priesthood. But he also had come to realize that he was gay and sensed that he would not be approved by the church. A Young Democrat and a fraternity boy, he realized that his passion was politics. He had worked as a full-time aide for Wendell Anderson's successful campaign for Governor of Minnesota in 1970.¹³⁴ Endean hoped to find other gay people. He had heard of a national organization for gay men called the *Mattachine Society* and felt comfortable calling directory assistance for their number. However, there was no *Mattachine Society* in Minneapolis. He then swallowed hard and asked for any organization that had the word gay or homosexual. He was told about *Gay House*. He drove by the place for weeks before he mustered up the courage to go in. There he met Mike McConnell, who welcomed him and made him feel comfortable. He learned about Mike and Jack Baker, and was impressed by both of them. He later learned that they had appeared on the cover of *LIFE Magazine*.¹³⁵

From his experience in the Democratic Farmer Labor Party (DFL), Endean was convinced that with the proper lobbying process it would be possible to enact nondiscrimination laws.¹³⁶ With his political experience, he became a one-man lobbyist and funded his project by checking coats at *Sutton's* (a gay bar in downtown Minneapolis) for 25 cents a coat (plus tips).¹³⁷

Along with Jean-Nickolaus Tretter, Steve Badeau, Mike Garret, and others, the lobbying effort became largely a paper group called the *Gay Rights Legislative Committee (GRLC)*.¹³⁸ Steve had great hopes of making Minnesota the first state in the union to enact a lesbian and gay civil rights bill.¹³⁹

The gay lobbyists were taken by surprise when Gary Flakne, a Repub-

133 Wikipedia, www.en.wikipedia.org/wiki/Allan_Spear

134 Steve Endean, *Bringing Lesbian and Gay Rights Into the Mainstream*, New York: Harrington Park Press 9

135 Ibid, p10-11.

136 Ibid, 13.

137 Ibid, 14.

138 Ibid, 13

139 Ibid, 15.

lican member of the House of Representatives from Minneapolis, introduced a bill to remove consensual sodomy, as well as fornication and adultery, as illegal in the state. He said these laws made criminals of a large percent of adult Minnesotans and were unenforceable. This legislation passed the House and Senate judiciary committees and brought some spirited debate. However, it did not pass the full House so it never made it to the full Senate.¹⁴⁰

When the *Minnesota State Department of Human Rights* asked Majority Leader Nick Coleman to carry a bill to update parts of the human rights law. He added “homosexual orientation” to the list of protected classes. He had not discussed it with the lobbyists so Spear and the lobbyists were taken by surprise and were not happy with the terminology. The *Human Rights Department* was also taken off guard, but politically could hardly object. The Judiciary Committee acquiesced to the majority leader and passed the bill.¹⁴¹

The focus of the opponents was that gay people should not be allowed to be teachers. While Endean was away attending an Americans for Democratic Action (the nation's oldest independent liberal political organization, dedicated to individual liberty and building economic and social justice at home and abroad) convention, Senator Nick Coleman, the chief sponsor of the bill, decided to remove teachers from the protected class, which in the eyes of Endean built discrimination into the bill. After that, the bill was never put up to a vote.¹⁴²

Larry Bye, who had worked on the Eugene McCarthy and George McGovern campaigns for President, had become a gay activist after encountering Jack Baker at the University of Minnesota. He realized that it was time to have a larger organization than Endean's *Gay Rights Legislative Committee* that could afford to pay Endean a salary. The result was a gathering in the spring of 1974 at the *Newman Center* at the University of Minnesota. Speakers included openly gay Dr. Howard Brown, (the first head of the New York City Health Services Administration), chairman of the *National Gay Task Force*, and Phyllis Lyon, long-time lesbian activist from San Francisco. It was the ceremonial beginning of a new statewide organization, the *Minnesota Committee for Gay Rights*. Present was Marilyn Endean, the proud mother of Steve Endean. Steve had made a deal with his mother that he would attend his sister's Roman Catholic wedding if she would come to this meeting to see what was

140 Spear, 275.

141 Ibid, 276.

142 Endean, 15

happening in his life.¹⁴³

On March 29, 1974, the Minneapolis City Council passed its own “gay-rights ordinance,” adding sexual orientation to the classes of persons protected by that city’s anti-discrimination ordinances. Active in getting this legislation passed were Dr. Matthew Stark, then the full-time MCLU Executive Director of the MCLU, and the Minnesota Committee for Gay Rights led by Steve Endean, who had lobbied the individual council members and knew they were on board. Tim Campbell remembers that it passed “without sending out news releases. It got so little news coverage that it was a kind of victory without a battle.”¹⁴⁴

Following the passage of the Minneapolis ordinance, St. Paul passed legislation adding “sexual orientation” to the classes of person protected by that city’s existing law that prohibited discrimination in housing employment, and public accommodations, again, through the strong lobbying efforts of Endean.¹⁴⁵ Endean worked hard to get organizational endorsements for gay rights legislation in housing and employment: among these were the *American Civil Liberties Union*, the *National Organization for Women*, the *League of Women Voters*, the *Mental Health Association of Minnesota*, the *Universalist-Unitarian ministers*, the *State Human Rights Commissioner Conrad Balfour*, Harry Davis, President of the *Minneapolis Board of Education*, as well as the Presidents of *General Mills* and *Judson Bemis Corporation*. Eventually even Roman Catholic Archbishop John Roach endorsed the legislation.¹⁴⁶

In 1975, Allan Spear’s friend Nick Coleman, Senate Majority Leader, agreed to introduce gay rights legislation at the State Capitol. Endean and Spear both agreed that it would not be a good idea to have Spear, the “gay Senator,” be the author.¹⁴⁷

During the 1975 hearings, Tim Campbell and Thom Higgins testified that they were happy that the bill included “public accommodations” and “public services” because, they claimed, that would legalize gay marriage and adoptions by gays and lesbians.

Because of this testimony, Endean and Subcommittee Chairman Neil Dietrich (D-St. Paul) were concerned about the bill’s future. They

143 Clendinen and Nagourney, p232-3.

144 Tim Campbell Interview, February 10, 2012.

145 Endean went on to found the *Human Rights Campaign* in Washington, DC, and died in 1993.

146 Endean, p23-25.

147 Spear, 309.

decided to remove “public accommodations” and “public services” from the bill. Endean accused Campbell of retaliating with such tactics as having a press conference in the men’s room used by the legislators and transvestites parading through the halls of the legislature.¹⁴⁸

Campbell, however, said that there was to be a demonstration, and that the “suits” (mainstream DFL folks) did not show up. It was basically a few drag queens and himself. Campbell said it was a member of the press who suggested that they move to the men’s room for the conference.¹⁴⁹

The *Minneapolis Star* wrote an editorial that the gay civil rights bill was so moderate that the gay radicals didn’t support the bill.¹⁵⁰ Endean said it was at that point he finally gave up the dream of enacting statewide civil rights legislation in Minnesota, and instead agreed to accept the challenge of becoming the first lobbyist for GLBT rights in the United States Congress as the executive director of the *Gay Rights National Lobby*.¹⁵¹

In 1975 and 1977, the State Legislature refused to pass an anti-discrimination bill. The Anita Bryant furor that hit the nation (See Chapter VII) made passage of that bill in 1977 impossible.¹⁵² The leaders of the movement became discouraged. Steve Endean moved to Washington. Larry Bye and Kerry Woodward moved to California. Jack Baker and Mike McConnell settled down to enjoy life without having anything more to do with the gay rights movement.¹⁵³ Phil Willkie, long-time activist and publisher of *The James White Review*, pointed out that Allan Spear never fought to repeal the state sodomy law but Dr. Matthew Stark was an advocate to repeal the sodomy law. Spear never wanted to discuss sex or anything that touched it, like entrapment, bath houses, sex in public parks, and prostitution. Ironically, some of Spear’s closest allies, like Steve Endean and others, were actively engaged in multi-partnered late night sex scenes after the bars closed.¹⁵⁴

Following the defeat of the *Gay Rights Ordinance* in St. Paul (see Chapter VII), activist Leo Treadway from the *St. Paul Reformation Lutheran Church* worked with State Representative Karen Clark to

148 Ibid p120-121.

149 Tim Campbell interview, February 10, 2012.

150 Ibid , 121.

151 Ibid 21.

152 Ibid 77.

153 Clendinen, 328.

154 July 14, 2012 email from Phil Willkie.

launch a *Governor's Task Force on Prejudice and Violence*. The task force interviewed people throughout the state. This led to the passing of the first “hate crimes law” in Minnesota. After its adoption by the Minnesota State Legislature, they continued their work for an additional two years—upgrading penalties in certain areas, and guiding other improvements.¹⁵⁵

Chernah Coblentz arrived in Minneapolis in 1979, and immediately got involved in politics attending her DFL precinct caucus. The next year, she convinced her partner, Kathleen Hagen, to join her. She told her it would be a lot of fun. Both Karen Clark, a lesbian, and Linda Berglin were seeking the endorsement for the same State Senate seat. The balloting continued until 2:00 a.m. Although Kathy did not find this fun at the time, both women laughed while telling me this story. Karen Clark withdrew and ran for the House of Representatives. She was elected in 1980 and still holds this office at the writing of this book.¹⁵⁶ Linda Berglin was elected to the Senate.

It wasn't until March 18, 1993, that a Gay Rights Bill was brought to the full Minnesota Senate for a vote. The first to speak was Allan Spear who said:

Human rights laws do not give special privileges to anyone; human rights laws merely recognize that in an imperfect society some groups have faced discrimination and some categories have been the basis for unfair discrimination, so we include in our human rights laws those categories around which there have been historic patterns of discrimination—race, religion, gender, nationality. We don't include things like eye color, for example, because we haven't experienced in our society discrimination based on eye color. The question, then, of whether or not a group should be included in our human rights law is whether that group or that category forms the basis of discrimination, and I would argue that historically and still today there is in our society—has been and is—a pattern of discrimination based on sexual orientation.

He then told of the findings of a governor's task force that were convinced beyond a shadow of a doubt that discrimination is still a

155 March 29, 2012 email from Leo Treadway.

156 Clark was the first openly lesbian member to serve in the Minnesota Legislature. She is also the longest serving openly lesbian member to serve in a state legislature in the United States. (*Minnesota Legislative Reference Library, Legislators Past & Present*)

persistent factor in many parts of Minnesota. He then added:

This bill does not ask for special privileges for anyone, it only asks that discrimination end, it only asks that we have a level playing field.

He also referred to polls that show Americans opposed discrimination on the basis of sexual orientation. He finished his speech as follows:

Finally, I'd like to say something on the personal side about this bill and this is not something [that] comes easy for me—I think those of you who have known me for a while know that I don't talk a lot about my personal life, but I refuse to let other people question the validity of my own life experiences. I've been told by many people that oppose this bill that sexual orientation should not be included in the human rights law because it is a choice, because it is a choice that people make, and if they make a choice, they can change that choice...well, let me tell you, I'm a fifty-five year old gay man and I'm not just going through a phase!

I can also assure you that my sexual orientation is not something I chose like I would choose to wear a blue shirt and red tie today...why in the world would I have chosen this? I grew up in the 1950s—everyone I knew was presumably straight, all of my models...homosexuality was only something people whispered about...my first awareness of what I was filled me with absolute panic.

I did everything I could to change: I dated girls, I denied my inner feelings, I sought psychiatric care—I didn't make a choice about that...I could do nothing about what I was...I did make a choice, my choice had to do with how I would deal with who I was...I chose, after many years of hiding who I was, to be open, to be who I am, and to live my life without shame or apology, and that's a choice I've never regretted...But I was fortunate—when I came out I was already a tenured college professor, I lived in a tolerant urban community and had supportive friends and family. Not all gay and lesbian people are that fortunate...many today continue to live in fear in hostile communities, in jobs they easily could lose if their sexual orientation was discovered...they're forced to live based on lies and deception...

Much has been made in the debate that's been waged over this bill

about how sexual orientation is determined...most experts agree that it is determined at birth or very early in life—it's not something that is chosen...we are what we are, and we are asking only that we have the same rights that others take for granted, nothing special, just the right to a job commensurate with our ability, the right to decent housing, the right to a good education, and that's all this bill does...

I've been working on this bill for twenty years—the first time it came before the Minnesota Senate was exactly twenty years ago, when the late Senator Nick Coleman asked the Minnesota Senate to pass it, and I think the Senate has considered this bill about eight times over the last twenty years, so it's not exactly a new issue...it's going to be resolved, and the time to resolve it is now...it's time, Minnesota.¹⁵⁷

Late in the debate, the Republican minority leader, Dean Johnson, rose to speak. Johnson was a Lutheran minister from Willmar and a general in the Minnesota National Guard. He told the senators about a colleague of his in the National Guard, Captain Pamela Mindt. For twelve years, he'd referred men and women to her for mental health counseling. Now she was one of those that the Department of Defense wanted to dismiss because she is lesbian. He continued:

During those twelve years of association with Captain Mindt, it never once occurred to me to even ask quietly, are you gay or homosexual or heterosexual—it didn't matter, because she did the job, she performed her duties as a commissioned officer in the Minnesota Army National Guard. She's an excellent employee... now, should the Pam Mindts of Minnesota have to live with fear of reprisal? Job loss? Loss of a place to live?

So....members of the Senate, if you feel stress, if you feel scared, I'm no different than you, but today I'm going to vote—green—yes in favor of Senate File 444, and extend to a group of people in the State of Minnesota what I consider their civil rights, their human rights, that they too can live with dignity.

Johnson's speech, just before the roll was called, was credited with

157 Allan Spear, p420-422.

shifting a few undecided votes to support the bill. The bill passed 37-30.¹⁵⁸

Earlier in the session, Spear had called Steve Endean, his old friend and ally in the gay rights battles of the 1970s, who was dying of AIDS in Washington, D.C. He wanted Endean to come to Minnesota if he possibly could. Although Endean was very sick on the day of the vote, he sat in the gallery, first in the Senate, then in the House, to watch the bill pass eighteen years after he had made the first attempt.¹⁵⁹

Notes from the Author

I attended the 1974 conference and became a member of the Minnesota Committee for Gay Rights. At that time I was still too closeted to be of much use. Larry Bye who has become a personal friend in California said that he only remembered my name because Steve Endean said I could be counted on to write checks.

One issue I tried to bring up to MCGR people was that the separation of state and church was a principle that we should emphasize in lobbying. To me, biblical quotes were out of order in deciding secular laws. But the gay Christians seem to think it was important to interpret the Bible differently from the opponents. I claimed that it is not the City Council's or any legislative body's place to decide on the correct interpretation of the Bible.

In 1974, I took time from my job to testify at the St. Paul City Council for the pending Ordinance. I asked the press not to identify me for fear of losing my job. I did this partly to emphasize the fact that many of us lived in fear of losing our jobs.

That evening, Susan Spencer of WCCO-TV praised my testimony pointing out that I did not wish to be identified. However, the camera showed me from the rear. People who knew me recognized me. My favorite comment was from someone at work the next day who said that I had a "very photogenic back."

In my testimony, I identified myself as a member of the St. Paul Trades and Labor Assembly. I represented Local #22 of the American Federation of State, County and Municipal Employees (AFSCME) Council #6 (Minnesota State Employees).

¹⁵⁸ Ibid, p422-424.

¹⁵⁹ Ibid, 420

A group of St. Paul firefighters was there to testify against the Ordinance. After the hearing, the firefighters gathered around me in the lobby and threatened to bring up the issue at the next meeting of the Trades and Labor Assembly. Steve Endean and the other MCGR members abandoned me.

Steve Endean subsequently promised to attend the next Trades and Labor meeting, but did not show up. Again I was facing “the world” alone. Surprisingly, Frank Rodriguez, an agent for the carpenter’s union, stood up and spoke eloquently about how he could not save the job of an excellent carpenter because there was no protection for gay workers.

Rodriquez later ran for the State Legislature. He was pro-life but for gay rights. The Democratic-Farmer-Labor Party eventually endorsed him. When the gay rights legislation came up, he voted against it because his Roman Catholic parish priest told him how to vote. This validated my mistrust of politicians as well as the power of the Roman Catholic Church.

In 1977, because of my involvement with the American Federation of State County and Municipal Employees Council #6, we negotiated protection for GLBT people who were Minnesota state employees. I believe we were the first union in the country to protect GLBT people. The following year I learned that a member of the New York City AFSCME was expelled from his union meeting because he was gay. At our next union meeting, I expressed my concern that my job was protected but my union membership was not. The up-shot was that AFSCME Council 6 submitted an amendment to the AFSCME Constitution. The Amendment, adding Sexual Orientation as a protected class to the International Constitution of AFSCME, was narrowly passed at the 1979 Convention in Anaheim, California.

Chapter VII

BACKLASH

Anita Bryant is arguably the most recognizable anti-gay figure in the post-*Stonewall* era. The modern gay movement is often said to have begun with the riots at the *Stonewall Bar* in New York City (see Chapter II). Following her role as a runner-up in the 1959 Miss America pageant, Bryant experienced moderate success in the music industry during the 1960s. By 1970, she was a spokeswoman for the *Florida Citrus Commission*. She also appeared in commercials for Coca-Cola and Kraft Foods.

Her career in advertising funded her simultaneous work as an anti-gay activist—these two occupations were frequently at odds with one another. She led the campaign to repeal the gay rights ordinance in Dade County, Florida. With frequent death threats, protests, and hate mail surrounding her every move, the “*Orange Juice Lady*” had occasional difficulty selling her products. This was the case on May 21, 1977, when GLBT people from the Twin Cities noted a short visit by the singer with what they dubbed “*National Fruit Day*” just days before the vote in Dade County, Florida. This was based on the fact that Anita Bryant preferred to call GLBT people “*fruits*,” a derogatory expression. It simultaneously played on the campy irony of her visit. She was here to commemorate the opening of a new warehouse for the *Bergin Wholesale Fruit Company*.

Located in a southeast Minneapolis industrial park, *Bergin Wholesale Fruit Company's* entrance was only accessible by a frontage road that stretched without interruption for about a mile. GLBT organizers of *National Fruit Day* took advantage of this—the protest's 750 GLBT participants lined both sides of the street to “welcome” Bryant and her entourage. A smaller group of Bryant's supporters made it to the event as well, but both groups managed to appease the police and keep their distance. Police only intervened when a young man attempted to give Bryant a bag of rotting grapefruits. She responded, “*Bitter Fruit. Bitter Fruit.*”¹⁶⁰

Richard Angwin, a St. Paul, Minnesota, Baptist minister, encouraged by the nationally publicized and ultimately successful 1977 referendum campaign to overturn the gay rights ordinance in Dade County, ignited a popular furor to overturn the gay rights ordinance in St. Paul. Despite heroic efforts of GLBT people and their supporters, the initiative to overturn the ordinance passed in 1978. This was part of a backlash

160 “OutHistory” Web Site, http://outhistory.org/wiki/National_Fruit_Day

against the gay rights movement that was occurring across America.¹⁶¹ Similar ordinances were repealed in Wichita, Kansas and Eugene, Oregon.

At the time, Jack Baker was the Chair of the *Target City Coalition*, the parent Corporation for the *Minneapolis Parade and Gay Festival Committee*, which sponsored the annual *Twin Cities Pride Festival* each June. The *Target City Coalition* was so named because Minneapolis along with Eugene, Oregon, and Wichita, Kansas, had been targeted by Bryant's group for referenda to overturn the ordinances. However, the Minneapolis gay rights ordinance was spared because the Minneapolis City Charter did not allow initiative and referendum on ordinances. "In my circle of friends," Jack said, "MCGR (*Minnesota Committee for Gay Rights*) was seen as just another DFL front group." Their purpose, he continued, "so far as I could tell, was to collect money and votes for DFL candidates." Calling themselves "the leadership," they claimed respectability because "their lobbyist wore a suit when he met with DFL office holders." Baker called them the "*suits*."¹⁶²

Two people who were very supportive of the GLBT community, at the time the St. Paul gay rights ordinance was repealed, were the President of the St. Paul City Council, Bob Sylvester, and his wife Mae Seely. He then quietly went through a transgender transition from male to female. In 1983, Mayor George Latimer and Mae Seely invited Sylvester's friends to the mayor's St. Paul home to commemorate the former life of Bob Sylvester. Latimer said, "It was very much like a (funeral) service in the feeling the people had. Certain people would stand and testify to their love for Bob. I found it a moving, draining experience."¹⁶³ After saying farewell to Sylvester, they all welcomed Susan Kimberly, the new name Sylvester had chosen, in her first public appearance as a woman.¹⁶⁴ Kimberly eventually returned to politics, became a Republican, and was the chief of staff for Republican St. Paul Mayor (and subsequent United States Senator) Norm Coleman. At a retirement party in 2010, Kimberly quipped, "I lost more friends becoming a Republican than I did becoming a woman."¹⁶⁵ Susan and her ex-wife, Mae, who had been very supportive throughout the transition, continue to be good friends.

161 Hanson, 3.

162 Bronson, 38.

163 *St. Paul Dispatch*, April 29, 1983.

164 Kimberly's transition led to a four part series in the *St. Paul Dispatch* explaining transgender people to the general public.

165 *Minneapolis Star Tribune*, July 30, 2010.

In 1979, the Minneapolis Police Department was arresting gay men in large numbers in bath houses, outside gay bars, and at Loring Park in Minneapolis. Although the Hennepin County Attorney dropped the sodomy arrests, which could have been litigated as unconstitutional, the Minneapolis City Attorney charged people with being in a disorderly house, indecent exposure, and disorderly conduct. Phil Willkie organized the *Minnesota Gay Defense Fund (MGDF)* to help these men by offering free legal defense to anyone who would plead not guilty. This would tie up the courts by demanding jury trials. This was very expensive and time consuming for the courts. The trials usually lasted three days. Willkie says the thirty men who contested these charges were the real heroes. St. Paul attorney Jeffrey Anderson handled most of the cases without charging a fee (*pro bono*). (Anderson has since become well known throughout the country for his handling of sexual abuse cases against the Roman Catholic Church.)

Working with Chief of Police Anthony Bouza, a liberal policeman from New York City who was hired to clean up the Minneapolis Police Department, the *MGDF* was influential in having the Vice Squad abolished.¹⁶⁶

In late 1979 or early 1980, the Minnesota Committee for Gay and Lesbian Rights (MCGLR formerly MCGR),¹⁶⁷ the Legal Task Force chaired by Sue Short and Dan Hanson distributed an informational flyer entitled, What You Need to Know When the Police Arrive (Unexpectedly). It listed twelve lawyers who had agreed to represent gay men arrested in vice raids. Although the majority of these lawyers were not gay, they were sensitive to the concerns of gays. They were Jeffrey Anderson and Kenneth Keate (both of St. Paul), Dave Cohoes, Gregory Gault, John Hargans, Jane Hogan, John Hopeman, John Kraatz, Marc Kurzman, Brian Miller and Mark Wernick (all of Minneapolis) and Jim Manahan (of Mankato).¹⁶⁸

166 Email from Phil Willkie, Jan. 3, 2012

167 At this time in history, most organizations with the term 'gay' added the term 'lesbian'

168 Hanson, 10

Minnesota Committee for Gay and Lesbian Rights Legal Taskforce

WHAT YOU NEED TO KNOW WHEN THE POLICE ARRIVE (UNEXPECTEDLY)

The following information has been compiled in responses to the raid on the Locker Room on December 1, 1979, and is applicable to most situations except procedures followed for cases involving driving while intoxicated.

CITATIONS

Most of the “offenses” which are applicable to the raid situation are misdemeanors, and the police SHOULD issue a citation at the scene of the alleged “offense” and let you go if:

1. You can supply appropriate identification.
2. You sign a promise to appear in court or otherwise properly respond to the citation issued.

ARREST WITHOUT A WARRANT FOR A MISDEMEANOR

The police can take you to jail for a misdemeanor if they believe it is necessary to prevent bodily harm to the accused or another, to prevent further criminal conduct, or if there is a substantial likelihood that the accused will fail to respond to the citation. The “substantial likelihood” basis is usually based on the inability of the accused to provide identification. They will also take you to jail if you refuse to sign the promise to appear.

Once at the jail, they usually issue a citation and release you at that point if you sign the promise to appear, and they MUST release you under these circumstances if the misdemeanor with which you are charged does not have a potential sentence of imprisonment, and you sign the promise to appear.

ARREST WITHOUT A WARRANT FOR A GROSS MISDEMEANOR

The police may either issue a citation or arrest you and take you to jail for detention. Once at the jail, the officer in charge of the jail has the discretionary power to issue a citation rather than detain you. If the decision is made at that point to detain you, you may be released before an appearance in court by the order of the prosecuting attorney, a judge, or a probation officer. In any event, you must be given your first hearing in court within 36 hours after your arrest without a warrant ex-

cluding the day of your arrest, Sunday, and legal holidays.

BASIC DO'S AND DON'TS WHEN DEALING WITH THE POLICE

1. DON'T resist arrest or the issuance of a citation even if you think the arrest or citation is illegal. This can be dangerous, and can complicate your legal problems. The place to fight it is in court.

2. DON'T make any statements, answer any questions, admit guilt, or otherwise discuss the alleged offense with the police or anyone else.

EXCEPTION: If a probation officer is on duty and is doing a pre-release evaluation, it is appropriate to talk with this person privately because s/he may recommend your release. Be sure this is the person you are talking to. S/he should assure you that nothing you say to him/her can be used against you.

EXCEPTION: At the time of your "apprehension," if it appears absolutely certain that you are going to be either given a citation or arrested, it is appropriate to ask for a citation rather than arrest and detention. (ask politely)

3. If you are detained in jail, CALL YOUR ATTORNEY, or call someone who will get an attorney for you. Request permission to make a phone call if you are not given the opportunity to do so. You are entitled to at least one call.

4. If you receive a citation, call your attorney before your scheduled court appearance.

5. DON'T sign anything except the promise to appear on the citation.

6. DO request anything you need for your personal comfort or health, such as prescribed medication, etc., if you are detained by the police or in jail.

7. When making telephone calls from jail, be careful what you say. The phone conversation may be overheard. Just tell the person you are calling what the charges are against you, where you are, and personal items, but do not admit guilt or talk about the alleged offense on the phone.

The Minnesota Committee for Gay and Lesbian Rights has compiled a list of some attorneys who handle these types of cases. For referrals, contact;

M.C.G.L.R. Office: 871-7913

Jean-Nickolaus Tretter said, “It had been a time of GLBT protests but the protests wound down. After a time they began to realize that GLBT protests no longer got much attention.” Radio programs and television shows no longer bothered to cover them. In the meantime the *Twin Cities Pride Festival* had become the large event that got the public’s attention. Possibly only the State Fair and the (Minneapolis) Aquatennial were larger events.¹⁶⁹

In June 1980, the *University of Minnesota Lesbian/Gay Community* student organization published a 48-page soft cover booklet titled *Twin Cities Gay and Lesbian Resources Guide*. It listed Jeffrey Anderson, the St. Paul law firm of Margoles and Gedman, Minneapolis attorneys Randall D. B. Tigue, M. Sue Wilson, and Antoinette Pomerene. It also listed *Central Minnesota Legal Services*, *Legal Aid Society*, the *Minnesota Civil Liberties Union*, *MCGLR’s Gay and Lesbian Rights Legal Task Force*, and Phil Willkie’s *Minnesota Gay Defense Fund*.¹⁷⁰

In January of 1981, there were no attorney advertisements of any kind in the *GLC Voice*, which was at that time the only regularly appearing sexual minority publication in Minnesota. At this time, many attorneys who were gay or lesbian were unwilling to publicly identify as such, for fear of jeopardizing their employment in establishment law firms. This led activists to realize there was a need for a legal service for the GLBT community.¹⁷¹

Under the leadership of Dan Hanson and Sue Short from *MCGLR*, and Dr. Matthew Stark, executive director of the *MCLU*, a meeting was called in January 1981 that led to the formation of the *Minnesota Gay & Lesbian Legal Assistance (MnGALLA)*, which became an important part of the GLBT scene in the Twin Cities.

In June of 1981, the *Minneapolis Immigration and Naturalization Service* office at the Minneapolis-St. Paul International Airport deported a gay man who had just arrived from London. This was based on a United States State Department policy issued the previous year denying entry visas to all persons “known” to be homosexual.¹⁷²

In 1980, 1981 and 1982, the Minneapolis City Council overwhelmingly voted to deny a permit for a block party on Hennepin Avenue to the *Gay Pride Committee*. Such permits had in the past routinely been issued

169 Jean-Nickolaus Tretter Interview, Feb. 17, 2012

170 Hanson, p10-11.

171 Hanson, 11.

172 Hanson, 3.

for other organizations' celebrations and events.

On Thanksgiving Day, 1981, the Minnesota Civil Liberties Union, under the leadership of Executive Director Dr. Matthew Stark, called a press conference to denounce the Council's action and to announce plans to challenge the denial in court. Having documentation to prove this fact, the MCLU, with the assistance of volunteer attorney Jonathan Adams, in 1982 sued the Minneapolis City Council in federal court, where U.S. District Court Judge Miles Lord ordered the City to issue the permit.¹⁷³ Dr. Matthew Stark speaks highly about Judge Miles Lord, "He was outspoken and clear. We didn't choose him. We got him. And that's how we ended up winning the Gay Pride Block Party case. A few years later, Lord let himself be interviewed by Jason Smith for his book on this Case."¹⁷⁴

173 Smith, Jason, *Gay Pride vs. the City of Minneapolis-The Gay Pride Block Party Case*, Minneapolis, the Friends of the Bill of Rights Foundation, 2011, covers this case.

174 Interview with Dr. Matthew Stark, May 14, 2012.

the GAY PRIDE COMMITTEE

September 1, 1982

Matthew Stark, Executive Director
Minnesota Civil Liberties Union
628 Central Avenue
Minneapolis, MN 55414

Dear Matt:

The members of this committee are unanimous in their resolve to bestow thanks upon the Minnesota Civil Liberties Union, and its voluntary attorney Jonathan Adams, for the unceasing defense of the right of all people to congregate in the streets. Without personal and financial support, given freely over a period of two and a half years, Gay men and women would still be denied the right to dance in the streets during the annual Festival of Pride. We thank you from the bottom of our hearts for persevering in the development of a comprehensive street use ordinance for the City of Minneapolis.

Sincerely yours,
FOR THE COMMITTEE



Michael Williston,
Coordinator of Gay Pride, '81/'82

Notes from the Author

National Fruit Day was the first time that David Irwin, my partner, participated in a demonstration. The monitors lined us up three abreast. Unfortunately, David was quite uncomfortable because he marched next to a man with a black beard wearing drag!

When some of us from St. Paul suggested to *MCGR* that we had to prepare for the Anita Bryant backlash, we were told by the “powers that be” at the *Minnesota Committee for Gay Rights* that there was no threat. Then they set up their own organization to fight Anita Bryant’s initiative to overturn the gay rights ordinance. David Irwin (a closeted high school teacher at the time) and I spent lots of time helping at the office of this organization, as well as donating money.

I volunteered to be part of the speakers’ bureau, but I was never given an assignment. Because the religious people kept saying gay rights was a moral issue, the *MCGR* folks said that we should emphasize that it was a civil rights issue, not a moral issue. I was against giving the churches the moral high ground and said “civil rights is a moral issue.” I think that is why I was never given an assignment to speak for *MCGR*.

A man and a woman came from Dade County, Florida, to help *MCGR*. David and I offered a room in our condo for the man, but he was housed instead at the Summit Avenue, St. Paul, home of Curt Oliver and Gail Hanson. Because David was laid up from surgery, he decided to lend his car to the campaign for the use of the Florida folks. Our only thanks were a handful of unpaid parking tickets for the car.

I personally knew Bob Sylvester’s wife, Mae Seely, because she taught at St. Paul Central High School with my partner David Irwin. I met Susan Kimberly (formerly Bob Sylvester) a few years after her transition while she was still active in the Democratic Farmer Labor Party. Both of these people were wonderful and brave folks.

Chapter VIII

HOMICIDES

Almost all of the information in this chapter was gathered from Dallas Drake,¹⁷⁵ the Principal Researcher and co-founder of the Center for Homicide Research in Minneapolis, Minnesota. The Center is a unique, volunteer driven, nonprofit organization addressing the unique issue of homicide in the GLBT communities. Its mission is to promote greater knowledge and understanding of homicide through research, analysis, and effective community partnership. Its goals are to increase case solvability, to articulate homicide issues and to reduce the incidence of homicide. During the years covered by this book there was a rash of murders of gay men. Dallas Drake has studied the killing of gay men. Until the advent of gay newspapers, he says, not much was reported on these murders. Drake also reports that most gay homicides have a sexual component and were not widely reported. Most of these deaths received little publicity, especially when they came at the hands of other GLBT people as offenders. In other instances, the victim was not considered to be gay. These cases involved a marginalized group (the victims) within a marginalized group (GLBT people). For years, not much was made of deaths that occurred within the context of same-sex domestic abuse. Because they were a “dirty dark secret” of the GLBT community, these intimate-partner deaths were not really the focus of our public consciousness until a study, first published in 1996 by the National Coalition of Anti-violence Programs,¹⁷⁶ hit the mainstream media.

Several local cases of intimate-partner murders have been mentioned in the GLBT press over the years. As female domestic abuse activists filtered into the newly developing GLBT violence prevention programs, they commonly began to focus on impacting what they knew best, domestic violence. Nearly all of the crime victim advocates have risen through the ranks of domestic violence organizations. Nearly all have been, and are, women. Intimate-partner murders were, and are, not the only taboo class of GLBT murders. The murder of adolescents and young children by a homosexual offender has sometimes occurred, creating strong feelings of confusion, shame, and fear among people in the GLBT community. It strongly affects this community and creates a perplexing dilemma for leaders and activists alike. This is especially true when a same-sex offender committed the offense within the context of a sexual

175 Drake is a criminologist, author, researcher and educator.

176 A national advocacy group for GLBT people.

episode, or for a sexual purpose. Most pedophiles are heterosexual and when there is a case of a homosexual pedophile, the GLBT community has usually responded by denying that the offender was a member of their community. Fortunately, these types of homicide cases appear to be quite rare.¹⁷⁷

The case of Terry Knudsen, who was killed in Loring Park in the summer of 1979, changed all of this. Knudsen was not particularly well known, but Drake says this case “took the gay men out of the bedrooms and into the streets.”¹⁷⁸ It was not typical because it occurred outdoors and there was no sexual component. Also, it was a beating that probably was not meant to be a killing. He was beaten by a group of youths, and peer pressure probably exacerbated the attack. The clue that this was a hate crime against a gay man was the location. The victim was a man walking home from work in the late evening or early morning hours. At this time, Loring Park had a reputation as a gathering place for gay men in the evening and nighttime hours. *Positively Gay*,¹⁷⁹ published by Bruce Brockway brought this homicide to the attention of the community. In the July 1979 issue, Brockway wrote that approximately 1200 gay people staged a demonstration on June 12 in Loring Park against assaults and against City Hall’s refusals to recognize the problem. Attacks on men in Loring Park were almost a nightly occurrence. They happened as well on Hennepin Avenue near downtown gay bars.

When Knudsen was on his way home from his job as maitre d’ of the Minneapolis Athletic Club, five friends discovered him staggering in Loring Park. At first they thought he was drunk, then they realized that he had been beaten. Knudsen told them two people had assaulted him while he was walking through the park. The friends drove him to the emergency room at Hennepin County General Hospital. He lost consciousness and remained in a coma until he died. Doctors reported that he lost his right eye and his brain had been pushed to the left side of his skull. Because this case led to a lot of attention in the gay press, it spurred the community into action beginning with the June 12 demonstration/rally in Loring Park.¹⁸⁰

Minneapolis Mayor Al Hofstedt, who had been supported by gays in his election, made no statement until the day of the rally. He said, “This

177 Drake, Dallas, “*History of Murder in the Minnesota GLBT Community*” (An unpublished paper prepared for Dr. Stark for later publication.)

178 Drake interview, April 11, 2012.

179 A short-lived Gay Paper; see Chapter III.

180 Drake interview.

isn't the only incident that we've heard about in the city." The *Minneapolis Tribune* quoted the mayor as saying at a press conference that the Loring Park area has been known for years as one of the most dangerous areas in the city, and that it was not patrolled between 1:00 a.m. and 9:00 a.m. He then promised that two to four policemen would patrol Loring Park after dark.¹⁸¹

When asked about the number of homicides in St. Paul, Drake said there were very few because there is no target area in that city, such as Loring Park in Minneapolis.¹⁸²

During the middle of the 1980s, Minneapolis saw a dramatic and unrestrained killing of GLBT victims. The community mobilized the best it could at the time. No official institutions had yet been developed and the community was just beginning to take notice of the impending AIDS pandemic. *GLC Voice* newspaper editor, Tim Campbell, regularly ran articles about killings in other regions of the country, sometimes printing photos of victims or suspects in their murders. It is possible that during this time, murders of GLBT people were on the upswing in areas other than Minnesota, though this would be difficult to document.

Many of the Minnesota murders appeared to be hate-related. Fear of a serial killer was fueled by the fact that few of these cases could be solved, many of them appeared to have several common factors, and heterosexual murders didn't look like gay murders. GLBT people sensed their own particular vulnerability of being targeted for being members of a marginalized group. Fear based on group status is the goal of a hate-crime, for it creates uncertainty and questioning that cannot be eradicated.

Occasionally, when a better-known community member was murdered, it received attention from the press. But even some of these victims, unknown to the community as gay, were only recognized for their larger contribution to society's achievements. Sometimes it was a prominent radio personality, or an elected public official, such as African-American educator, politician, and consultant Earl Craig, Jr., or State Senator John Chenoweth.¹⁸³

John Chenoweth was shot on August 10, 1991, in an area along the East Bank of the Mississippi River known to be frequented by gay men. There were rumors of his being gay, but he never discussed it. The police

181 Bruce Brockway, *Positively Gay*, July 1979, 1.

182 Drake interview on April 22, 2012.

183 Drake, "History of Murder in the Minnesota GLBT Community."

surmised that the shooting was related to the shooting death of Joel Larson, another gay man, two weeks earlier in Loring Park.¹⁸⁴ Larry Bye, who was an aide to Chenoweth, said that although Chenoweth was married, he was a closeted gay man.¹⁸⁵

Filmmaker Arthur Dong, in his 1998 documentary *Licensed to Kill*, interviewed Jay Johnson, the man convicted of killing both Chenoweth and Larson. Johnson said, “I believe I was a very confused person. I wasn't exactly black or white; I'm half and half. And I don't belong specifically to the black community or the white community. I have gay preferences, but I don't really embrace the gay community—I'm religiously hostile to them. There's a lot of contradictions there.”

Jay Johnson had high political aspirations—he was also gay. He was raised in a strict, religious household. His adoptive father was vice-president of enrollment at *Bethel College & Seminary* (a Christian liberal arts school) and often spoke openly against homosexuality. Johnson is a good example of what happens to a young gay person brought up in an environment that does not accept gay people. Conflicted about his sexual orientation, Johnson resorted to murder as a means to exorcise desires that the Christian church around him labeled immoral and worthy of death. Johnson said, “I was disgusted with what I was doing. And quite frankly, I just thought to myself, 'If I shut these places (parks where gay men meet each other) down, my temptation to do that would be less.' I would think to myself, 'This is a constructive, moral thing to be doing.' And I certainly didn't just come up with that idea. I watched *The 700 Club* (a Christian TV program) sometimes featuring Pat Robertson—they're constantly talking about gays.”

Johnson had ambitions to be a notorious serial killer and succeeded in killing two gay men and wounding one before being arrested. Ironically, one of his victims, former State Senator John Chenoweth, was a politician whose homosexual orientation was not well known. Johnson wanted to terrify the local St. Paul/Minneapolis GLBT community and had written a public letter before the killing that laid out his plans, signing his six-page manifesto “The AIDS Commission.” Johnson kept a personal journal in which he described how this goal became even stronger when he was diagnosed as HIV positive.¹⁸⁶

184 *Minneapolis Star Tribune*, August 13, 1991

185 Interview with Larry Bye, March 15, 2012.

186 Deep Focus Productions, www.deepfocusproductions.com/licensed_to_kill_profiles.php

Chapter IX

GETTING THE WHOLE COMMUNITY INVOLVED

Toward the end of 1983, the Board of *Minnesota Gay & Lesbian Legal Assistance (MnGALLA)* was exploring further outreach efforts to the community. They created an active partnership with “caucuses” of sexual minority students at each of the state’s three law schools: the *University of Minnesota Law School*, *William Mitchell College of Law*, and the *Hamline University Law School*.¹⁸⁷ Dr. Matthew Stark of the *Minnesota Civil Liberties Union (MCLU)* worked with each of these law schools to set up chapters of the *Minnesota Justice Foundation*, which still exist today in lieu of *MCLU* chapters, which provide law student help to the *MCLU*, but whose law students are not restrained in their public statements and activities by being official parts of the *MCLU*.

Taking advantage of the fact that Dr. Matthew Stark, *MCLU*’s executive director, was also a *MnGALLA* board member, *MnGALLA* partnered with Stark and the *MCLU* in holding two day-long comprehensive legal conferences/seminars on sexual minority rights. These featured workshops on a broad variety of legal issues confronting gays and lesbians.

The first of these two conferences was held at the Leamington Hotel in Minneapolis on April 24, 1984. During this conference one-hour-long workshop sessions were held on the following topics:

- Minneapolis civil rights complaint procedures
- Estate planning and tax consequences for single persons
- Sexual privacy, entrapment and sodomy laws
- Gay and lesbian parenting, adoption and child custody issues
- Domestic partnership and marital status discrimination
- Military service and consequences for sexual minorities
- AIDS related issues regarding housing, employment and medical treatment

¹⁸⁷ Hanson, 34.

Also, local attorneys offered half-hour free confidential consultations on legal problems to members of the GLBT community who wanted such help.

This first-of-its-kind event in Minnesota drew speakers from large and distinguished law firms and over 175 attendees including gay and straight lawyers, law students, and leaders of GLBT organizations and interested members of the GLBT community. Although most were from the Twin Cities, interested persons attended from Duluth, Mankato, and St. Peter in Minnesota, and Iowa City, Iowa.

Because of the success of the 1984 conference, another conference was held in October 18, 1986, at the Hennepin County Government Center. In addition to the same format as the 1984 Conference, it featured Thomas Stoddard, the Executive Director of *Lambda Legal Defense and Education Fund*. The title of his talk was “*Lesbian and Gay Issues on the National Level.*”¹⁸⁸

Flyers concerning these two conferences were sent to all the large law firms throughout Minnesota, so that many more lawyers and others knew about these conferences than the number of attendees would indicate. As a result, many of the large law firms soon thereafter set up GLBT committees for their lawyers, which helped sensitize these lawyers to potential clients in the GLBT community, as well as making it comfortable for GLBT staff members to become uncloseted.

188 Hanson, p34-40 and 79-80

PLEASE POST OR DISTRIBUTE

PLEASE POST OR DISTRIBUTE

MINNESOTA GAY AND LESBIAN LEGAL ASSISTANCE
MINNESOTA CIVIL LIBERTIES UNION FOUNDATION

Conference on Gay/ Lesbian Rights

Saturday, April 28, 1984

9:00 a.m. to 4:30 p.m.

Leamington Hotel

1014 3rd Avenue South

Minneapolis, Minnesota

The conference will consist of one-hour blocks during which seminars will be conducted on two concurrent topics by some of the most knowledgeable and articulate speakers in the state of Minnesota. The following is a schedule of topics to be covered:

MNGALLA

I. 10:00 to 11:00 a.m.

- A) Civil rights procedure and the Minneapolis Civil Rights Commission: Rick Osborne, Esq.; Ron Hook, Esq.
- B) Tax consequences for the single person and estate planning: Jean Williams, CPA; Carla Messman, Ph.D. Tim Piepkorn, Esq.

II. 11:00 a.m. to 12:00 p.m.

- A) Sexual privacy, entrapment and sodomy laws: Amy Silberberg, Esq.; Randy Tigue, Esq.; Jeff Anderson, Esq.
- B) Adoption, custodial issues and lesbian and gay parenthood: Sue Short, Esq.; Barb Zander, Esq.

12:00 to 2:00 p.m.

LUNCH BREAK

III. 2:00 to 3:00 p.m.

- A) Domestic partnership and marital status discrimination: Ann Richtman, Esq.; Toni Pomerene, Esq.
- B) Military service status and consequences: Allen Gibas, Esq.

IV. 3:00 to 4:00 p.m.

- A) A.I.D.S. in relation to housing, medical treatment and employment issues: Hanan Rosenstein, M.D.; John Whyte, M.D.; David Mayo, Ph.D.; Ken Keate, Esq.

MCLUF



- B) Recent judicial and legislative developments concerning lesbians and gay men: Linda Ojala, Esq.; Representative Karen Clark; Senator Allan Spear; Steve Block, Esq.

To reserve a spot in one or more of the above workshops, please check the appropriate space on the following registration form. If for reasons of anonymity you prefer not to give your name, address, or telephone number, simply check item 4 on the registration form to let us know that you are coming.

During the four-hour period indicated above, those individuals wishing to consult with private attorneys on legal questions or legal problems may do so for a maximum of thirty minutes. Consultations will be free of charge and strictly confidential. Please indicate when you wish to see an attorney by checking two lines on the registration form since we may not be able to accommodate your first request. In the event that you will not want to give your entire name, please indicate your first name and last initial for purposes of directing you to an attorney.

In order to direct you to rooms where workshops are being held, and to areas where legal consultations are being conducted, we ask that you please go to the registration desk located outside the conference area when you first arrive at this event.

CHAMPAGNE RECEPTION

Later in the evening of Saturday, April 28, from 8:00-10:00 p.m., the Minnesota Civil Liberties Union Foundation will pay tribute to and hear from the Honorable Judge Crane Winton at a champagne reception. Tickets for this event are \$30.00. If you wish to attend the champagne reception, please check item 7 on the registration form and we will get back to you with all necessary details.



MINNESOTA CIVIL LIBERTIES UNION FOUNDATION
628 Central Avenue
Minneapolis, Minnesota 55414
(telephone) (612) 378-0140 or 291-7077

1. Name _____
2. Address _____
3. Phone _____
4. Counting yourself, how many people will accompany you? _____
5. Please indicate by Roman numeral & A or B which workshop(s) you would like to attend _____, _____, _____.
6. Please indicate when you would like to consult with an attorney:
10:00-11:00 a.m. ____, 11:00 a.m.-12:00 p.m. ____, 2:00-3:00 p.m. ____,
3:00-4:00 p.m. ____.
7. Yes, I would like to attend the champagne reception honoring Judge Crane Winton ____, enclosed is my check for \$30.00 .

PLEASE POST OR DISTRIBUTE

PLEASE POST OR DISTRIBUTE

MINNESOTA GAY AND LESBIAN LEGAL ASSISTANCE
MINNESOTA CIVIL LIBERTIES UNION FOUNDATION

Conference on Gay/Lesbian Rights

Saturday, October 18, 1986

9:00 A.M. to 4:00 P.M.

HENNEPIN COUNTY GOVERNMENT CENTER

(Lower Level)

300 South 6th Street

Minneapolis

MNGALLA

MCLUF

- I. 9:00 A.M. - 9:30 A.M.
REGISTRATION
- II. 9:30 A.M. - 10:30 A.M.
 - A) AIDS AS A GENERAL TOPIC: contact tracing, handicapped laws usage, insurance availability, employment discrimination, etc.: Eric Engstrom, Executive Director, MN AIDS Project; Gary Ranklia, Esq.
 - B) WILLS AND ESTATE PLANNING: Tim Peipkorn, Esq.; Sue Wilson, Esq.
- III. 10:30 A.M. - 12:00 NOON
 - A) EMPLOYMENT DISCRIMINATION: Emma Hixson, Executive Director, Department of Human Rights
 - B) SEXUAL PRIVACY: Bill Keppel, Esq.; Randy Tighe, Esq.; Diane Wiley, Esq.
- IV. 12:00 NOON - 1:30 P.M.
LUNCHEON RECESS
- V. 1:30 P.M. - 2:30 P.M.
 - A) LESBIAN AND GAY ISSUES ON THE NATIONAL LEVEL: Thomas Stoddard, Executive Director, LAMBDA
- VI. 2:30 P.M. - 3:30 P.M.
 - A) FAMILY LIFE AS IT RELATES TO GAYS AND LESBIANS; adoption, visitation rights, fertilization, custody, divorce, etc.: Dr. Judith Warschura; Jaqueline Fendler, MSW; Suzanne Born, Esq.
 - B) AIDS FROM THE INDIVIDUAL'S POINT OF VIEW: Howard Bell, Hospice Program, Abbott-Northwestern Hospital; Leo Treadway, Associate, Reformation Lutheran Church
- VII. 3:30 P.M. - 4:00 P.M.
CLOSING: Matthew Stark, Executive Director, MCLUF; Tim Peipkorn, President, MNGALLA

(OVER)

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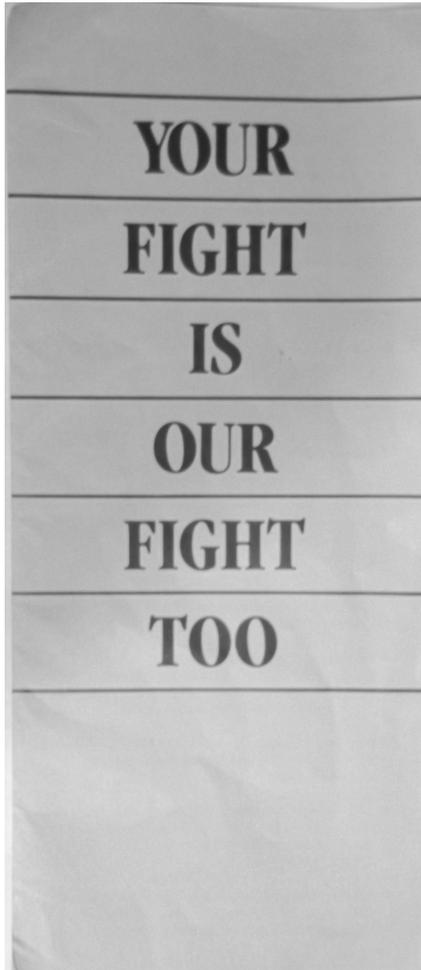
FREE FREE FREE FREE FREE FREE FREE FREE FREE FREE FREE FREE

During the conference those individuals wishing to consult with private attorneys on legal questions or legal problems may do so for a maximum of thirty minutes. Consultations will be free of charge and strictly confidential. Please indicate on the coupon below when you wish to see an attorney by checking two lines on the registration form since we may not be able to accommodate your first request and mail the coupon to MNGALLA/MCLUF. In the event that you will not want to give your entire name, please indicate your first name and last initial for purposes of directing you to an attorney. In order to direct you to rooms where workshops are being held, and to areas where legal consultations are being conducted, we ask that you please go to the registration desk located outside the conference area when you first arrive at this event.

CHAMPAGNE RECEPTION

Later in the evening of Saturday, October 18, from 8:00 - 10:00 P.M., the Minnesota Civil Liberties Union Foundation(MCLUF) and Minnesota Gay and Lesbian Legal Assistance(MNGALLA) will pay tribute to and hear from Thomas Stoddard, Executive Director, LAMBDA, at a champagne reception. Tickets for this event are \$35.00. If you wish to attend the champagne reception, please check item 5 on the registration form and we will get back to you with all necessary details.

Chapter X
YOUR FIGHT IS OUR FIGHT TOO



Copies of this flyer were distributed after the conferences in 1984 and 1986, that showed how much both the American Civil Liberties Union (ACLU) and the Minnesota Civil Liberties Union (MCLU) were doing for GLBT people at the time.

YOUR FIGHT IS OUR FIGHT TOO

LIBERTY. The American Civil Liberties Union has fought to preserve and expand it for over sixty years. The Minnesota Civil Liberties Union has been active since 1952.

In our across-the-board fight for civil liberties, we've taken on some battles of crucial importance to gay and lesbian people across the country:

- We've lobbied hard to enact lesbian/gay rights ordinances.
- We've challenged archaic laws making sodomy a crime.
- We've exposed police violence against gays/lesbians.
- We've won custody rights for lesbian/gay parents and jobs for gay and lesbian employees.
- We've fought for the rights of gays/lesbians to serve their country as military officers. And we've fought to eradicate the stigma of dishonorable discharges of homosexuals.

In MINNESOTA, we've:

- Challenged Minnesota's sodomy law, arguing that the government has no business intruding into people's private consensual sex lives.
- Represented a handicapped lesbian in her struggle to have her lover appointed her guardian and to have the right to visit her.
- Litigated in opposition to the position of the superintendent of Minneapolis schools which forbids a gay/lesbian panel on alternative lifestyles from speaking by invitation, to elementary school classes.
- Appeared amicus in the criminal proceedings against persons arrested in the Locker Room Bath House raid on December 1, 1979.
- Prepared legal documents and background research memos for use in litigation challenging the IRS's denial of tax-exempt status to the Church of the Chosen People, a gay church.
- Filed an amicus brief in support of a gay who was challenging the Big Brother's practice of collecting sexual preference data on

applications. Unfortunately the Minnesota Supreme Court held that the Minneapolis Civil Rights Ordinance does not prohibit such collecting and dissemination of data by the Big Brother's organization.

- Successfully represented a gay who was denied employment at the Northwestern Bell Telephone Company because of his sexual preference.
- Successfully represented a gay law student before Minnesota Board of Law Examiners and won for him permission to take the Minnesota Bar exam.
- Appealed to the U.S. Supreme Court on behalf of two adult males who wished to get married but were denied an application. Unfortunately, the U.S. Supreme Court refused to hear our arguments against the decision of the Minnesota Supreme Court.
- Provided free legal assistance to a gay person who had been accepted and then fired as a librarian at the University of Minnesota. We supported his right not to have the public avowal of his sexual preference used as the sole basis for terminating his employment. Unfortunately, this case was lost at the 8th Circuit Court of Appeals in St. Louis where MCLU volunteer attorneys litigated on his behalf.
- Co-sponsored with Minnesota Gay & Lesbian Legal Assistance the April 28, 1984 and the October 18, 1986 conferences on gay/lesbian rights.
- Lobbied members of the United States Congress in favor of a bill which would prohibit discrimination on the basis of sexual or affectional preference.¹⁸⁹
- Lobbied against the St. Paul referendum to remove that city's gay rights ordinance and for adoption of a gay rights ordinance in Duluth. Unfortunately, we were unsuccessful in both endeavors, but we will keep working on these crucial ordinances.
- Provided free legal assistance to the Gay Pride Committee to win for them the right to have block parties on Hennepin Avenue.
- Lobbied members of the Minneapolis Civil Rights Commission in favor of a "domestic partnership" proposal which would give

189 At the time of writing this book, Congress has yet to pass such a bill.

gay and lesbian couples the same privileges of marriage that straight couples enjoy.

- Lobbied Minnesota legislators in favor of adding “sexual and affectional orientation” to the Human Rights Act of Minnesota. We also urged all members of the MCLU to write to their state legislators to express their support for this very important issue.¹⁹⁰

A NEW ACLU GAY/LESBIAN RIGHTS PROJECT SIGNIFIED OUR CONTINUING COMMITMENT. IN FACT, GAYS AND LESBIANS HAVE A STAKE IN ALMOST EVERY FIGHT WE TAKE ON:

THE RIGHT TO PRIVACY. We’re concerned about the increasing technological capability for invasion of personal privacy—the development of a complete dossier which follows citizens from cradle to grave. We’re against all forms of government snooping into the private lives and activities of citizens from political involvement to sexual behavior. If you want to keep the government out of your bedroom, the fight for privacy is your fight too.

EQUAL TREATMENT UNDER THE LAW. We believe that age or sex or skin color—or sexual preferences—are irrelevant to a person’s qualifications for a job, education, or societal benefit. We’ve represented women who want to be firefighters, the first woman in Minneapolis to become a bartender, senior citizens who want to continue their teaching careers, blacks denied a home or apartment later sold to or rented to whites. If you want to be judged on your individual merits, and not on your sex life or sexual preferences, the fight for equal treatment is your fight too.

FREEDOM OF SPEECH AND ASSEMBLY. We took a lot of flack—and lost a lot of members—for defending the right of a group of neo-Nazis to march in the predominately Jewish town of Skokie, Illinois. We took the case because we believe in freedom of speech for everyone no matter how unpopular their views. Just think, if towns were permitted to prohibit political demonstrations because they didn’t approve of the sponsors, how many gay rights marches would be banned in the United States!

¹⁹⁰ This finally passed in 1993.

This flyer ended with an exhortation to join the ACLU and the MCLU to assist in their battle for the civil rights of all Americans.

As the Author, it is my hope that this small book has convinced readers of the continual battle by the MCLU for the rights of all.

Appendix I

Praise of the MCLU and Dr. Matthew Stark

From **Jack Baker** in an email, March 25, 2012:

Minnesotans defined the Modern Gay Movement, and Matt Stark led the drive for marriage equality. As its Executive Director, he persuaded the Minnesota Civil Liberties Union to defend my right to marry Michael McConnell, the adult of my choice. He defied the national office of the American Civil Liberties Union—"Marriage is not a civil liberties issue"—by appealing every rejection, all the way to the U.S. Supreme Court. Dr. Matthew Stark stopped only when the court of last resort dismissed the final appeal "for want of a substantial federal question," which is courtspeak for now is not the time. The flame ignited in Minnesota and the torch carried by Dr. Matthew Stark continues to transform an entire world.

From **Tim Campbell**, former editor and publisher of the *GLC Voice* newspaper (Minneapolis, 1979-1992):

Before there were any ordinances in Minneapolis and St. Paul protecting equal opportunity for gays and lesbians, MCLU was known to be ready to protect our rights to demonstrate in public. In fact, pioneer gay rights activist Jack Baker gave me MCLU's phone number the first time I was involved in a leadership position in a gay rights demonstration. That was in preparation for the picket against Northwestern Bell Telephone about March 1974. "Ma Bell" had written that she would not "knowingly" hire an avowed homosexual, in response to a survey sent out by the Minnesota Human Rights Committee (Allan Spear and Steve Endean's group). FREE (the University gay group) elected me its spokesperson for that protest and some feared the police might beat us up royally. Even though there were no "Jim Crow" laws keeping us out of the public forum, the social rule was "homosexuals in the streets would scare the horses." MCLU actually had legal observers at that early demonstration.

Moreover, even though both Minneapolis and Saint Paul passed gay rights ordinances on paper in the early '70s, neither city was litigating in favor of gays and lesbians at all. I am convinced that the municipal politi-

cians had negotiated a secret agreement to that effect with gay rights lobbyists Allan Spear and Steve Endean. I have not checked in years, but when I left Minnesota in 1997, neither Minneapolis nor Saint Paul had ever found anybody guilty of discriminating against gays or lesbians. I doubt a single case has been litigated to this date.

The legal rights seminars MCLU helped organize back in the '80s were also quite an uncommon resource. Basically, MCLU and MnGALLA [Minnesota Gay & Lesbian Legal Assistance] helped teach gays and lesbians to fortify their lives with the same legal props used by middle class straight couples. Note that Jack Baker and Mike McConnell led the world in this direction by demanding recognition of their 1970 marriage. MCLU and MnGALLA worked to get more gays and lesbians to take similar legal steps but perhaps without actually encouraging gays to get married.

The bottom line is Minnesota lesbians and gays had a better life back in the '70s and '80s because MCLU was active and strong. Thanks for the role that Dr. Matthew Stark played in all that.

Note also that the Twin Cities police of the era did not in fact arrest or beat up a lot of gays for just demonstrating in the streets—maybe because there were no longer any horses in the street to frighten. More probably because it was not hard to convince a bunch of sissies to limit themselves to very, very peaceful demonstrating.

However, Minneapolis and Saint Paul cops did spend an inordinate amount of time arresting gay men in adult bookstores and bathhouses. MCLU probably could have provided more help in that part of the struggle.

Finally, in a perfect world, wouldn't all victims of injustice be made filthy rich through lawsuits? Look what Jeff Anderson has won for his clients! Maybe future ACLU groups will go for money damages for victims when civil liberties are abused. As Jack Baker used to say, "Power never concedes an inch until forced to do so." Hit 'em in the wallet!

Keep up the good fight!

From **Phil Willkie** in an email, March 23, 2012:

Matt was a loud no compromise prominent advocate for gay rights when gays were closeted. He was certainly more outspoken in 1975-77 on the civil rights bill and inclusion of transsexuals. Allan Spear did nothing for us during mass arrests and harassment of gay men by the Minneapolis Police Vice Squad 1979-82.

From **Robert Halfhill** in a February 5, 1987 letter:

This is a belated thank you for all your work on behalf of civil liberties over the years. Although we have not always seen eye to eye on everything, I am fearful that civil liberties in Minnesota will not be as well defended after you leave your post as MCLU Executive Director. It is, of course, your decision since you have worked harder than anyone else for civil liberties over the years, but I am afraid we are going to miss your energy and commitment and what the press describes as your sixty hour work weeks. Best wishes in your new endeavors.

From **Robert Halfhill**, July 21, 2012:

The University of Minnesota Administration was furious that Matt Stark spoke at a rally which I helped organize along with FREE and Young Socialist Alliance-Socialist Workers Party, to support Mike McConnell to be hired at the University of Minnesota library. At that time, Stark was the Coordinator of Human Relations Programs at the University of Minnesota and the President of the University of Minnesota was furious at Stark for his supporting McConnell against the University of Minnesota Board of Regents which would not allow the University of Minnesota library to hire McConnell because he tried to get married to Jack Baker. I was delighted that Stark spoke at the rally and thought he was an outstanding straight person who had the courage to support gay rights. Matt Stark, as the Executive Director of the Minnesota Civil Liberties Union, had the brilliant idea to have Janlori Goldman, the MCLU Legal Counsel, visit Sharon Kowalski in a hospital after her terrible car accident which left her nearly totally incapacitated. Sharon's mother and father, who were homophobic, didn't know of Sharon and Karen Thompson's lesbian relationship and took over complete supervision of Sharon and refused to let Karen play any role in the care of Sharon.

Stark instructed Janlori Goldman to ask Sharon Kowalski if Sharon wanted the MCLU to represent her and have Karen Thompson in charge of her welfare and not her parents. Janlori Goldman did this and communicated with Sharon and reported to Stark that Sharon wanted the MCLU to represent her, not her parents. Stark reviewed this with the MCLU Board of Directors who approved of what Janlori Goldman did as Stark instructed her. Stark then recruited Brian O’Neill from the Faegre & Benson law firm to be the volunteer lawyer for the MCLU and represent Sharon Kowalski.

That eventually led through the courts to Karen Thompson becoming the full guardian of Sharon, not Sharon Kowalski’s parents. I believe Stark was very intelligent in doing this and demonstrated his great leadership in helping this lesbian couple get their legal rights.

From **Dick Hewetson**, July 17, 2012:

If nothing else, this book, which I authored, shows how much the Minnesota Civil Liberties Union, and Matt Stark in particular, were concerned about the rights of GLBT people from times when most institutions were totally ignoring us.

Appendix 2

The Berdache as a Stereotype of American Indian Cultures

by Dr. Clara Sue Kidwell

The term “berdache” has become widely accepted in American culture for individuals in American Indian societies who did not fit American societies norms for appropriate sexual behavior. They are generally identified as homosexuals according to current American norms. In the 1970 Hollywood film “Little Big Man,” the berdache is characterized as an effeminate male in women’s dress who openly flirts with the film’s protagonist, Jack Crabbe, portrayed by Dustin Hoffman. He is identified early in the film as the little boy who stays behind in camps when all the other little boys go off on mock raids and hunting trips.

Whereas homosexual behavior is widely considered as deviant in American society, it is a much more complex behavior in American Indian tribal societies. Tribes were highly structured in terms of kinship relationships and the systems of obligations and responsibilities that define the expected behaviors of individuals within the society. Men hunted and protected their families in war; women bore and raised children, farmed, and prepared and distributed food. These roles are generally described as complementary rather than hierarchical. They promoted exchange of goods and cooperative efforts among family groups. Marriage was not a matter of romantic love but was generally seen as an economic relationship. The “bride price” indicated that a young man had sufficient skill to gather the resources to support a wife and family and to contribute goods to the bride’s family on an on-going basis. Institutionalized structures such as ceremonial societies, warrior societies, and curing societies both systematized expectations of people’s behavior and recognized special qualities that an individual might show.

Societal expectations were particularly important in terms of gender roles.¹⁹¹ Biological difference expressed itself very strongly in definition of roles of men and women. In many American Indian societies, elaborate taboos surrounding the female menstrual cycle both restricted women’s activities at certain times of the month by requiring that they segregate

¹⁹¹ Sex is determined by biology, while gender refers to a given society’s expectations of behaviors appropriate for males and females. The two terms are not interchangeable.

themselves from society, and at the same time gave them a respite from the demands of physical labor and food preparation. Men demonstrated expected behavior by acts of bravery in war or raiding parties, in the hunt, and in ceremonial activities such as the Sun Dance on the northern Plains.

Although kinship systems traced an individual's family lineage in various ways—patrilineal, matrilineal, bilateral, avuncular—there is a general correlation between societies in which agriculture was the main subsistence base and matrilineal descent patterns, i.e., a woman and her daughters and sons constituted the family, and fathers and children's spouses married in from other lineages. The classic example of the powerful female lineage is the *owachira* of the Iroquois where men carried out the public roles of "sachems" in the Grand Council of the League but were chosen by the "clan mothers" of their lineages. Women played powerful roles in decision making, but it was covert in that they influenced men's decision making.¹⁹² From a strictly biological standpoint, a matrilineage makes more sense than a patrilineage. One can know who one's mother is, but one cannot always be sure who one's father is.

The complementary nature of male-female relationships is exemplified in a Navajo story of the separation of men and women. In the story, the wife of First Man commits adultery, and when he strikes her on the forehead with a poker when she returns home, she rushes to her mother, Woman Chief, who berates First Man and tells him that he is not the great creative force that he says he is. First Man then takes all the men across the river to the other side. The *Nádleeh* is an important member of the group because he can cook food and farm (the usual tasks of women). The food he prepares sustains the men while they establish fields and crops on their side of the river. The men's crops flourish each year for four years, while those of the women become less productive. Finally the women plead with the men to take them back. First Man left the decision to the *Nádleeh* who decreed that the women should be brought across the

192 K/M/B/ Hewitt, "Notes on Social Organization: The family, the Gens, the Clan, 1896, 191, 1916," Manuscript 3598 National Anthropological Archive, Smithsonian Institution, p 65. Hewitt describes the *Owachira* as a female lineage composed of a mother and her children. Descent was thus traced through the mother's line, and the woman and her sons and daughters constitute the core of the lineage, while the children's spouses were always outsiders because their responsibilities were to their own maternal lineages. The *owachiras* in a village chose the men who represented their lineages as their representatives to the Grand Council of the League. They also had the power to remove these men from the Council if they did not perform appropriately. The *Owachira* also had the power to adopt war captives into their lineage, often to replace male relatives who had been killed in battle.

river to live once more with the men. The moral of the story, so to speak, is that men and women should not live separately. In the story, the decision is left to the Nádleeah who, representing both male and female, is the neutral mediator between the two.¹⁹³

The importance of kinship and the complementary aspects of male and female roles is evidence for the strict division in social expectations of the behavior of men and women. Although kinships systems set up specific expectations with regard to the behavior of relatives to each other (a widespread custom was that a man could not speak directly to his mother-in-law or interact with her in any way, even when they were in the same place), social systems could accommodate a wide range of variations in individual behavior. Even behavior that set certain individuals apart from others was accommodated in specialized social roles, such as individual curers, or religious practitioners known as shamans. These individuals were credited with special spiritual power not available to all individuals in the society.¹⁹⁴ In terms of gender roles, individuals were free to choose to behave according to societal expectations of the opposite sex. Instances of men assuming women's dress and duties (except, of course, child bearing) are widespread among Indian tribes across North America. The Lakota term "winkte" was used for men who assumed women's roles and duties. Winkte were held in high esteem. They took care of the elderly and orphaned children.¹⁹⁵

Men who chose to dress and live as women were accepted readily into family groups. They were not considered deviant because there was an accepted place for them in Indian societies. Although they could not carry out the usual female responsibility of child bearing, they could work harder than women because of their strength, and because they were not inconvenienced by the monthly seclusion that was required of women in many tribes during their menstrual cycles, they could work continuously. Menstrual blood was considered a powerful force that could destroy the special spiritual powers of men. If a hunter crossed the path of menstruating women his skill and luck in hunting might be destroyed. Men could become very ill if they ate food cooked by menstruating women. For the

193 Father Berard Haile, O.F.M., *Women versus Men: A Conflict of Navajo Emergence*, Lincoln, University of Nebraska Press, 1981, p9-35. Haile was a Franciscan friar (order of Friars Minor, or OFM) who spent many years on the Navajo Reservation in the early 20th century, learned the language, and recorded and translated extensive ethnographic material about the tribe.

194 Walter L. Williams, *The Spirit and the Flesh: Sexual Diversity in American Indian Culture*, Boston, Beacon Press, 1986, p1-127.

195 William K. Powers, *Sacred Language: The Nature of Supernatural Discourse in Lakota*, Norman, University of Oklahoma Press, 1986, p188-89

man who lived as a woman, menstruation was not an issue. Men could also nurture children, even if they could not bear them.¹⁹⁶

The terminology that has been most widely used in anthropological discussions of this phenomenon is “berdache,” a term that actually derives from an Arabic term meaning male slave, or a young boy kept by an older man for sexual purposes. Because of the negative connotations of the term in past anthropological literature, it has become offensive to many people in contemporary gay and lesbian American Indian communities. The term “cross-Gender” is now more commonly used in scholarly literature.¹⁹⁷ The term “two-Spirit” has become acceptable in contemporary American Indian gay communities, although it has negative spiritual connotations when translated into Athabascan Languages.¹⁹⁸

Most anthropological accounts of two-spirit people were of men taking women’s roles. Their characteristics were generally described as the willingness to work hard, their generosity, and their gentleness with children. Perhaps the most extensive of these early accounts was Matilda Cox Stevenson’s account of a Zuni man named We’wha, who dressed as a woman and performed women’s work but was also a spiritual leader.¹⁹⁹ We’wha gained notoriety when he traveled to Washington, D.C. in 1886, dressed in traditional Zuni female garb, and met President Cleveland. The visit was orchestrated by Matilda Cox Stevenson who passed We’wha off as a Zuni “Princess.” We’wha was frequently photographed for anthropological study.²⁰⁰

196 Melissa L. Meyer, *Thicker Than Water: The Origins of Blood as Symbol and Ritual*, New York & London, Routledge, 2005, p128-31.

197 Evelyn Blackwood, “Sexuality and Gender in Certain Native American Tribes: The Case of Cross-Gender Females,” *Signs*, 10, No.1 (Autumn 1984), p27-42; Walter L. Williams, *The Spirit and the Flesh: Sexual Diversity in American Indian Culture*, Boston, Beacon Press, 1986, p1-127.

198 *Two-Spirit People: Native American Gender Identity, Sexuality, and Spirituality*, edited by Sue-Ellen Jacobs, Wesley Thomas, and Sabine Lang, Urbana and Chicago, University of Illinois Press, 1997, 3

Athabascan is one of the major language stocks into which linguists categorize American Indian languages. These categories are based on linguistic similarities, although languages in them are not necessarily mutually intelligible. Athabascan contains the Apache and Navajo languages in the American Southwest and the Athabascan language in the interior of Alaska.

199 Matilda Cox Stevenson, “The Zuni Indians: Their Mythology, Esoteric Fraternities, and Ceremonies,” in *Twenty-third Annual Report of the Bureau of American Ethnology*, a901-1902, Washington, D.C., Government Printing Office, 1904, p311-12.

200 Will Roscoe, *The Zuni Man-Woman*, Albuquerque, University of New Mexico Press, 1991, p53-73.

Less frequently, but still historically reported, women could choose to adopt men's roles and take part in hunting and war parties. The anthropological literature of the late 19th and 20th centuries largely avoided direct reference to sexual contacts, an area of culture that earlier anthropologists glossed over or described in Latin for the sake of propriety. It is clear, however, that the sexual activity in these roles was not the primary thing that set them apart in society (although there are historical reports of males living as "wives" of men, or women in male roles taking female "wives.") An account of a Kutenai woman who adopted men's dress, went on war parties, and took women companions appeared in the historical literature on the Northern Plains in the early 1800's.²⁰¹

The tribes of North America exhibited great diversity in language, customs, adaptation to different environment, and in social organization. It is impossible to make any but the broadest generalizations across this diversity. In terms of definitions of social expectations of male and female behavior, the purely biological functions of reproduction and the female menstrual cycle were clear markers of sexual identity, but the presence of hermaphrodites (individuals with genitalia of both sexes or ambiguous genitalia), androgynous individuals whose appearance did not mark them clearly as male or female, and individuals who by inclination chose not to pursue activities associated with their sex, blurs distinct lines of sexual identity. And since anomalous or unusual behavior was usually seen as a sign of unusual spiritual power, such individuals were often credited with special capacity in curing, as ceremonial leaders, or as seers or prophets.

Sometimes people who adopted a cross-gender role were considered as a third gender category. This is true among the Navajo people in the American southwest. Wesley Thomas identifies six gender categories in Navajo society, based on combinations of physical sexual identity and gender roles. As explained previously, the Nádleeh can occupy an intermediary role between biologically identified males and females.²⁰²

Although men and women who reversed gender roles might engage in physical sexual relationships with their partners, it is clear that physical

201 Claude E. Schaffer, "The Kutgenai Female Berdache; Courier, Guide, Prophetess, and Warrior" *Ethnohistory*, 12, No. 3 (Summer, 1965). p193-236. In the 19th century, the Kutenai were a tribe located in the northern plains region in Montana, Idaho, and British Columbia. Their current location in the United States is the Flathead Reservation in Montana.

202 Wesley Thomas, "Navajo Cultural Constructions of Gender and Sexuality," *Two-Spirit People: Native American Gender Identity, Sexuality, and Spirituality*, p156-173..

sexual acts were not the main objective of cross-gender roles.²⁰³ George Devereux's account "Mohave Homosexuality" stressed freedom of physical sexual exploration among young boys and girls, but at puberty when a child was socialized to adult responsibilities, he describes the role and initiation rites of transvestites with only passing reference to physical sexual acts.²⁰⁴

By separating sexuality from reproduction, the role of the "berdache" or cross-gendered individual opens a wide range of human relationships to individuals within Indian societies. In societies where public behavior according to established social mores was more important than sexual behavior in defining individual identity, behaviors could range from We'wha, the Zuni man who dressed as a woman, did woman's work, and appeared in Washington, D.C., as a Zuni "princess" to the "manly hearted women" among the Piegan tribe, who controlled wealth in their own right, were verbally aggressive in their behavior toward men, and who in general did not conform to the tribe's social standards of docility and submissiveness in women. Because of the behavior, however, they often acquired property, generally in the form of horses, which gave them prestige in their communities.²⁰⁵

While Christian dogma associated sex with procreation, Indian societies looked for productive activities of individuals within the societies—what each could contribute to the society as a whole. Rather than shunning "deviant" behavior, social structures accommodated a wide range of individual abilities and behaviors.

With the coming of European explorers, colonizers, and missionaries, Christian influences affected many aspects of Native life, including attitudes toward cross-gendered individuals. As Walter Williams found during field work in a number of Native communities in the 1980s, some individuals in one of those communities denied that cross-gender individuals ever existed in those communities, despite ethnographic data to the contrary.²⁰⁶ Walter Williams found widespread historical evidence

203 Sue Ellen Jacobs, "Is the 'North American Berdache' Merely a Phantom in the Imagination of Western Social Scientists?" *Two-Spirit People: Native American Gender Identity, Sexuality, and Spirituality*. 29.

204 George Devereux, "Institutionalized Homosexuality of the Mohave Indians," *Human Biology*, 9:4 (Dec. 1937), p498-527.

205 Oscar Lewis, "Manly-Hearted Women Among the North Piegan," *American Anthropologist*, New Series, 43, No. 2 Part1 (April-June 1941), p173-87. The Piegan were a subgroup of the tribe known today as the Blackfeet, whose traditional territory spanned the border between Montana and Canada.

206 Williams, 25.

of the homophobic attitudes that became common in Indian communities after European contact.²⁰⁷

A study of sexual diversity in American Indian societies reveals that biological sexuality is not a constant. Hermaphrodites (people with physical genitalia of both sexes or with ambiguous genitalia), or androgynous individuals (people whose physical appearance does not clearly mark them as male or female) clearly existed in Indian societies prior to European contact. Some individuals with clearly biologically defined sexual identity might choose from psychological inclination to assume behaviors of the opposite sex. The customs among American Indian tribes with regard to such individuals have certainly changed over time, but what is clear is that biological sexuality is a physical phenomena, and gender roles are culturally constructed, and before Europeans arrived in the Americas, American Indian societies accommodated that diversity and valued the various roles that individuals could play as productive members of those societies.

Clara Sue Kidwell received her Ph.D. in the history of science from the University of Oklahoma. She has taught at Haskell Indian Junior College (now Haskell Indian Nations University), and in American Indian/Native American Studies programs/departments at the University of Minnesota, the University of California at Berkeley, Dartmouth College, and the University of Oklahoma. She was previously assistant director of cultural resources for the National Museum of the American Indian in Washington, D.C. and director of the American Indian Center at the University of North Carolina in Chapel Hill. Currently she is Associate Dean for Program Development at Bacone College in Muskogee, Oklahoma and also interim director of the College's American Indian Studies Program.

207 Williams, p131-275.

Appendix 3 FREE Before Stonewall

Twin Cities Gay Organization Launched Six Weeks Prior to Pivotal New York Event

By George Holdgrafer

Lavender Magazine: Thursday, June 4, 2009, Issue 366

Each year in the Twin Cities, our *Pride Celebration* is a dual commemoration of two events: locally, the founding of FREE, our first gay organization; and nationally, Stonewall, the pivotal event that catalyzed gay liberation in the United States and throughout the world.

In the United States, the decade of the 1960s was a hotbed of political and social change: the black civil rights movement; the feminist movement; the American Indian movement; and the antiwar movement protesting the Vietnam War.

For the gay community in the 1960s, pre-Harvey Milk San Francisco was a beehive of activity. In 1961, José Sarria was the first openly gay person in the nation to seek elected political office; and in 1965, he founded the still-flourishing International Court System, which has numerous chapters, such as our local Imperial Court of Minnesota. In 1967, the Society of Individual Rights (SIR) was organized. In 1968, Reverend Troy Perry established Metropolitan Community Church (MCC), which eventually grew into an international body that includes our local All God's Children MCC.

In Minnesota, by early 1969, the gay community consisted of what some called the four B's—our only gathering places: bars—like the 19 Bar and Gay 90's; bookstores—like Ferris Alexander's recently opened adult establishments; bathhouses—like the Hennepin Baths; and bushes—like Bare Ass Beach.

In the spring of 1969, two courageous young gay activists, Koreen Phelps, 20, and Stephen Ihrig, 21, envisioned a brighter future for our community. Not knowing how to make it happen, they contacted Leo Laurence of SIR in San Francisco, who became their mentor. The two

visionaries, under the auspices of the Free University, began by teaching a class called “The Homosexual Revolution” at the Coffee House Extempore on the West Bank near the University of Minnesota. It first met on May 18, 1969, and continued doing so weekly thereafter. That’s the real birthday of the gay movement in Minnesota.

An article by S. Jane Albert that appeared on June 20, 1969, in *The Minnesota Daily*, the University of Minnesota student newspaper, was headlined “Free U starts ‘homosexual revolution’.” That headline says it all. It’s the first published account of gay liberation in Minnesota, at its birth.

Albert aptly began her article this way: “First there was Black Power. Then Red Power. And now, through the efforts of two former University students, pink power has come to Minneapolis. Gay Power, as it is properly termed, is a homosexual movement that seeks to change the laws, attitudes and prejudices of uptight, upright heterosexual America.”

Couldn’t be put better today.

By midsummer, the Free University class developed into an actual organization—our first—christened Fight Repression of Erotic Expression (FREE). It’s the forerunner of all past and present successors. Nationwide, it had a tremendous impact on groups in other cities.

Meanwhile, six weeks after Phelps and Ihrig’s “The Homosexual Revolution” class started meeting, and seven days after Albert’s article was printed, New York City finally caught up to San Francisco and the Twin Cities. The Stonewall Riot in Greenwich Village began on the night of June 27, 1969, as a protest against the latest in a series of police raids on a gay bar.

Ironically, although San Francisco had been a center of gay activism for years, this event in New York City soon became the catalyst for gay liberation, celebrated as such ever since. The first *Pride Celebration*, on the last Sunday of June in 1970 in New York City, exactly a year after Stonewall, spread to similar Prides in other cities, including Minneapolis-St. Paul in 1972.

Minnesota can be enormously proud that our gay liberation movement, influenced by San Francisco and not New York, got under way six weeks before Stonewall. Unfortunately, a common misperception is that it was the other way around: Stonewall produced FREE. But we know better!

Appendix 4

Quatrefoil Library and the MCLU

By Dick Hewetson

April 20, 2011

Quatrefoil Library, located in St. Paul, Minnesota, is the second largest Gay Lesbian Bisexual and Transgender (GLBT) lending library in the nation. It has become an institution of the Upper Midwest providing resources for students and scholars as well as the general public. In its twenty-five years of operation it has never had a paid employee and has been run by a bevy of devoted volunteers. Amazingly it is open seven days per week—closed only on major holidays.

In her Foreword to the History of the Quatrefoil Library, Linnea A. Stenson (Dean of Liberal Arts and Associate Vice-President of Academic Affairs at Minneapolis Community and Technical College) states:

The collection of Quatrefoil Library is in itself wide-ranging, from GLBT documentaries to gay porn, from pulp novels to serious fiction, from gay-themed posters to lesbian periodicals. But most important is the history of the people involved. Certainly most, if not all of the individuals involved in the founding and running of Quatrefoil Library over the past twenty-plus years would say 'no, I'm not important at all—it's the books. That's why I did it. If I hadn't, someone else would have.' No false modesty here, but a genuine sense that you just do something because it is bigger and better and more important than you. Members, too, have played an important role, not only in supporting the Library through their association, but also in sustaining the Library through the years. I think most would view their support as a "public good"—providing a service that benefits the community as a whole, straight and GLBT alike (and perhaps those who are trying to find their way from one to the other).²⁰⁸

David Irwin, my partner, and I began our relationship in early 1976 and lived in a condominium at Grand Avenue and Dale Street in St. Paul, Minnesota. It was in this condominium that our collection of gay and

208 Keim, Adam, History of the Quatrefoil Library, Friends of the Bill of Rights Foundation, July 2009, 144p

lesbian materials grew to 1400 books, in addition to periodicals and other materials. David had always been an avid reader and book collector. Until that time, he had read many gay books but had always disposed of them for fear that someone would find these materials in his home. These were days when most of us lived deep in the closet and often dreaded that our friends and, particularly, our relatives would discover that we were gay.

At that time, it was difficult to find books of this genre. Gay novels were usually found only in “adult” bookstores. Public libraries and mainstream bookstores had few, if any. David hunted and haunted used bookstores and rummage sales even as he traveled throughout the country. Because he had a bibliography “in his head” he could spot books that others would not have noticed and was always thrilled when he found an out-of-print book at a bargain price.

By the time I met David, I was living as an openly gay man, even where I worked at the Minnesota State Employment Service. And I had testified for the 1974 Gay Rights Ordinance in St. Paul. David, who was a special education teacher at St. Paul Central High School, needed to be more discrete. But with a new level of comfort, David began seriously amassing this collection. Our condominium had a long hallway with bookshelves on one side and cupboards on the opposite side. He was careful to put any books whose titles contained the words “gay,” “lesbian,” or “homosexual” behind the cupboard doors. Later it was often said that the library grew in our “linen closet.” We could show them to our gay friends while other friends and relatives did not see them.

It wasn’t long before our gay and lesbian friends started borrowing our books, so the idea of making these books available to the public was a natural transition. In 1983, David and I hosted a Sunday brunch at our condominium in St. Paul. During the meal, we talked about the collection of books pertaining to gays and lesbians that David had amassed and how people sometimes borrowed them. At that time, it was rare to find any of these books in a public or school library or bookstore. We thought it would be wonderful if we could somehow create a library where these and other books could be available to the public. From this discussion, Quatrefoil Library²⁰⁹ came into existence. One of our guests, Ann Richtman, an attorney, volunteered to draw up articles of incorporation. Jane Lilja offered to be vice president. David wanted to be secretary/treasurer so I offered to be president.

I had been a member of the Minnesota Civil Liberties Union for many

209 In 1950, David had read James Barr’s novel *Quatrefoil* that left a great impression on him because of the positive handling of gay men.

years, and one of my earliest memories of Dr. Matthew Stark was in 1981, when the Minneapolis City Council had refused for three years to allow a block of Hennepin Avenue to be closed for a party during Gay Pride Week. MCLU had gone to court on behalf of the Gay Pride Committee and won the right to have that block party. David and I, who did not often go to such events because we did not like the crowds, attended the first Gay Pride Committee party on Hennepin Avenue at which Matt Stark was the keynote speaker. There were about three thousand people on crowded Hennepin Avenue. We felt a duty to attend. Matt, then the Executive Director of the MCLU, recognized us and immediately pulled out a pack of MCLU literature for us to pass out to the crowd. He was well known always to be ready with MCLU literature at a moment's notice.

I happily went about the crowd telling the people how important it was for us to support Matt and the MCLU and gave them literature. When I ran out, I realized that David had not been so enthusiastic as I was and still had most of his. So I took them and started passing them out. With my luck, about this time Matt saw me and immediately chided me for still having a handful of literature and told me to get going with the task! Matt was acknowledged later for his untiring efforts for the GLBT community when he was selected to be the Grand Marshal for the 2008 Gay Pride Festival.

Matt was well aware of our plans and had always encouraged us along the way to begin the Quatrefoil Gay Library. When David and I went our separate ways in 1984, we packed the books and put them in storage. David paid the nominal storage fee as we hoped to find a place for the library. From time to time Matt would ask about the library and always encouraged us to keep looking for a place for it.

In the fall of 1985, I received a call from Matt who was seeking funds to purchase a building for MCLU in north Minneapolis. After I agreed to contribute, he asked if we had found a place to open the Quatrefoil library. I told him that so far we had no success in finding a suitable place. He then said that the new MCLU building would have space for rent. I remember that he said they were looking for some good tenants and he knew that we were good people.

David and I made arrangements to look at the space. Along a central hallway were rooms 144 feet square. We agreed to rent two rooms for \$100 per month per room. The walls between the rooms could be removed to expand the space as one room. In December, with the help of

Ed Sevals,²¹⁰ Dan Hanson and Keith Grenier²¹¹, we moved the books, magazines, and other materials to the MCLU building on West Broadway in north Minneapolis.

One of our first orders of business was to get insurance on the collection. We turned to the “gay” business directory for insurance agents. I do not now remember why, but those listed turned us down. Again we turned to Matt for help. He referred us to the MCLU’s agent who immediately set up a policy for us with State Farm.

Although some saw this part of north Minneapolis as an undesirable location, it was located close to a police station. Matt had a rapport with the police, which meant that they paid close attention to what was happening there. The previous owner had put bars on the windows, and the front door was solid steel. During the day people could enter the building by a buzzer system and the MCLU receptionist would greet them personally and either direct them to the library or inform them when the library would be open. In the evening when the buzzer rang, the Quatrefoil volunteer on duty would go to the door to greet the visitor. Not only did the MCLU rent us the space, but they also allowed us to use their conference room for meetings.

From the time we opened on February 3, 1986, GLBT people heard about us and soon were bringing us boxes and shopping bags full of books and other materials. The collection grew exponentially. Donors often expressed their gratitude that they had found a place for their treasures. Two of our first donations came from the Gay and Lesbian Atheists and Humanists, in San Francisco, of which David and I were members, and from two men in Los Angeles who sent duplicates from their own private library. Soon we realized that we had to rent two more of the MCLU rooms because of this growing collection.

We grew from two to six rooms, and after only eighteen months we had grown so large that we had to move to a different location. I had to tell Matt that we were grateful for the space but we had to move on. He was delighted to hear that we were doing so well. We were fortunate that the Richards Gordon School in the Midway district of St. Paul was available at that time. However, without first opening to the public as we did at the MCLU building, we would never have accumulated the large enough collection or the income to move into the Richards Gordon School in 1988.

210 Ed Sevals was a friend and co-worker of Dick Hewetson.

211 Dan and Keith were at the brunch when Quatrefoil Library was conceived and have been untiring volunteers and board members of the Library.

Nervous and frightened adolescents who were concerned about their sexuality had no place to go for information about themselves and their feelings. Most did not dare to talk with their parents or their peers about their sexual feelings. Teachers and school librarians engaged in self and administrative censorship. Now, Quatrefoil Library became a haven for the young people. One of the early connections with high school students was when St. Paul Central High School took out a group membership so their students could use our Quatrefoil Library. Very early, college students from all parts of the state began showing up to do research for papers on human sexuality and were thrilled to find the wealth of materials that existed.

On Sunday evening, October 28, 1990, the MCLU held a retirement banquet for its distinguished Executive Director, Dr. Matthew (Matt) Stark. On that occasion the Quatrefoil Library, under the auspices of its board of directors, President Cathy Hoffman, and Executive Director David Irwin, publicly gave a special Lifetime Membership Award to Stark, which read:

The Board of Quatrefoil Library expresses its appreciation for your support and encouragement of the Library since its beginnings in 1985, and the community it serves; gays, lesbians, and other sexual minorities.

The Board appreciates your long-standing dedication to this community, and to the cause of human freedom. In token of this appreciation, the Board has voted to extend to you a Lifetime membership in Quatrefoil Library.

*It is an honor to participate in honoring you. Best wishes for your health and happiness.*²¹²

In 2008, Dr. Matthew Stark recruited Adam Keim to write the History of the Quatrefoil Library and the Friends of the Bill of Rights Foundation, a 501 (c) (3) organization he founded became the publishing arm and he was the editor. Stark secured the ISBN number (978-0-9668828-2-7) and the Library of Congress catalog card number (2008934613) for the book. Hard copies were distributed to various libraries and organizations throughout the country, including the Jean Tretter Collection at the University of Minnesota and the University of Minnesota Library Archives. It was also available free in PDF on line. Stark wrote into the

212 Ibid., 28

copyright “copies of this paper version & its electronic mate may be duplicated for educational purposes by libraries & educational institutions as long as there is no sale of either paper or electronic copies. Similarly, counselors and concerned individuals may reproduce copies for free distribution.”²¹³

He also obtained two electronic sites for the book at the University of Minnesota: one was the Jean Tretter Collection in GLBT Studies, Department of Special Collections at the University of Minnesota Elmer L. Andersen Library, and the other was the University of Minnesota archives at the University of Minnesota Library. Soon thereafter, Google listed the History of the Quatrefoil Library, which soon had hundreds of contacts each week from members of the public.

Deservedly, Dr. Matthew Stark was given a Life Membership in the Quatrefoil Library. I am convinced that if it had not been for Stark and the MCLU, we may never have unpacked those first 1400 books. They may have been donated to some other institution or disposed of in some other way. In that case Quatrefoil Library may have remained only a dream.

But it is a viable reality twenty-five years later!

213 *Ibid.*, vi

PEOPLE MENTIONED IN THIS BOOK

Jack Baker

Attorney and former Engineer. Served as a volunteer attorney for the Minnesota Civil Liberties Union. He and Michael McConnell were “legally” married in 1971. Mike was a librarian with the Hennepin County Library System. Jack and Mike are still living as a happily “married” couple.

Bruce Brockway

The first Minnesotan with HIV. Bruce, born in St. Paul, was an engaging personality who excelled in a variety of creative endeavors. He attended the University of Minnesota on a music scholarship and became an accomplished concert pianist. He also studied philosophy and participated in politics, including a run for office as a state representative. Bruce also started *Positively Gay*, the first gay publication in the state and helped organize the first Gay Pride parades and festivals.

Following his diagnosis, Bruce worked as an early advocate to raise awareness of the issue of HIV and create a system to help others dealing with the disease. In fact, Bruce was part of a small, yet powerful, group of gay men from around the country who founded the National Association of People with AIDS.

Bruce was an early volunteer who helped found the “Minnesota AIDS Medical Project,” later modified to the “Minnesota AIDS Project.” At a time when little was known about HIV, Bruce and others recognized the need to act and not wait for HIV to hit crisis levels before engaging others to do something.

Unfortunately, like many people with HIV in the early years of the disease, Bruce died in 1984.²¹⁴

Tim Campbell

A former Professor of French and an artist living in Houston, TX. Tim was a gay activist in the Twin Cities and published the *GLC Voice* November 1979 through April 1990.

214 Minnesota AIDS Project Web Site, <http://www.Minnesotaaidsproject.org/about-us/publications/25-years-25-stories/01-bruce-brockway.php>

Dallas Drake

Principal researcher and cofounder of the Minnesota Gay Homicide Study based in Minneapolis. He is presently pursuing a Ph.D through the Minnesota State Colleges and Universities system. He is an active member of the Homicide Research Working Group (HRWG), an international academy of homicide researchers.

Steve Endean

Early lobbyist for gay rights in the Twin Cities who went on to establish the Human Rights Campaign, a lobbying group in Washington, D.C.

Robert Halfhill

A gay activist and historian of the Twin Cities GLBT community.

Michael McConnell

A librarian who was denied employment at the University of Minnesota in 1971.

Allan Spear

A History Professor at the University of Minnesota who served in the State Senate from 1973. He was elected President of the Senate in 1992 and served in this position until his retirement in 2000.

Jean-Nickolaus Tretter

A historian of the community and the founder of The Jean-Nickolaus Tretter Collection in Gay, Lesbian, Bisexual and Transgender Studies at the University of Minnesota.

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The University of Minnesota System, November 1, 1993

About the Author: DICK HEWETSON

Dick Hewetson was born in Harvey, Illinois, on March 31, 1930.

He attended public schools in Chicago, Illinois, and Minneapolis, Minnesota. After a brief two years working in the freight traffic department of the Milwaukee Road, he “received the call” to the priesthood in the Episcopal Church.

He received a B.A. from the University of Minnesota in 1954 and an M. Div. from Seabury-Western Theological Seminary in Evanston, Illinois, in 1957.

He served churches in Hallock, St. Vincent, International Falls, and Bloomington, Minnesota, and churches in Medford and Owen, Wisconsin.

He left the parish ministry in 1968 to take a position with the Minnesota Department of Employment Security. He ceased attending church in 1972.

Dick met David Irwin in the summer of 1975. They bought a condominium in January 1976 and lived as a couple until 1984.

In 1983, Dick assisted David Irwin in incorporating Quatrefoil Library. The library opened to the public in February 1986 in the Minnesota Civil Liberties Union building at 1021 West Broadway in Minneapolis. Needing more space, within eighteen months it moved to its present location at 1619 Dayton Avenue in St. Paul, Minnesota. It has become one of the largest lending libraries and resource centers on and for sexual minorities in North America.

In 1992, he retired from the Minnesota Department of Jobs and Training and moved to San Francisco, California. During retirement, he:

- Worked as a resident coordinator for Elderhostels in the San Francisco Bay Area.
- Created a group of *Gay and Lesbian Atheists and Humanists* in 1995. It now meets at the GLBT Center in San Francisco.
- Volunteered in the library of the *Harvey Milk Civil Rights Academy*, an elementary school in San Francisco.

- Volunteered at *Gay and Lesbian Outreach to Elders* and its successor *New Leaf Outreach to Elders* where he facilitated a support group for gay men with clinical depression.
- Has been involved with the *Center for Learning in Retirement* (CLIR) where he helped edit their newsletter, *The Voice*.
- Taught a class on the Bible as Literature, facilitated computer workshops, and is presently teaching American Standard Bridge.
- Worked with *Outlook Theater Project* on the play *This Many People*. He created the character Joe. He also played Joe for a work in progress performance for the Queer Arts Festival in 2009. The play performed to four sold-out audiences in June 2010.
- He presently volunteers during the tourist season as a “Castro Ambassador” giving tourist information in the Castro District of San Francisco.
- Has served for many years on the National Board of the *Freedom From Religion Foundation*.
- Listed in *Who’s Who in Hell*.²¹⁵

215 Warren Allen Smith, *Who’s Who in Hell*, New York, Barricade Books, 2000, 507.

About the Editor/Publisher: MATTHEW STARK

Dr. Matthew Stark was born in New York City on January 27, 1930. He attended the New York City public school system.

- B.A. degree in English and B.S. degree in Education from Ohio University in Athens, Ohio, 1951
- M.A. in Educational Psychology from the University of Minnesota in Minneapolis, 1956
- Ph.D. in Educational Administration and Counseling from Western Reserve University (now Case Western Reserve University in Cleveland, Ohio), 1963

In 1951-52, he was the Assistant to the Registrar and Selective Service Coordinator at Long Island University in New York City.

From 1954 to 1959, he was the Coordinator of the Residence Counseling Program in the Office of the Dean of Students at the University of Minnesota in Minneapolis.

From September 1960 to July 1962, he was a Teaching Fellow in the Education Department of Western Reserve University, where he taught courses in Educational-Occupational Information and a practicum in Guidance and Counseling.

He was the Dean of Students at Moorhead State University in Minnesota in 1962-63.

In 1963-1970, he was an Assistant Professor and Coordinator of Human Relations Programs at the University of Minnesota.

On May 18, 1965, he received the All University Recognition Of Outstanding Contributions To The Education Of Students at the University of Minnesota.

From July 1970 to September 1973, he was the Coordinator of Educational Programs and Consultant to Student Organizations in the office of the Dean of Students at the University of Minnesota.

In September 1973, he became the full-time executive director of the Minnesota Civil Liberties Union and was in that position until he retired in July of 1987, and is now the Executive Director Emeritus of the MCLU.

Also he is or was:

- A life member of the Freedom From Religion Foundation
- The 2008 Grand Marshal of the Twin Cities Minnesota Gay Pride Festival
- Former President of the Minnesota Civil Liberties Union Board of Directors
- A former member of the American Civil Liberties Union Board of Directors
- Currently on the national Advisory Committee of the ACLU
- Former chair of the Minnesota Advisory Committee of the U.S. Civil Rights Commission
- One of the 100 Distinguished Alumni of the College of Education and Human Development at the University of Minnesota
- Listed in *Who's Who in America*
- Received the Outstanding Humanist Award from the Humanists of Minnesota
- Member of the American Indian Council on Education
- Founder and vice president of the Minnesota Gay & Lesbian Legal Assistance Center
- Former member of the Minnesota Governor's Human Rights Commission
- Founder, vice president and president of the Minnesota Historical Society Committee on the Study of the Role of the Negro in Minnesota History
- Founded the Friends of the Bill of Rights Foundation to publish books on civil rights and civil liberties which he edits for free distribution

About Contributor: SUSAN N. HERMAN

BIOGRAPHICAL INFORMATION IN BRIEF

Susan N. Herman was elected President of the American Civil Liberties Union in October 2008 after having served on the ACLU Board of Directors, on its Executive Committee, and as General Counsel.

As Centennial Professor of Law at Brooklyn Law School, she teaches courses in Criminal Law and Procedure and Constitutional Law, and seminars on Law and Literature, and Terrorism and Civil Liberties. She writes extensively on constitutional and criminal procedure topics for legal and non-legal publications, ranging from law reviews and books to popular press and on-line publications. Her current book, *TAKING LIBERTIES: THE WAR ON TERROR AND THE EROSION OF AMERICAN DEMOCRACY*, published by Oxford University Press in October 2011, is the winner of the 2012 IIT Chicago-Kent College of Law/Roy C. Palmer Civil Liberties Prize.

Herman has discussed constitutional law issues on radio, including a variety of NPR shows; on television, including programs on PBS, CSPAN, NBC, MSNBC and a series of appearances on the *Today in New York* show; and in print media including *Newsday* and the *New York Times*. In addition, she has been a frequent speaker at academic conferences and continuing legal education events organized by groups such as the Federal Judicial Center and the American Bar Association, lecturing and conducting workshops for various groups of judges and lawyers, and at non-legal events, including speeches at the U.S. Army War College and many other venues. She has also participated in Supreme Court litigation, writing and collaborating on amicus curiae briefs for the ACLU on a range of constitutional criminal procedure issues.

Herman received a B.A. from Barnard College and a J.D. from New York University School of Law, where she was a Note and Comment Editor on the N.Y.U. *Law Review*. Before entering teaching, Professor Herman was *Pro Se* Law Clerk for the United States Court of Appeals for the Second Circuit, and Staff Attorney and then Associate Director of Prisoners' Legal Services of New York.

About Contributor: MATTHEW ANTONIO BOSCH

BIOGRAPHICAL INFORMATION IN BRIEF

Matthew Antonio Bosch has served as Director of the Gay, Lesbian, Bisexual, Transgender, Ally (GLBTA) Programs Office at the University of Minnesota since January 2012. This office serves as the educational arm for GLBTA education and awareness, as well as the primary point of contact for most GLBTA students, who have the option of joining 40+ GLBTA initiatives and organizations across the University of Minnesota. In 2012, the University of Minnesota was honored from CampusPride's Campus Climate Index of 350+ colleges by being ranked "Top 25 Most LGBT-Friendly Campuses in the U.S."

Active in local GLBTA athletic leagues, Matthew Antonio Bosch has years of community experience with PFund Foundation, Twin Cities Gay Men's Chorus, and was named "Top 25 Latino Leaders in Minnesota" by the MN Hispanic Chamber of Commerce. Following his Presidency of the Minnesota College Personnel Association from 2006-2009, he was elected to serve 2 terms on the national Governing Board of the American College Personnel Association from 2010-2016. His education includes an M.Ed. from Harvard University (2003), a B.A. from Cornell University (2002), and a Certificate in Entrepreneurship for Communities of Color from North Hennepin Community college (2011).

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In this book, Matt Stark, editor and publisher under the auspices of the FRIENDS OF THE BILL OF RIGHTS FOUNDATION, for free distribution of its electronic copy, describes how the right of two women or two men to marry – as well as the right of LGBT people to equal treatment in many other respects – began in Minnesota.

The Minnesota Civil Liberties Union was trying to make equality for LGBT people happen long before these issues hit the national stage.

*Susan Herman, president
American Civil Liberties Union*

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