

# *A Quest for Full Equality*



by

**Ken Bronson**



Ken Bronson

Ken Bronson, a life-long resident of the mid-west, works as a purchasing agent and lives with his partner in a quiet Chicago neighborhood.

This is his first historical narrative. He dedicates it to those who came before us, to those who walk among us and to those who follow.

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## Introduction

When I was growing up, Harry Porterfield, a Chicago reporter, would broadcast once a week a segment entitled “Someone You Should Know”. I always found his subjects and their issues interesting. Allow me to follow that reporter’s path by introducing Jack Baker and Michael McConnell, a couple you should know.

### Barbara Gittings remembers

My interest in this couple began with a presentation by Barbara Gittings. First, she displayed an election poster showing Jack wearing white, high-heeled shoes. The poster was from the early 70s. I was intrigued because I had never heard of this person or his willingness to be so upfront about who he is.

A bit later Barbara showed a picture of Jack with Michael, his companion. Then she let loose with a startling revelation. They were the first couple of the same sex, she said, to apply for a marriage licence and to go to court to fight for it.

I knew only about the court challenge in Hawaii<sup>[1]</sup> and thought that it was the first attempt to recognize same-sex marriage. Apparently not. Thirty-two years had now passed, yet I wondered: Is Jack or Michael still alive? Could I find them? Are they still together?



Jan. 26, 1971: LOOK magazine featured Jack (l) and Mike (r) as “The Homosexual Couple” in its cover story on *The American Family*.

Photo by Charlotte Brooks for LOOK magazine

### A look back

What follows is a story about the quest of Jack and Michael. It is pieced together from source documents, published items and their own remembrances. One remarkable aspect of these two men was their willingness and desire to use the media to deliver their message beyond those directly involved. Often, the message was carried nationwide, but sometimes it reached the shores of many nations.

### Historical accuracy

The events described here took place between October 1966 and April 1978. For historical accuracy, the rhetoric of that period is preserved.

THE ADVOCATE, which has changed owners more than once, now actively attempts to rewrite the historical record. Using statements that do a disservice to the truth, it claims that the quest for *full equality* began in its home town.<sup>[2]</sup> Judge for yourself. Keep in mind that holy union for same-sex couples is an ancient tradition. John Boswell, noted historian of the Middle Ages, discovered proof that even the Catholic church blessed them centuries ago.<sup>[3]</sup>

What is new – and historic – is the courage this couple showed when they confronted the civil government to qualify for the same rights and privileges granted to other childless couples.

1. Baehr v. Lewin.

2. Anon. [*The Advocate*], 2003.

3. Boswell.

– 1966 - 1969 –

## Boy meets boy

**October 1966** Michael met Jack at a barn party on Halloween night 1966 near Norman, OK. What was once a dilapidated farm outside city limits is now prime commercial land along I-35 at the southwest corner of Main Street. They were introduced by a mutual friend who sensed a good pairing.<sup>[4]</sup> Jack was using his engineering degree, working as a field engineer for a concrete producer in Oklahoma City. Michael was pursuing his Masters of Library Science degree at the University of Oklahoma. Both were 24.

Michael expressed how he felt that gay people were treated as second-class citizens. Michael's view was that every American was entitled to the same rights under the United States Constitution. Simply because he was emotionally drawn to members of the same sex did not mean that his rights were diminished.

Michael considered himself the equal of any other citizen under the law and saw the legal oppression of gay men and women as diminishing his birthright as an American. "No birthright, no citizenship," was how he expressed this belief.<sup>[5]</sup>

Growing up in Oklahoma was difficult for Michael, having to endure the wrath of militant Christians who spewed hate from the pulpit. Michael remembers one friend in particular.

Joe Clem attended University High, a school for gifted teenagers sponsored by the University of Oklahoma and located on campus. Michael met him through sons of University faculty who attended Norman High School.

Later, Joe and Michael attended the University together. Joe was now 5'6", good looking, well built and personable, a young man who knew what he wanted in life. He was open but cautious, a radical concept in Oklahoma in the early 1960s. They had mutual gay friends but Joe also hung out with the fraternity crowd.

When frat brothers drink, they talk. "Soon, things escalated out of control as they called Joe a 'faggot'," Michael said. "Later, he awoke on a deserted road outside Norman, a bloody mess, barely able to walk." Eventually, Joe made it home, but he did not dare call the police.

Because the assault took place outside city limits, jurisdiction rested with the Sheriff, a good ol' boy.

Michael soon realized that he, too, could be maimed, even killed. It was time to leave.

## A pact is made

Michael and Jack dated off and on. Michael felt the pain when Jack, a U.S. Air Force veteran, obtained a better paying job at Tinker AFB in Oklahoma City, then was summarily fired for being gay. What hurt most of all was the indignity shown by the United States Government in its treatment of a veteran, especially one who had served honorably during both the Cuban missile crisis and the Viet Nam conflict.

"The County Attorney was a Baptist minister who delighted in harassing patrons of gay bars," Jack explained. One of his mean-spirited attempts to grab headlines involved an assistant and a local police detective. The cop-and-lawyer couple "bluffed" their way into a gay bar with lies, "saying they were friends of the club operator."<sup>[6]</sup> Though they made no arrests and charged no one with a crime, the odd couple told a reporter, "Several of the party-goers appeared to be teenagers." With equal meanness, the OKLAHOMA CITY TIMES titled the fifth of its six installments, "Couples Neck Shamelessly At Odd Party." It was another in a continuing attempt by the County Attorney to hold gay people up to public ridicule.

Jack would not be intimidated. He responded with an angry letter to the editor. "If you make a homosexual afraid to frequent a gay bar, where he can mind his own business in the company of his own," he asked the police publicly, "what have you accomplished?"<sup>[7]</sup>

Jack answered his own question. "Absolutely nothing." Gay people, he continued, "will simply resort to the streets."

The next question, which addressed the voters directly, would later prove to have a profound impact on him, the local gay community and the ruling class. "Citizens of Oklahoma City," he asked, "which do **you** want?"

The power structure relented and instructed the police to stop harassing the gay bars. This lesson in the nuances of power transformed Jack into a gay activist who was now determined to force those who govern the United States to recognize and respect his birthright.

**"Citizens of Oklahoma City,  
which do YOU want?"**

4. Bjornson, 12 May 1971, p. 14.

5. Baker, 2003.

6. George.

7. Baker, 1966.

**March 1967** On his 25th birthday – March 10, 1967 – Jack proposed to Michael that they become lovers and that they make a commitment to conjoin their lives as a couple. No matter the cost, no one – absolutely no one – would ever convince them that they were second-class citizens simply because of the choice they each made for a companion.

Michael accepted the proposal but on one condition. He insisted that someday, some way, they would marry legally. Together, they dreamed of that day as they made plans to move somewhere else.

Though the words had not yet come to them, each knew in his heart that “a childless couple is a childless couple.” Jack was determined to find a way to persuade the courts that, as citizens, both he and Michael were just as entitled to the benefits of marriage as any other childless couple.

**Summer 1968** In the summer of 1968, shortly after Jack obtained his MBA degree, they moved to Lawrence, KS. Their new apartment was located roughly half way between two jobs. Michael worked as the Acquisitions Librarian and Head of Periodicals and Cataloguing at Park College in Parkville, MO, to the east. Jack worked as an engineer in a DuPont cellophane plant near Topeka, KS, to the west. They commuted to work in opposite directions. A year later, Jack would move to Minneapolis. Michael would join him after six months.

### Minnesota's first openly-gay group

**May 1969** On May 18, 1969, Koreen Phelps and Stephen Ihrig taught a course called “The Homosexual Revolution” at a people’s college centered on the West Bank of the Mississippi in Minneapolis. Offering free instruction on a wide selection of topics, the prospectus promised that “This course will be about homosexuality and its place in the sexual revolution.”<sup>[8]</sup> See, *Founding of FREE*, on page 47.

Fearing for his safety, Stephen refused to be identified in the prospectus. Nevertheless, the turnout of about 15 was impressive. “About 30 per cent were



**Fall 1969:** Recruiting proud gay students proved to be a controversial idea in the late 1960s.

homosexual, about 30 per cent were bi-sexual and the rest were open-minded, concerned people,” Koreen told the MINNESOTA DAILY.<sup>[9]</sup> Encouraged by their students, Koreen and Stephen agreed to expand the course into an organization to be called *Fight Repression of Erotic Expression* (FREE).

FREE became Minnesota’s first openly-gay group, specifically for “young people who are just discovering needless anguish and self doubt.” Riots at the STONEWALL INN (New York City, June 27) ignited a rebellion nationwide. Student members of the small but determined group became emboldened to demand official recognition by the University of Minnesota. An application was submitted August 18.

On October 24, the University’s Senate Committee on Student Affairs voted unanimously to recognize FREE as a university club.<sup>[10]</sup> Ludwig Spolyar, director of the Student Activities Bureau, clarified the University’s position. Recognition of FREE, he explained, did not imply approval. Instead, he insisted, recognition acknowledged only that the applicant had agreed to abide by University policies and current laws.<sup>[11]</sup>

**“Why didn’t he just take his job, do his work and shut up?”**

Nevertheless, the Regents wanted answers. At its next meeting, November 22, the Board of Regents instructed university officials to “study” the whole recognition system and report back. Chairman Lester Malkerson later acknowledged that the recognition of FREE is what prompted the demand for an update of recognition procedures.<sup>[12]</sup>

The Rochester POST-BULLETIN spiced its coverage of the Regents’ action with comments from attendees at a recent FREE dance. Nick Lenarz, a sophomore who

8. Minnesota Free University.

9. Albert.  
10. Baker, 1969.  
11. Bergerson, 1969.  
12. Wetmore.



was dancing with another man said: “I feel just like a straight person who had never danced before. I’ve been to school dances and things, but now I’m really dancing for the first time.” His partner, Tim Peterson, a senior, said, “We learned to accept each other as people, not as queers, or faggots, or whatever else people call us.”<sup>[13]</sup>

FREE ignored the Regents and instead focused on weekly dances in the “Gopher Hole” (aka Whole Coffeehouse), a popular hangout in the basement of the student union. “For the first time, gay people are coming out from under the rocks and saying who they are,” Koreen Phelps told THE ADVOCATE. “I’ve been a closet case ... never free to walk down a street holding a girl’s hand.”<sup>[14]</sup> Regular meetings and access to the bulletin boards and mimeograph machines increased membership to 60.

The Regents were obsessed with the knowledge that proud (as opposed to clandestine) homosexuals were recruiting on campus. After nineteen months of study, the Board of Regents voted at its June 12, 1971 meeting to change the process by which student organizations are authorized to have access to University facilities, staff and services. In the future, the University News Service explained, student organizations would no longer be “recognized.” Instead, they would present a constitution, list of officers and a statement of awareness of University rules and policies to the Student Activities Bureau, which would then simply register the organization.<sup>[15]</sup>

The new policy prevailed with no controversy for 32 years, until the Maranatha Christian Fellowship challenged it in federal court.<sup>[16]</sup> In a strange twist of fate, it was the militant Christians who forced the Regents to not only *recognize* gay students but also to defend our right to equal access. They claimed that

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**“God works in strange and mysterious ways.”**

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being coerced not to discriminate against those who have sexual relations outside of marriage infringes on their freedom of association and religion. It’s akin to demanding that a student group of vegetarians accept a hunter as president, the fellowship explained to the STAR TRIBUNE.

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13. Anon. [*Post-Bulletin*], 1969.

14. Bjornson, Feb. 1970.

15. Cunningham, 1971.

16. Walsh.

## Empowering gay youth

Jack hoped someday to run a large corporation, using his MBA degree, his engineering degree and a law degree.<sup>[17]</sup> About six months after arriving in Lawrence, KS, he applied to several law schools and was surprised by how quickly the University of Minnesota accepted his application. Enrollment was approved for September, 1969.

**September 1969** Jack moved to Minneapolis to begin law school, while Michael stayed behind to complete a two-year contract. He moved to Kansas City, MO, to be closer to his job.

Jack was determined to start a gay group when he got to the University of Minnesota. He discovered, however, that FREE had been formed during the summer recess. Jack knew he would keep his promise to find a way to marry Michael. Above all else, though, he would not live in fear. The ruling class would be forced to accept him and Michael as full citizens.

When Jack arrived in Minneapolis, he noticed FREE’s green and red posters announcing weekly picnics in Riverside Park, across the Mississippi from the campus. He attended the picnics, became active and was later elected president of FREE. Much of his time was spent doing outreach, speaking to numerous church, campus, high school and community groups about homosexuality and the need to protect the rights of homosexuals. He also appeared on several radio phone-in and TV shows, and gave interviews to the St. Paul PIONEER PRESS and MINNEAPOLIS TRIBUNE.

Baker commented that, at first, the questions from talk show listeners were along the lines of “Can you really love another man?” or “What do you do in bed?” Over time, the questions changed to a discussion of discrimination and relationships of gay people.<sup>[18]</sup>

Group sex in public bathhouses was tolerated during the early 1970s in Minneapolis and in most large cities as a way to placate the Stonewall rebellion, which was sweeping the country. Though sexual freedom was the primary focus of those who formed FREE, returning students, especially those nearing graduation, were more interested in the bread-and-butter issues of job discrimination and economic security.

New students, including Jack, sought sexual privacy within a recognized relationship. To reflect a range of interests, the name was later changed to *FREE: Gay Liberation of Minnesota*. Even that did not satisfy everyone. A broad spectrum of gay groups emerged and began to flourish both on- and off-campus.

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17. Anon. [*Minneapolis Daily American*].

18. Bjornson, 12 May 1971, p. 6.



– 1970 –

## FREE attacks discrimination

**January 1970** Shortly after completing final exams for his first quarter, Jack went to Morrill Hall, which houses central administration. He picked five companies from the list of those who recruit employees on campus – E.I. du Pont de Nemours & Company (Dupont), Proctor and Gamble Company, Army-Air Force Exchange Service, Ford Motor Company, and Minnesota Mining and Manufacturing Company (3M). When he inquired about University policies governing recruiters, he discovered that there were none.

Worse, as reported in the MINNESOTA DAILY, Feb. 12, the All-University Placement Service Committee had its last official meeting in 1947! Admitting that his list was not purely random, Baker said, “I had worked for Dupont, and I’m curious about what they’ll say.” Also, “I’m sure that Army-Air Force Exchange Service will discriminate – after all, the government does.”<sup>[19]</sup>

His inquiries led to the formation of a new Campus Committee on Placement Services, to which he was later appointed by University President Malcolm Moos.<sup>[20]</sup> First, though, he would have to develop the policy that would govern recruiters. Jack consulted Frank Kameny, the elder statesman from Mattachine of Washington, D.C.<sup>[21]</sup> On March 10 – his 28th birthday – he introduced his proposal to the University Committee on Social Policy.<sup>[22]</sup> Jack lobbied persistently,<sup>[23]</sup> adapting as needed to satisfy objections.<sup>[24]</sup> Finally, on October 21, he produced a breakthrough. A new policy for recruiters was adopted unanimously.<sup>[25]</sup>

As an internal matter, the policy did not need Regent approval, but securing approval of the Administrative Committee would take another 19 months. The secret to success was not mentioning specific groups. Instead, companies that use the University Placement Office must agree to discriminate only upon specific grounds, e.g., academic coursework, level of education, grade averages, work experience, personal references, physical ability or qualifications. Interviews must be conducted on a first come, first served basis, with observance of federal and state anti-bias laws.

“I think this policy approval is a huge step forward in pulling the University into the vanguard for providing for all its students,” Jack told the MINNESOTA DAILY, “and not just 90 per cent of them.”<sup>[26]</sup> THE ADVOCATE noted that the University of Minnesota would be the first in the country to take such a position. The policy was referred to the Administrative Committee, which includes 42 vice presidents and deans who decide official University policy.<sup>[27]</sup>

When news of the breakthrough reached California, members of the Gay Students’ Union proposed that U.C. Berkeley adopt a similar policy.<sup>[28]</sup> Hoping to “free many gays from the fear of exposure and loss of their jobs,” proponents were surprised when several people objected at their January 12, 1971 meeting. The opponents insisted that such a project “would aid and encourage gays to become a part of the counter-revolutionary industrial complex.”

Meanwhile other members of FREE were busy sending letters to 12 Twin Cities companies, explaining that the group will act against those that discriminate.<sup>[29]</sup> In a letter dated June 17, James Chesebro asked, “Would your company fail to hire, restrict advancement, or fire an individual who admitted he was a homosexual?”<sup>[30]</sup> General Mills, Inc., Pillsbury Company (now, part of General Mills) and Dayton’s department stores (now, Marshall Field’s and now owned by Target Corporation, which also owns the Mervyn’s and Target stores) responded quickly and

## A quick review of the marriage statute revealed that any two “persons” could qualify for a marriage license.

insisted they do not discriminate. Chesebro said FREE members would verify those statements by applying for employment.<sup>[31]</sup>

Gerry E. Morse, Vice President, admitted that Honeywell, Inc. would not employ a known homosexual.<sup>[32]</sup> Honeywell’s response made it the target of a campaign to abolish discrimination in the Twin Cities. FREE would use dialogue if possible or direct action if

19. Daleske.

20. Moos, 1971.

21. Diary of Jack Baker, 22 March 1970.

22. Tigue, March 1970.

23. Hall, 1970.

24. Pentelovitch, 1970.

25. Anon [St. Paul *Pioneer Press*], 1970.

26. Stoner, p. 3.

27. Bjornson, January 1971.

28. G.S.U. Newsletter.

29. Anon. [*Minneapolis Tribune*], June 1970.

30. Mitz.

31. Bjornson, 30 September 1970.

32. Anon. [*The Minneapolis Star*], July 1970.

necessary, Chesebro said. If dialogue fails, the group may begin to “picket, leaflet, or disrupt the on-going business of the firm, ask University of Minnesota students to boycott the firm, and ask the university to sever all economic ties with Honeywell,” he explained.<sup>[33]</sup> Eventually, Honeywell would back down. See, *FREE prevails: Honeywell yields*, on page 35.

## Michael moves to Minneapolis

**April 1970** Jack’s enrollment in Law School encouraged Michael to seek a position at the University of Minnesota Libraries. In April 1970, one month before they would apply for a marriage license, Michael received a written offer to be Head of the Cataloging Division of the St. Paul Campus library at the rank of Instructor. The offer came in a letter signed by Ralph H. Hopp, University Librarian.<sup>[34]</sup>

Jack had also received a letter from Dr. Hopp. In the name of FREE, he asked whether Hopp or his managers would apply “sanctions against those members of your staff who choose to exercise [their] constitutional right” to engage in public displays of affection “if the object of their affection happened to be a person of the same sex?”<sup>[35]</sup>

“Our concern is with the conduct of Library staff members only when they are on duty, or at times when they are representing themselves as Library staff members,” Dr. Hopp responded. “Beyond this, each member of the Library staff has to determine what is appropriate conduct for himself or herself.”<sup>[36]</sup> Privately, he emphasized that he would defend everyone’s right to live as one chooses.

Those assurances satisfied Jack. However, neither he nor Michael realized that a final step remained before being hired. Formal approval of the University’s Board of Regents was required, but it had been routinely given in the past.

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## With a smile that exudes the wisdom of his years, Michael asked, to no one in particular, “Who could stop an army of lovers united?”

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With letter in hand, Michael rejoined Jack. His decision to move to Minneapolis set in motion a series of events that are still having an effect to this very day.

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33. Fetherling.

34. Hopp, 27 April 1970.

35. Baker, April 1970.

36. Hopp, 29 April 1970.

## Same-sex marriage: in public

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

After settling into Law School Jack began to think about how to marry Michael. The *Legal Research* course taught him what he wanted to know. A quick review of the marriage statute revealed that any two “persons” could qualify for a marriage license.<sup>[37]</sup>

Inheritance and tax advantages are available to any mixed-sex couple willing to marry. Also, married couples are provided health care benefits by most employers and are allowed to participate in the medical care of each other without having to produce a power of attorney.

Michael and Jack believed sincerely that they were entitled to the same benefits of marriage provided to other childless couples. Nevertheless, many of their friends tried to convince them that they were crazy to try to become legally married. Considering it their duty to confront the injustice of the country’s marriage laws, they disregarded political advice from those within FREE who urged caution.

**May 1970** After much discussion, FREE 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 at 3:00 pm.<sup>[38]</sup> See, *Announcement of same-sex couple to apply for a marriage license*, on page 48. The date was chosen to allow the media coverage to unfold nationwide on Michael’s birthday, the following day. Also, it just happened to be the first anniversary since the formation of FREE.

As a courtesy, Jack called Dr. Hopp to apprise him of Michael’s involvement in a news event that would occur later in the day. He said he didn’t care what Michael did on his own.

The SAN FRANCISCO CHRONICLE quickly joined the debate. An editorial declared boldly that it’s time to take “A New Look at Homosexual Marriage.”<sup>[39]</sup> That is precisely what LOOK magazine did when it featured Jack and Michael as a typical male couple in its cover story on *The American Family*. “Straight and gay people both asked us why we can’t live together quietly and not cause trouble,” Jack explained to LOOK writer Jack

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37. University of Minnesota Law School.

38. Chesebro, May 1970.

39. Anon. [*San Francisco Chronicle*].

Star. “The answer is simple: we want equal rights – whatever heterosexuals have, we want too.”<sup>[40]</sup>

News of the event produced a steady stream of letters from destinations spread around the globe. Most were positive. Some were received by Rev. William C. Hunt. LOOK showed Michael and Jack greeting a priest at Mass during the kiss of peace, with this comment: “A Catholic all his life, Baker continues to receive Communion at the university’s Newman Center chapel.” Rev. Hunt, who took up a full-time assignment as director of the Center just two weeks before the article appeared on newsstands, found himself entangled in a controversy with many dimensions.<sup>[41]</sup> That abrupt introduction kept him involved in the discussion of the moral status of homosexual activity for more than 30 years! Today he defends the Biblical case for *full equality* in the Catholic Church.

Jack and Michael became reluctant celebrities. They accepted hundreds of invitations to speak because each audience was seen as a unique opportunity to educate. Everyone, it seemed, wanted to see this couple and to hear them explain why they wanted to be married.

“We wanted to get married primarily because we love each other,” Jack told a standing-room-only audience of more than 800 at the University of Nebraska. Two regents and a right-wing state senator tried but failed to stop the October, 1971, Time-Out Conference on Human Sexuality sponsored by the Association of Students of the University of Nebraska (ASUN).<sup>[42]</sup> “Baker Says Case Designed To Toss Wrench Into Works,” proclaimed the Lincoln STAR the next day.<sup>[43]</sup>

At the University of Colorado, Jack attracted the largest audience at the eighth plenary session of the 25th annual Conference on World Affairs – 15 times larger than the typical audience, according to the DENVER POST.<sup>[44]</sup> Speaking to 1,500 students and visitors, he predicted in 1972 – not quite accurately – that the United States will have legalized same-sex mar-

riages before the century is out “either by law or by decree.”<sup>[45]</sup>

On the 69th day of 1972 – his 30th birthday – Jack addressed a crowd of more than 2,000 at the University of Manitoba in Winnipeg, Canada. Every seat in the auditorium was taken, with students standing in the



**May 18, 1970:** Distributed worldwide by UNITED PRESS INTERNATIONAL, this photo shaped the dreams of a whole generation of gay youth.

Photo by R. Bertrand Heine  
Courtesy MINNESOTA HISTORICAL SOCIETY

aisles as he spoke about “The right to be human and gay.” He explained to the audience why the application for a marriage licence was “intended, literally, to throw a monkey wrench into the works.”

The MANITOBAN made the unusual decision to print his entire speech verbatim, as well as some highlights of the question period, “because of the interest generated by his speech and this topic.”<sup>[46]</sup> (The full text of Jack’s remarks is reprinted on page 69.) Kirk Bell, a student who came out “all the way” after the speech, wrote to say, “I’ve never heard more continued (all weekend) coverage of a single University speaker in the 2 yrs I’ve been here than I have of your day here.”<sup>[47]</sup> The event and a series of meetings with members of the campus gay club was sponsored by the University of Manitoba Students’ Union.

Michael and Jack also appeared for a full hour on *The Phil Dohahue Show*, which was originally produced at WLW-Television in Dayton, OH. They explained to a

40. Star, p. 70.

41. Hunt.

42. Anon. [*The Advocate*], 1971.

43. Wall.

44. Anon. [*Denver Post*], 19 March 1972.

45. Anon. [*Denver Post*], 16 March 1972.

46. Baker, March 1972.

47. Bell.

nationwide audience why they were crusading for same-sex marriage. In Chicago, Bob Kennedy of *Kennedy & Co.* (WLS-TV) invited them to explain the logic of same-sex marriage. In New York, David Suskind of *The David Suskind Show* quizzed them about “Homosexual Couples.”

Writers Kay Tobin and Randy Wicker profiled Jack and Michael in their book *The Gay Crusaders*. First published in 1972, it is a compilation of in-depth interviews with 15 homosexuals – men and women who were shaping America’s newest sexual revolution, according to the promo on the cover. “A new look at marriage was being forced upon courts, politicians, and public,” they concluded. “And maybe a far-reaching social revolution was under way” (emphasis theirs).<sup>[48]</sup>

A recent synopsis in THE WASHINGTON POST disclosed that Allan Spear, a closeted gay history professor at the University of Minnesota, castigated Michael and Jack in the early 1970s for daring to apply for a marriage license. “Only the lunatic fringe,” he argued publicly, had any interest in marriage.<sup>[49]</sup> Spear changed his tune when he discovered that gay youth saw the issue of same-sex marriage quite differently. Speaking to the next generation of gay youth, he would later laud Jack and Michael as pioneers, characterizing their application for a marriage license as the pivotal event in the quest for *full equality*. “It made me more aware of gay issues and raised my consciousness,” Spear told the St. Paul PIONEER PRESS in 1993.<sup>[50]</sup>

Jack contends that the public application for a mar-

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**“The answer is simple: we want equal rights – whatever heterosexuals have, we want too.”**

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riage license was the first time in all of human history that any male couple dared to confront the civil government to qualify for the same rights and privileges granted to other childless couples.<sup>[51]</sup> “It set in motion a series of thought currents,” he said, “that, decades later, continue to transform an entire world.”

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48. Tobin and Wicker, p. 145.

49. Von Drehle, p. A21.

50. Ojeda-Zapata.

51. Jack cites the research of Boswell and, more recently, Eskridge.

## The troubles begin

May 1970

Jack and Michael had plans to be married on December 31, with the wedding reception in the form of a New Year’s Eve party. Applying for a marriage license is normally a routine matter, but not in this case. Robert Anderson, senior deputy clerk of the District Court accepted the application for a marriage license and the \$10 filing fee. He then asked the couple to return the following Friday (May 22) to pick

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**“It’s plain that ALA failed the spirit if not the letter of fairness by refusing even in 1975 to go to bat for McConnell.”**

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up the license “unless there is a legal impediment.”<sup>[52]</sup> In the interim, advice would be sought from the County Attorney.

Reporters asked County Attorney George M. Scott for his position. He said he would advise against issuing the license. “Without getting into the law at this point, I’ll just say that there should be a male and female involved,” he said.<sup>[53]</sup> Jack and Michael said they would appeal a denial of the marriage license.

Before the legal waiting period ended, Scott responded with a memorandum. To approve the license, he advised on May 22, “would be to result in an undermining and destruction of the entire legal concept of our family structure in all areas of law.”<sup>[54]</sup> The Clerk of District Court followed the advice of the County Attorney and refused to issue the license.

Scott’s reasoning had two main points. First, he declared, Minnesota’s common law definition of marriage implied a contract between one man and one woman. Second, he noted, most laws governing marriage rights and responsibilities required one man and one woman. To prove his point, Scott cited opinions of the Minnesota Supreme Court, which referred to marriage as a contract between one man and one woman. Hence, he concluded, chaos would result if same-sex couples were allowed to marry.

A request for assistance from the Law School’s Legal Aid Clinic was approved but quickly revoked. A request to the Minnesota Civil Liberties Union (MCLU) for help went unapproved, partly because the MCLU was busy representing Michael versus the Regents. Also, the position being enunciated by the parent orga-

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52. UPI [*The Washington Daily News*], 1970.

53. Bergerson, 1970.

54. Scott, p. 6.



nization in New York, the American Civil Liberties Union (ACLU), was that same-sex marriage “doesn’t involve a civil liberties issue.”<sup>[55]</sup>

## The University of Minnesota Law School sells its soul for money

**June 1970** As a student whose only source of income was a subsidy given to military Veterans under the G.I. Bill, Jack qualified for assistance from the Law School’s Legal Aid Clinic. He approached Robert E. Oliphant, attorney and Director of the Clinic, which trains law student how to do *real* legal work with *real* clients. Oliphant accepted the case and agreed to have the Clinic appeal the denial of the marriage license.<sup>[56]</sup>

Pressures surfaced immediately. On June 17, Oliphant confided that he was torn between letting one person needing help go unaided or letting the Clinic suffer. It could be closed down, he said, or rendered ineffective. Minnesota’s Supreme Court could revoke the “Third Year Practice Rule,” a special order that allowed Third Year students to represent clients in court.

Oliphant suggested a compromise. He would pass the word that the Clinic was no longer working on the case. Privately, he would ensure that all necessary paper work was in proper order. In this way, he said, the Clinic would still do the work, but only Jack’s name would appear on it. Jack, now a second-year law student, would be expected to do oral arguments in court. Jack agreed.

Michael could afford. It would be several years before the bill would be paid in full.

Months later, after the appeal was concluded in the District Court, Jack began to hear rumors. He met with Law School Dean, William B. Lockhart, in his office on March 9, 1971 at 2 p.m. Jack wanted to confirm rumors that the Dean, himself, had forced the Legal Aid Clinic to stop all work on the marriage license appeal.

Yes, Lockhart admitted, he did. He then blamed the victim: You said “in the media,” he explained, that you were going to “use” the Law School. He thought it would not be good for the Law School or the University to become involved in the case, he explained. “It would cause the legislature,” he continued, “not to give us the money for the new Law School.”

How did the Dean reason that his action would not be a violation of ethics? i.e., interference with a lawyer and his client. It wouldn’t be a violation of ethics, he replied, so long as “there was legal advice elsewhere.”

“Do you feel there was legal advice elsewhere,” Jack asked, surprised. “I do,” he answered.

Jack asked the Dean whether he realized that he was denying the Clinic’s services to 4% of the population.<sup>[57]</sup> He wasn’t, he insisted. It was just this case. The issue raised, he said, was one he thought had no chance of success and not one that should be raised by the Clinic.

If we change your line of reasoning from *homosexual* to *black*, Jack responded, and go back 10 years in time, your argument is identical to what others said

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**He was demanding “the right to... foist tacit approval of this socially repugnant concept upon his employer, who is, in this instance, an institution of higher learning.”**

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Two weeks later, Third Year student H. Peter Albrecht told Jack he would be dropping out of the case. His mother put pressure on him, he said. She insisted that it would ruin his reputation, and he didn’t want to hurt his mother, he explained.

Another student, Stephen Simon, said he would assist with advice about how to do the research but not much else. Jack and Mike had no choice but to retain an attorney to petition the District Court to issue a Writ of Mandamus to require the Clerk of Court to perform a duty that is required by law; namely, issue a marriage license. Attorneys fees and printing costs quickly added up to a huge expense that neither he nor

about the rights of black people. “I don’t consider it the same,” he replied. “I’m not going to debate my decision with you.”

Lockhart’s next comment evoked both joy and anger. His action was a mistake, he admitted. If put in the same position today, he said, he would not make the same decision because “you have educated me in the past year.” The Dean should not tell the Clinic what arguments to make, he said apologetically. The arguments being made in the marriage case should be made, he continued, but “philosophically I could not and would not make them.”

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55. Baker, 1972.

56. This section is extracted from the Diary of Jack Baker.

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57. Jack was referring to the research of Kinsey, Pomeroy and Martin, which was common knowledge in the 70s and often quoted.

Astounded by the Dean's admission, Jack decided to confer with Bob Oliphant. First, though, he needed a few hours to think. Finally, at 4:15 p.m., Jack met with Oliphant, who tried to cover for Lockhart by saying it was others who were pressuring him. Jack told Oliphant about the Dean's admission – not only did he do it but he did it for money. "I am having a personal crisis keeping the Dean's action private," Jack said.

Going public would just cause legislators and lawyers to rally behind Lockhart, Oliphant replied. "A lot of them don't want you in Law School." Besides, he said, the Clinic would then go – not in one year but in two or three. Lockhart, he explained, has a lot of pull with other deans and his influence has kept it funded. If Lockhart is attacked, the money would stop.

Jack disagreed, saying, "If the students let it go, then it should go."

At first Oliphant said he didn't care if Lockhart's comments were made public. Then Oliphant said that he, himself, would get in trouble if the whole thing came into the open because "they" would find out that the Clinic had been helping with the adoption of Jack by Michael, which was currently under advisement by Judge Lindsay Arthur. He asked Jack to keep his word and say nothing publicly.

Jack mentioned a complaint to the Ethics Committee. Oliphant asked Jack not to do that either. Jack kept his word and remained silent. Soon he would become the Student Body President and this conversation would be pushed from his mind.

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## **They demand <full equality>, no longer just "equal rights," and reject the notion that same-sex couples must compromise.**

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Professor Robert Oliphant reviewed this section and described it as "partly fact, partly fiction, and possibly partly defamatory."<sup>[58]</sup> In an e-mail dated October 9, 2003, he insists that the Dean's "decision was not unreasonable," given the "tiny chance of success with Jack's lawsuit." The full text of professor Oliphant's response appears on page 61.

"A portrait of Dean William B. Lockhart hangs in the University of Minnesota Law School," Jack responded via e-mail. "If a law professor can't remember the name of a Dean he served for many years, how can his memory be trusted to recall other details of events that occurred more than 32 years ago?" he asked. Jack was referring to the fact the professor Oliphant mentions Dean "Lockhardt" consistently.

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58. Oliphant, Oct. 2003.

## **The University punishes Michael**

**June, 22 1970**

Michael's job offer came up for review on June 22, 1970, when the Faculty, Staff and Student Affairs Committee of the Board of Regents met privately with the University Attorney. They met exactly one month after the marriage license had been denied. Once again, the process was not routine.

The committee voted against Michael's appointment<sup>[59]</sup> and offered to "hear a statement" from him at their next meeting scheduled for July 9, the day before the full Board convened.<sup>[60]</sup> Michael appeared before the committee, accompanied by two attorneys from the MCLU. Their appeals fell on deaf ears.

Pleas from staff and faculty were also ignored. A resolution from the Library Staff Association (June 11) declared that "individuals have the right to expect that value judgements shall be made only on their ability to perform the duties outlined for the positions to which they have been appointed."<sup>[61]</sup> This action was prompted by discussion among library staff that began shortly after Michael applied for the marriage license.

Another letter, from the Association of Teaching and Research Assistants, was written July 8, one day before the committee met. Its president, Jodi Wetzel, urged committee chairman, John Yngve, to judge Michael "on the basis of his potentiality for carrying out the duties" of the position.<sup>[62]</sup> Yngve's decision would be made public the following day.

The Executive Committee of the Board of Regents met in private early the next day (July 10), immediately prior to the convening of the Board. Its report covered a host of matters, some confidential. One item accepted the recommendation of Regent Yngve's committee that Michael's appointment "not be approved." The stated reason was that Michael's "personal conduct, as represented in the public and University news media, is not consistent with the best interest of the University."<sup>[63]</sup>

The report of the Executive Committee was approved by the full Board later that day (July 10),<sup>[64]</sup> with no discussion. When the meeting adjourned, University officials were pressed to clarify if the appointment had been accepted or not. They pointed to that report, which was not made public.

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59. Tierney.

60. Hogg, 6 July 1970.

61. Shanley.

62. Egner, 10 July 1970, p. 1.

63. Hogg, 10 July 1970.

64. Garrison.

Off the record, some Regents said they did not have personal objections to hiring a homosexual, but felt it was best to avoid a public outcry. Also, they said, if the courts ruled against the University, hiring Michael would not reflect badly upon them.<sup>[65]</sup>

On the record, Regent Daniel Gainey said, "This thing is a public relations matter." Hiring this man, he continued "would enrage ninety percent of the people in the state."<sup>[66]</sup>

Would he reject a black applicant if the majority of the residents of the state hated blacks? "Well, that's one of those things you can't always spell out exactly. There are deeper philosophical considerations as far as

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**"I knew on Day One," Michael explained, "that love is the most powerful force in the universe."**

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a homo is concerned." Helpfully, Gainey added, "A black person just can't help being black."

Later, Gainey lamented, "Why didn't he just take his job, do his work and shut up?"

Regent Albert Hartl did not mince words. He said, "McConnell is a bad man." The public and press, he said, are "inputting these other reasons to the Regents' turning him down." Could the Regents prevail? "Threatening the Regents with a court case is like threatening a farmer with a bumper crop. Will we win? Yes, we'll win."<sup>[67]</sup>

The Regents generated extensive media attention by refusing to hire Michael. A story in the Owatonna (MN) PEOPLE'S PRESS is typical of the coverage circulated by the ASSOCIATED PRESS throughout the state and nation. It said that Michael was being refused a job at the University because he "applied for a license in Hennepin County to marry another man."<sup>[68]</sup>

Michael praised Dr. Hopp, the University Librarian. "He was caught in the middle of a political drama," Michael said, "but he was always supportive and gracious to me."

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**"If you beg for second-class citizenship, you will be treated as one."**

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## FREE hosts Minnesota's first Gay Liberation convention

June 1970

Not content to simply fight the Regents' refusal to hire Michael, Jack worked within FREE to expand the discussion of gay equality beyond Minnesota. On June 24, FREE sent a request to Vice President Stanley Wenburg's office requesting permission to hold a regional convention on the campus October 10-11. Wenburg referred the request to the Faculty, Staff and Student Affairs Committee of the Board of Regents, the same unit that rejected Michael's appointment.<sup>[69]</sup>

James Chesebro, the convention coordinator, noted that, "As far as we are able to tell, the only distinct feature of the request is the fact that FREE is requesting a convention."<sup>[70]</sup> The Regents rejected the request at their September 11 meeting. President Malcolm Moos later explained that legal counsel said the convention would prejudice the appeal of Michael's case.<sup>[71]</sup>

The MINNESOTA DAILY responded with a scathing editorial, proclaiming the Regents to have the moral authority "somewhere between that of Billy Graham and Judge Julius Hoffman."<sup>[72]</sup> The pain felt by James Chesebro was immense. At 25, he was a Ph.D. Candidate in the Department of Speech-Communications. How could a place that calls itself a "university" forbid speech, any speech? The Regents had cheapened the degree that he was pursuing. He felt cheated as a student. To make matters worse, the MCLU refused his request for help.

Undaunted, FREE moved the convention off campus, to Dania Hall, an historic building on the West Bank of the Mississippi.<sup>[73]</sup> News of the Regents' action produced commitments from Gay Liberation and homophile leaders in Minnesota, Wisconsin, Illinois, Michigan, Iowa, Kansas and New York.

Event planners intended to have a series of speakers and possibly a session to discuss the comments of Black Panther leader Huey Newton urging his followers to work with both the Gay and Women's liberation

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65. Kuhn, 1970.

66. Tigue, July 1970, p 1.

67. Ibid., p. 3.

68. Associated Press, 1970.

69. Baker, July 1970.

70. Egner, 16 July 1970, p. 1.

71. Egner, Sept. 1970.

72. Anon. [*Minnesota Daily*], 1970.

73. Chesebro, Oct. 1970.



movements. Also planned was a discussion about developing relationships between different homophile organizations nationally.<sup>[74]</sup> See, *Proposed agenda for Minnesota's first regional convention to empower gay youth*, on page 49.

Unfortunately, "Revolutionaries" demanded that the proposed agenda be set aside in favor of "reports from each group represented, followed by a discussion of Gay oppression and how Gay people repress each other, followed by a discussion of sexism and then racism."<sup>[75]</sup> Forty of the 145 delegates walked out. Coverage in the MINNESOTA DAILY appeared under the headline, "Disorganization marks gay lib convention."<sup>[76]</sup> Polarization between moderates and radicals became evident as issues of racism, sexism and chauvinism were discussed. Tempers flared when delegates debated whether to recognize the Black Panther Party as the "vanguard of revolution in America."

The NEW YORK MATTACHINE TIMES said the convention fell apart because "the delegates spent the week-end trying to 'outradical' one another."<sup>[77]</sup> Chesebro dismissed the criticism. "The framework for discussion," he said, was merely a tool that allowed everyone - liberals, conservatives and radicals - "to speak and participate." Chesebro's report to the membership (reprinted here on page 51) provoked a bitter debate.

Not only did Chesebro defend the "Revolutionaries" who turned the convention into something that

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### **"We set the agenda for those who would later emerge from the closet."**

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was not approved, but he also insisted "that unless the entire Gay Community is represented, FREE ought not hold meetings for the need becomes getting the Gay Community represented, not holding business as usual".<sup>[78]</sup> Robert Halfhill, FREE's treasurer, tried but failed to get Chesebro to account for expenses incurred at the convention. After five months of no accounting and no apologies by Chesebro, Halfhill released his analysis of "the worth of the October Regional Gay Convention."<sup>[79]</sup>

Halfhill's audit uncovered unauthorized expenses to pay for ransacked kitchen facilities, and for two tanks of gas, enough to get the "Revolutionaries" back

74. Bjornson, Oct. 1970.

75. Chesebro, Nov. 1970, pp. 1-2.

76. Olsen.

77. Anon. [*New York Mattachine Times*], 1970.

78. Chesebro, Nov. 1970, pp. 8.

79. Halfhill, 1 April 1971, pp. 7-10.

to New York. Also, FREE incurred expenses for guest speakers who were not allowed to speak.

The convention radicalized a small but growing minority of FREE members who were becoming less patient with straight society and its institutions. They pushed for and won approval for a resolution recognizing the Black Panther Party as "the vanguard for the elimination of repression for all people."<sup>[80]</sup> Chesebro said he pushed for the statement because institutional channels for action were being closed and other channels had to be found.

The Young Americans for Freedom were just glad to be rid of it. After the convention ended, they met with President Malcolm Moos to demand that he "think twice" about permitting on campus "a convention of individuals who would participate in illegal acts, such as a convention of homosexuals."<sup>[81]</sup>

### **Victory in the lower federal court**

#### **August 1970**

When the full Board of Regents ratified the recommendation of its Executive Committee, the MCLU went directly into U.S. District Court. They argued that Michael suffered a denial of his civil rights under color of law. Witnesses testified before Judge Philip Neville on August 5.

Regent John Yngve, chairman of the committee that rejected Michael's appointment, insisted that Michael's desire to marry Jack could be presumed criminal even though no charges had ever been made against him. Excerpts from Regent Yngve's testimony, responding to questions by MCLU attorney Stephen M. Goldfarb, was reprinted in THE ADVOCATE:

**Goldfarb:** Do you feel that McConnell is a criminal?

**Yngve:** People that live together, that are homosexuals engage in acts of sodomy, and people can presume that they will engage in acts that are against the law in Minnesota.

**Goldfarb:** Are you aware of the fact that a homosexual can have contacts with a person that is, there is no difference between a condition and an act?

**Yngve:** Two men who live together and take out a license, there's no question about what they want to do and what they will do.

**Goldfarb:** Does the university have any rules concerning homosexuals?

**Yngve:** No.

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80. Bjornson, 25 Nov. 1970.

81. Brandt, 1970.

**Goldfarb:** Did the committee have anything before them to indicate McConnell was convicted of a crime?

**Yngve:** No.

**Goldfarb:** Does McConnell's condition render him unfit for the job?

**Yngve:** He may be an excellent worker, but as far as his own fitness, we have laws, and we can't condone breaking of the law.

Michael followed Regent Yngve to the stand. He stated under oath that he had never committed sodomy in Minnesota, which was against state law. Other questions proved equally fruitless. Nevertheless, counsel for the university said, "I offer you this witness as proof that he has committed acts of sodomy in the past in other states, and he has committed acts of sodomy in Minnesota, and intends to commit such acts in the future." Judge Neville replied, "You don't mean this witness sitting on the stand, do you?" Counsel for the university said, "Yes, I do, your honor." Judge Neville rejected the offer of proof, with the comment, "That's silly. I just reject that."<sup>[82]</sup>

The University Attorney surprised the audience by announcing to the court that in the 10 years he served the University, singling out one individual from a list of appointments was unprecedented. Judge Neville then ended the hearing. He asked counsel for the university to file a brief by August 19 and MCLU to reply by August 26.

In his instructions, Judge Neville said, "What you've got to consider is whether McConnell's activities will actually interfere with his employment. It's possible that he works 9 to 5 and that what else he does is none of the university's business." He promised a ruling shortly after all the briefs were filed.

In its brief MCLU offered as precedent the case of Clifford L. Norton who, a U.S. Court of Appeals decided, had been "unlawfully discharged" by the National Aeronautics and Space Administration on charges of homosexual behavior. Attorneys for the University countered with decisions that upheld the firing of homosexuals from government agencies.<sup>[83]</sup>

On September 9, 1970, federal judge Philip Neville issued a permanent injunction, which forbid the University to renege on its promise to hire Michael. He cited the case of *Morrison v. State Board of Education*, a 1969 decision of the California Supreme Court. That court said a school teacher could not be fired solely on the grounds of homosexuality. Judge Neville rejected cases offered by the University, especially those where blackmail could be expected because, he noted, Michael was not a "clandestine" homosexual.

Judge Neville found that Michael had a right "not to be discriminated against under the Fourteenth Amendment due process clause." The University, he said, failed to show a "an observable and reasonable relationship between efficiency in the job and homosexuality."<sup>[84]</sup>

Further, Judge Neville explained, a "homosexual is after all, a human being and a citizen of the United States despite the fact that he finds his sex gratification in what most consider to be a highly unconventional manner. He is as much entitled to the protection and benefits of the laws and due process fair treatment as are others."

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**There exists "in commonsense a clear distinction between a marital restriction based merely upon race and one based upon the fundamental difference in sex."**

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THE MINNEAPOLIS STAR called it "A compassionate ruling."<sup>[85]</sup> Urging caution, its editorial said that "the time is long past when homosexuals might be treated as outcasts, and banished from ordinary jobs in which their personal life is of no or trivial consequence."

Two days later, at their regular meeting, the Regents instructed legal counsel "to begin the appeal process forthwith."<sup>[86]</sup> The REPUBLICAN EAGLE asked, "Why bother, regents?"<sup>[87]</sup> Urging compassion and sensitivity, its editorial came right to the point. "We consider it a waste of time and taxpayers' money to appeal Neville's ruling."

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82. Bjornson, 2 Sept. 1970.

83. Bjornson, 30 Sept. 1970.

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84. *McConnell v. Anderson*, 316 F.Supp. at 814.

85. Anon. [*The Minneapolis Star*], 1970.

86. Anon. [*University of Minnesota*], 11 Sept. 1970.

87. Anon. [*Republican Eagle*].

## The Minnesota Library Association refuses help to Michael

**October 1970** Michael attended the 75th annual conference of the Minnesota Library Association (MLA) held in Rochester October 15-16. He was seeking peer review of the Regent's refusal to approve his job offer. Mitch Freeman, a managing librarian from the Hennepin County Library system, was eager to help. He introduced a resolution instructing the officers to collect "all information pertaining to Mr. McConnell's case" and to forward the results to the parent organization, the American Library Association (ALA).<sup>[88]</sup>

Robert DeYoung, president of the University's Library Staff Association, told THE DISPATCH that the resolution called for an investigation into the University's decision not to hire an admitted homosexual.<sup>[89]</sup> The resolution was approved overwhelmingly after removing language that accused the Regents of a "flagrant act of discrimination in denying Mr. McConnell his civil rights."<sup>[90]</sup>

Gil Johnsson, MLA's president, interpreted the resolution differently. "I do not believe it was the intent of the MLA membership to plead Mr. McConnell's case," he said, "but rather to request a review."<sup>[91]</sup> He emphasized that it was Michael's responsibility to file a "Request for Action" with the ALA.

MLA's officers refused to assist. Though Michael was a member of ALA and the Missouri Library Association, Johnsson characterized him as an outsider who lacked a "belief in the organization's ability to fairly consider problems, etc., faced by its membership."

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**"I want the whole world to know that Michael stood proud, took his punches, started over at 28, then rose to the top at the Hennepin County Library."**

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MLA would extend Michael no professional courtesies because its president had effectively transformed a genuine concern of the membership into a meaningless exercise in futility. Michael began to suspect that librarians may not be a profession of professionals.

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88. Minnesota Library Association.

89. Anon. [*The Dispatch*], October 1970.

90. Kahlert.

91. Johnsson, 1970.

## The battle for same-sex marriage begins

The Clerk of District Court had formally declared on May 22 that he was "unable to issue the marriage license" requested by Jack and Michael.<sup>[92]</sup> He was responding to a memorandum signed by George M. Scott, Hennepin County Attorney, which had arrived earlier that day.



**December, 1970:** Jack (l) and Michael (c) review a legal brief prepared by their attorney, Michael Wetherbee (r).  
Photo by Paul R. Hagen

Jack told THE ADVOCATE that the arguments of the County Attorney were easily refuted. But, he added "its not going to be so easy for us, we think."<sup>[93]</sup> Work had already begun on a "Brandeis Brief," an extensive memorandum with "as much sociological data and what-have-you as we can get into it."

Jack's effort was helped initially by the Law School's Legal Aid Clinic and a fellow student serving as attorney of record. "My classmates in the Law School all are supporting me 100%," he said. "They're a little upset with the county

attorney's opinion ... you know, 'Who the hell does he think he is?'"

After THE ADVOCATE published this interview, and perhaps because of it, the Legal Aid Clinic reneged on its promise of help. See, *The University of Minnesota Law School sells its soul for money*, on page 9. Jack and Michael were now forced to hire a private attorney, an expense they could ill afford.

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92. Nelson.

93. Bjornson, June 1970, p. 1.

**November 1970** The first round ended on November 18. During the hearing, Jack, Michael and their attorney, R. Michael Wetherbee, attempted to invoke the U.S. Constitution. The Judge noted that they failed to invite Minnesota's Attorney General, as required by law when the constitutionality of a state statute is questioned. He would base his decision, he said, solely on Minnesota law. District Judge Stanley Kane then upheld the refusal of the Clerk of Court to issue a marriage license to persons of the same sex.

In his ruling Judge Kane stated that Minnesota's marriage law "is not to be read in isolation from the other laws governing the marriage relationship in the areas of divorce and annulment, probate and property law, inheritance and tax laws and regulations, and notably the law governing the rights and privileges of married women."<sup>[94]</sup> In this overall view, he continued, "it must be concluded that the legislature did not intend to authorize or permit such marriages."

On December 2, Judge Kane denied a request to reopen the case, even though the Attorney General had been invited to participate in the hearing. His decision required a whole new lawsuit in order to argue the constitutional merits of the case.<sup>[95]</sup>

When the petition was re-filed, the Attorney General was given proper notice, but his office declined to intervene.<sup>[96]</sup> Because the County Attorney agreed to the basic facts, the case moved quickly. Finally, on January 8, 1971, Judge Tom Bergin rejected the constitutional arguments and specifically ordered the Clerk of Court not to issue the license.<sup>[97]</sup>

## Michael adopts Jack

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, no questions asked. When a mutual friend in law school offered to process a petition for adoption, Michael agreed.

**December 1970** Once again, the process was not routine. Michael filed a petition to adopt Jack on December 2, 1970. Even though Michael was an adult, the judge insisted that he obtain consent from his

brother, sisters and parents. After family tensions were resolved, the petition was finally approved on August 3, 1971.

The decree also approved a change of name for Jack – to Pat Lyn McConnell.<sup>[98]</sup> One family name was important to them because they planned to adopt children. "I once asked my mother," Jack said, "why she abandoned her father's name." He never forgot her reply. "It's important for children," she said, "to have one family name." Jack assumed the McConnell name because his parents were both dead and Michael's parents accepted him as one of their own.

## As Jack and Michael see it, gay Americans are fortunate to have our birthright made the subject of a national conversation during the election of the president of the United States of America!

THE NEW YORK TIMES, on August 25, noted the adoption, especially the memorandum that accompanied the final order.<sup>[99]</sup> Judge Lindsay G. Arthur had said that "regardless of popular conception, adoption is not limited to children nor is it limited to real or simulated parent/child or older person/younger person relationships."<sup>[100]</sup>

TIME magazine speculated about other outcomes. Perhaps Jack could pay in-state tuition rates since his father, Michael, is a resident of Minnesota. Also, could Michael now file his taxes as Head of Household while Jack is a full-time student?<sup>[101]</sup>

Jack never paid out-of-state tuition. It was never an issue because he was 27 when he arrived in Minneapolis.

One important item to note in the adoption of Jack by Michael was the date it was approved (August 3) versus the date the story was published (August 25). The critical reader might wonder why the press delayed the story for more than three weeks. The reason is simple.

Dirty tricks are a fact of life, especially in the courthouse. Adoption details are confidential and cannot be made public without permission of the parties. Gwen Jones, reporter for THE MINNEAPOLIS STAR, snatched on Gerald R. Nelson, the Clerk of District Court. She confirmed that it was he who broke the law and supplied reporters with copies of confidential court records.

94. Bjornson, Dec. 1970, p. 1.

95. Bjornson, Jan. 1971.

96. Kenefick.

97. Baker v. Nelson [District Court].

98. Findings and Decree in re Petition, par. 6.

99. Associated Press, August 1971.

100. Memorandum in re Petition, p. 1.

101. Anon. [Time].

With unlawful copies in hand, reporters asked Judge Arthur to confirm that he had signed the decree. Since he did not leak the court records, he reasoned, he did not break the law. The story ran only when Judge Arthur confirmed that a decree had been signed. For once Michael and Jack created news in an unintended manner, with unintended consequences.<sup>[102]</sup>

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**“We exposed a lack of moral turpitude in the Minnesota Supreme Court.”**

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102. Bjornson, Sept. 1971.



– 1971 –

## American Library Association waffles

**January 1971** After realizing that the MLA would take no action to censure the University, Michael decided to seek assistance from the national organization, the American Library Association (ALA). As a member of ALA, Michael submitted a “Request for Action” to its Office for Intellectual Freedom on January 11, 1971. Comprising 16 pages, it included 127 attachments. Once again, the process was not routine.

David K. Berninghausen, a professor in the University of Minnesota Library School, served as Chairman of the Intellectual Freedom Committee (IFC), which reviewed Michael’s request three times at its midwinter conference. Finally, the IFC passed the matter on to another unit, because you “did not discuss how the infringement reported in the Request for Action violated the spirit of the LIBRARY BILL OF RIGHTS.”<sup>[103]</sup>

Professor Berninghausen told Michael that a policy adopted in 1946 “seems to commit the ALA to give responsible attention to cases such as yours.” But, he added, “this 1946 policy does not define jurisdiction and procedures to handle them.”<sup>[104]</sup>

Astounded by what appeared to be political maneuvering, the Task Force on Gay Liberation (TFGL), a division of ALA’s Social Responsibilities Round Table, complained to the president of ALA. “It appears to us that Mr. Berninghausen tried this case before all the facts were in hand and before the IFC even met to discuss it,” Edward Bachus, TFGL Secretary wrote.<sup>[105]</sup> “The IFC decision seems to be a clear attempt to hide this obscene incident.”

Jack accompanied Michael to the ALA annual conference in Dallas, TX, in June. They were joined by several activists, including Barbara Gittings and Kay Tobin. The activists provided support for the TFGL as it prepared to confront the Intellectual Freedom Committee during its scheduled discussion entitled “Intellectual Freedom: Beyond Lip Service.”<sup>[106]</sup>

THE DALLAS MORNING NEWS reported that the last hour and a half of a 4-hour meeting was “dominated by four persons who refused to allow panel members to discuss their scheduled topic.”<sup>[107]</sup> Amidst an audience of 700, the protesters insisted that the discussion change from hypothetical cases of censorship – called

fantasy games by the protesters – and instead discuss Michael’s case and the lack of involvement by the Intellectual Freedom Committee.

The protest focused on weaknesses in the ALA committee structure. Various committees claimed jurisdiction over Michael’s case, but no one committee or ALA as a whole was willing to make a final decision.

The protest produced two resolutions: “1) It is the opinion of the Intellectual Freedom Committee, that, based on the decision of the Federal District Court of Minnesota, J. Michael McConnell’s rights under the First Amendment have been violated; and 2) that his case be given high priority for action by the new Committee on Mediation, Arbitration, and Inquiry.”<sup>[108]</sup>

As it turned out, those were just words. Another division of ALA, the Association of College and Research Libraries (ACRL), claimed exclusive jurisdiction because Michael would have been an academic librarian. Eventually, the ACRL approved a resolution stating that it “deplores” the action of the Board of Regents and “urges the Board to rescind its action and employ Mr. McConnell.”<sup>[109]</sup> It did not recommend that ALA reprimand the University of Minnesota.

Barbara Gittings, who became coordinator of the TFGL and served for 15 years, bemoaned how Michael’s case had been bumped from desk to desk, with each report recommending no action. “It’s plain that ALA failed the spirit if not the letter of fairness by refusing even in 1975 to go to bat for McConnell,” she wrote in her anthology of TFGL’s first 16 years.<sup>[110]</sup>

## Lobbying for “civil unions,” they insist, is wrong.

During four years of protests at Council and Membership meetings, the ALA bureaucracy consistently maintained that the University of Minnesota did not violate any ALA policy in force at the time. Hence, the American Library Association never took any action to object to Michael’s treatment by the University of Minnesota.

103. Krug (emphasis in original).

104. Berninghausen, p. 2.

105. Bachus.

106. Fishman.

107. Anon. [*The Dallas Morning News*].

108. Anon. [*Library Journal*], August 1971, p. 2449.

109. Thomas.

110. Gittings (*The TFGL was renamed Gay Task Force in 1975*).

## “Our friends” waffle

Early in January 1971 State Representative Thomas Ticen (DFL-Bloomington) introduced legislation to change Minnesota’s marriage law to be man-and-woman specific. Not willing to let such action go without comment, Jack engaged the legislator in a televised debate.

**January 1971** “I am not attempting to interfere with your personal rights.” Ticen told Jack during a Saturday noon talk show broadcast in the Twin Cities January 30. “I just don’t think the state should be put into the position of blessing your relationship, that’s all. It’s foreign to the whole idea of marriage.”<sup>[111]</sup>

Henry Wolf, host and local celebrity, looked to Jack for a response. Jack faced Rep. Ticen and talked slowly. “As long as the state blesses the marriages of impotent men or infertile women – for companionship – as long

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## ‘Keep America Beautiful’ by stamping out “queers.”

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as it permits couples in their seventies to marry, long past the age where they can produce children, seeking to wed only for companionship – then why should not the state offer these same legal benefits to couples of the same sex, who also marry for companionship”, he asked.

“It would open Pandora’s box,” Ticen responded.

Jack confronted Rep. Ticen again two week later, this time at a public hearing to consider his bill. Jack described to the House Judiciary Committee some of the benefits of marriage that are denied to gay men and women but not to childless couples – automatic inheritance, joint tax returns, and the right to sue for wrongful death or loss of companionship or alienation of affection. The committee adjourned without acting on the bill.<sup>[112]</sup>

Rep. Ticen persisted. His bill was later passed out of committee on April 12<sup>[113]</sup> and sent to the House floor, where it passed 116-14 on April 19.<sup>[114]</sup> The MINNESOTA DAILY defended same-sex marriage and criticized the House action. “The measure violates civil liberties previously guaranteed every American,” its editorial complained the next day, “and still allows heterosexuals under the bill the right to marry whomever one pleases.”<sup>[115]</sup>

An identical bill sponsored by Senator Harold Krieger (R-Rochester) was stymied by adjournment, which ended any hope for changing the marriage legislation in 1971. First approved by the Senate Welfare Committee, the bill went to the Senate Judiciary Committee, which did not act. Jack said he would mention the legislature’s failure to act in his upcoming arguments before the Minnesota Supreme Court. The legislature could have amended the statutes to specifically forbid same-sex marriage, he said, but not doing so is proof that it has decided to allow for that possibility.<sup>[116]</sup>

Jack’s testimony stymied the legislature for six more years. It was not until 1977 when a bill to redefine marriage as “a civil contract between a man and a woman” was put to a vote. “Minneapolisians were shocked,” Jack said, by the response of “our friends” in the House delegation – 13 DFLers (Democratic-Farmer-Labor party) joined two Republicans to pass the bill. In the DFL, only Jim Rice abstained, while Tom Berg [later, U.S. Attorney], Linda Berglin, Phyllis Kahn, Martin Olav Sabo [then the Speaker; now, U.S. Representative] and others voted FOR it!<sup>[117]</sup> Minneapolis Republicans Arne Carlson [later, Governor] and Bill Dean also voted with the majority.

A total of 25 senators abstained, including Majority Leader Nicholas Coleman. In Minneapolis, Steve Keefe and Frank Knoll were two of four DFLers who joined with the city’s only Republican to pass the bill.<sup>[118]</sup> Jack Davies [law professor], Allan Spear [later, President of the Senate] and Robert Tennesen abstained. No legislator voted against the bill.

## Jack becomes Student Body President

The war in Viet Nam was topic number one nationwide as the 1970s began. College students were protesting in the streets – “Hey, Hey LBJ, how many kids did you kill today?” They opposed, sometimes violently, the actions of President Lyndon B. Johnson to escalate the war. Their anger was fueled by resentment for a law that allowed able-bodied men to be drafted against their will to fight a war they saw as morally wrong. Posters proclaiming, “Don’t trust anyone over 30!” were conspicuous on and near college campuses.

The marriage controversy, and the Regents’ reaction, created tensions within FREE. The recent denial of campus facilities for a national convention remained a sore point, as did the uncivil behavior of some who attended. News reports that the convention was disor-

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111. Bjornson, March 1971, p. 2.

112. Riemerman, 1971,

113. Richardson, 14 April 1971.

114. Richardson, 20 April 1971.

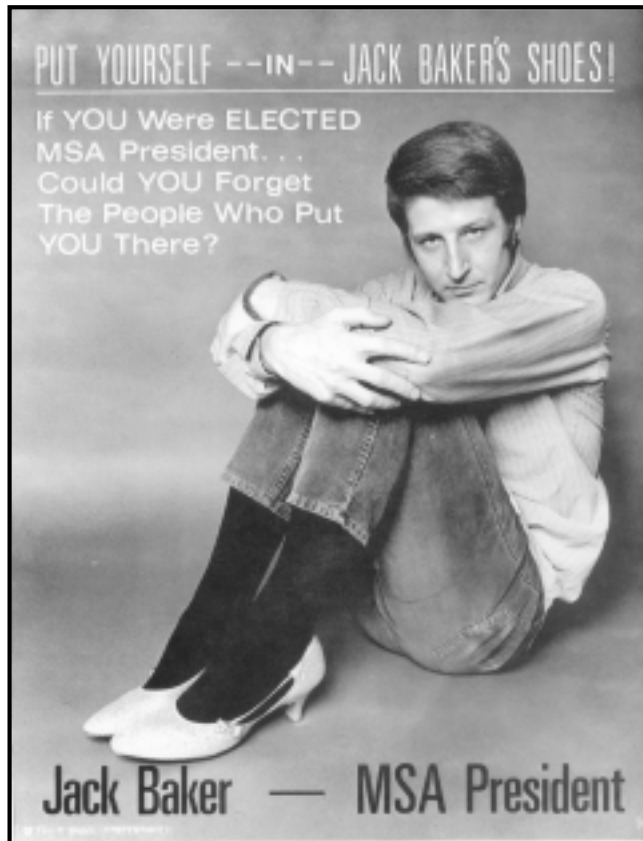
115. Anon. [*Minnesota Daily*], 20 April 1971.

116. Bjornson, June 1971.

117. State of Minnesota, Journal of the House.

118. State of Minnesota, Journal of the Senate.





**Poster #1:** FREE's treasurer loaned his shoes. "Stolen" from kiosks, this poster re-appeared in dorm rooms.

Photography and artwork by Paul R. Hagen.

ganized provoked the organizers to insist that polite debate about gay equality was "superficial" and accomplished nothing;<sup>119]</sup> they wanted militant confrontations, similar to what was happening in the streets. Others said publicity derived from legal challenges were now starting to offend "our friends"; they wanted to focus on dances and other social activities.

Jack was a U.S. Air Force veteran who knew firsthand that homosexuals were automatically excluded from the military-industrial machine. Hence, the anti-war protests did not interest him. Jack was in Law School precisely because he saw the courts as the ultimate arbiters of equality. The bizarre behavior of the Regents and, more recently, the Dean of the Law School, was proof that the ruling class of Minnesota would eventually relent, just as it did in Oklahoma City. He wanted to increase the pressure with political confrontations, not tone down the debate or render it ineffective with activities that destroyed the credibility that FREE had worked so hard to amass. Besides, he observed, most students wanted to focus on their education.

119. Bertarelli (sic).



**Poster #2:** Generations of students knew and loved Mamma D.

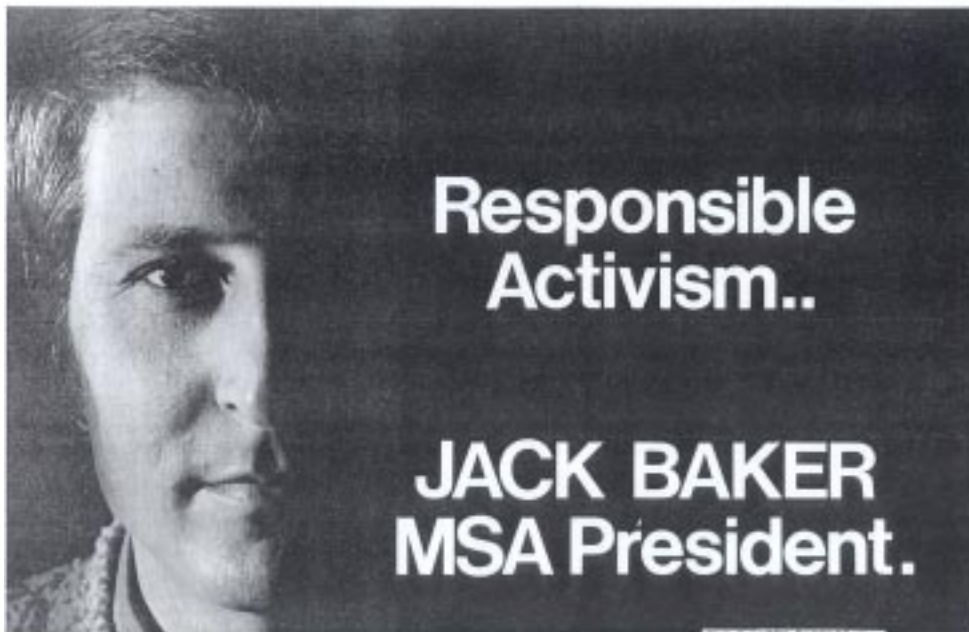
Photography and artwork by Paul R. Hagen.

Into this mix Jack saw an opportunity to begin another very public discussion about the birthright of gay citizens. He decided that he could escalate the debate and neutralize both the radical and conservative voices within FREE by simply running for Student Body President.

At the time the University of Minnesota had five campuses. The Twin Cities campus straddled two sites, one in Minneapolis and one in St. Paul, but they were commonly referred to as simply the Twin Cities campus, which had a total enrollment around 43,000 during fall 1970.

"I draw the analogy between myself and Jack Kennedy," Jack told the MINNESOTA DAILY soon after Winter Quarter 1971 began.<sup>120]</sup> He was referring to

120. Kopperud.



**Poster #3** silenced gay critics. George Michael used this design on his CD *Older* (1996).  
Photography and artwork by Paul R. Hagen.

former president John F. Kennedy, who had been assassinated in Dallas, TX, on November 22, 1963. “Everyone said that they would never elect a Catholic.”

FREE has acquired “an SDS approach to gay liberation,” Jack explained. The Students for a Democratic Society, or SDS, had a reputation for provoking violent confrontations with the Establishment. “There is intense paranoia that filters into any radical movement, and unfortunately, this paranoia sends the organization off on ego trips.”

**March 1971** On March 10 – his 29th birthday – Jack appeared before the Student Forum of the Minnesota Student Association (MSA) to plead his case.<sup>[121]</sup> He asserted the need for student dignity, insisting that there must be “Student Control Over Student Concerns.” That would be his theme.

The 4-1/2 hour meeting began with a lively discussion about how democratic could a primary be when it is conducted by a 27-member Student Forum. In the end, to save \$1,000 the forum dispensed with an all-campus primary and selected three candidates from a field of 15 to run for Student Body President.

Peter Hames, forum member and heir-apparent, got 14 votes; Jack received two, as did Conrad Gertz, an active member of various University conservative student groups.<sup>[122]</sup>

121. Brandt, 1971 (top).

122. Bjornson, March 1971, p. 8.

“There seems to be a growing belief that MSA exists not so much for the purpose of governing and serving the student body as to allow the administration to point to it as the campus student government,” Steve Brandt, contributing editor of the *MINNESOTA DAILY*, told the student body in an opinion piece positioned on page one, below the report of who won the primary.<sup>[123]</sup> “That is why this year’s elections are crucial,” he continued. “They are a test of legitimacy.”

Jack did not waste time. After celebrating his birthday with Michael and friends, who toasted his success, he told the campaign workers – mostly FREE mem-

bers – he would show that a gay candidate could focus on issues with a direct impact on fellow students’ lives.

Paul Hagen, a photographer by trade, offered to design a poster. Jack was later taken by complete surprise when asked to pose in white high-heeled shoes. Jack did as requested, not wanting to discourage creative input.

Jack knew that the poster would spark a reaction. The only question was, would it be good or bad? The posters began to disappear as fast as they could be posted. Initially, Jack was angry about the theft of his posters. He wondered whether he was the victim of dirty tricks.

Eventually, Jack noticed that the “stolen” posters were re-appearing in dorm rooms and apartments of students. It was at this point he started to seriously consider the possibility of victory.

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## “No birthright, no citizenship.”

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Paul Hagen asked Jack to pose for another poster. He was again surprised, this time when Giovana D’Agostino appeared at the photo shoot. Owner of a local Italian restaurant and well known personality, “Mamma D” had been a fixture on Campus Corner since returning home to Minneapolis in 1965. Hagen said Mamma D agreed to help, with no reservation.

123. Brandt, 1971 (bottom).

Her popularity ensured that poster #2 also began to disappear.

Meanwhile, poster #1 fueled tensions within FREE. Some were now claiming that it mocked patrons of the local gay bars. The student newspaper was not so myopic. Editors at the MINNESOTA DAILY admired the activist agenda and endorsed Jack as “the most qualified and capable” candidate. “He has spoken truth to power,” an editorial proclaimed, “because he knows the power of truth.”<sup>[124]</sup>

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**“I must say that I find it difficult to understand or accept the idea of marriage between people of the same sex.”**

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Jack responded to the critics inside FREE by asking Paul Hagen to produce something with a serious message. He hoped that the third and final poster of the campaign would neutralize the attacks. Though he thought that the message of “Responsible Activism” was solid, Paul saw poster #3 as boring, at least when compared to the first two. See, *A perspective from Jack Baker's poster maker* on page 63.

In the election held April 6-7, 1971 Jack Baker was elected president of the Minnesota Student Association, the student government recognized by the Regents. Without hesitation, he credited Paul Hagen with the victory. “His poster photos of me were the talk of the campus.” No doubt about it, he said, “Paul is a talented guy.”<sup>[125]</sup>

The nation heard the news from Walter Cronkite, anchor for CBS News, the most popular of three networks. At the time, there was no Internet or cable TV. On the evening of April 8, 1971, Cronkite told his nationwide audience, “In Minneapolis, an admitted homosexual, Jack Baker, has been elected president of the University of Minnesota Student Association.”<sup>[126]</sup>

THE WASHINGTON POST went beyond the election to describe the struggle to obtain a marriage license, the rejection of Michael's librarian position, the ensuing court battle and, finally, Michael's petition to adopt Jack. “Jack Baker, an avowed homosexual who is fighting a court battle to marry a male friend, was declared winner today in a contest for president of the University of Minnesota student government body - the Minnesota Student Association,” it began.<sup>[127]</sup>

THE ADVOCATE highlighted poster #3<sup>[128]</sup> and, in an editorial, offered “hearty congratulations” to Jack, the student newspaper and the “smart voters.” Gay men and women, the editorial predicted accurately, “may make their greatest progress in reform when today's youth start taking over the reigns of government, industry, and education.”<sup>[129]</sup>

A local television station tried to find a University student upset about the election of a homosexual as student body president. “As long as he stands for the right things, is a good candidate, I don't think somebody's private life should be anybody else's concern,” one co-ed responded. Unable to find any backlash, the station reported Jack's win in a three-way race with 46% of the vote and the student body reaction to Jack being gay as “So what?”<sup>[130]</sup>

PLAYBOY magazine also took note. It described how the spokesman for the Young Americans for Freedom had sent a letter to the student newspaper advising voters to ‘Keep America Beautiful’ by stamping out “queers.”<sup>[131]</sup>

In the 1950s, 60s and 70s, *queer* was an insult, the gay equivalent of “nigger.” Recent attempts to put a positive spin on that word are “misguided,” Jack said recently. “It's like putting lipstick on a pig,” he explained.

The militant faction within FREE would be vindicated when – just six years later – lawyer Jack Baker emerged as an architect for “direct action” against bigots. See, *City of St. Paul waffles* on page 39.

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**STONEWALL means full and absolute equality for ALL God's children; no exceptions, no excuses.**

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124. Anon. [*Minnesota Daily*], 5 April 1971.

125. Bjornson, 12 May 1971, p. 6.

126. Tobin and Wicker, p. 135.

127. Wehrein (The *Post* reversed some facts).

128. Bjornson, April 1971, p. 7.

129. Anon. [*The Advocate*], April 1971.

130. Bjornson, 12 May 1971, p. 6.

131. Anon. [*Playboy*].

## Student Control Over Student Concerns

**April 1971** Once elected, Jack relinquished his leadership position within FREE. He was now free to focus his attention on the Regents who had treated Michael unfairly. On election night, he declared that the results proved that the Regents were out of touch with the student body.

He then announced that he would insist that the legislature reserve one seat on the Board of Regents for a student and that students should immediately be allowed to sit as voting members of every committee of the Board of Regents. Jack achieved his second demand during his first term. The student-regent statute became law in 1976.<sup>[132]</sup>

Reaction from the Board of Regents, which previously rejected Michael as a librarian was subdued. Regent Fred Cina commented, “If he’s there to represent the students, that’s fine. I don’t have any prejudices.”

Following his election, Jack attended the Regents’ April 16 meeting. Later, according to *THE ADVOCATE*, Albert Hartl invited Jack to stop by his house in Fergus Falls, if he is in the area. Jack said he would take Hartl up on his offer and bring Michael along for the visit.

When the publicity died, Jack began in earnest to accomplish the rest of his agenda. First, he lobbied for and obtained approval from the Regents to increase student fees 400% – from \$0.25 per student per quarter to \$1.00 per student per quarter.

The increased student revenue was used to hire a staff and create three student-owned corporations: a student run bookstore to compete with the University’s own bookstore, a telecommunications corporation to harness the media for student purposes, and a housing corporation to develop affordable housing for students.

**“We have reasonable grounds to believe that the Children’s Home Society of Minnesota has committed a violation of Chapter 74 of the St. Paul Legislative Code.”**

## Jack attacks discrimination

**June 1971** As Student Body President, Jack had a “bully pulpit,” which he used to raise awareness of discrimination in any form. Speaking after University President Malcolm Moos during commencement exercises, June 12, Jack urged the graduates to remember those who will follow them after they enter into their chosen professions. “Give some thought to some of my friends who will come after you,” he said. “Give them the same chance to utilize their talents as each of you will receive.”<sup>[133]</sup>

Jack then named a Black, a Chicano and a woman, all people he knew and who were facing discrimination because of who they are, which ignores the capabilities they have. “Myself - well, I chose to live a same-sex lifestyle,” he admitted. “Some of your parents believe that, unless you produce children, you are not entitled to the same decent amenities they are,” he continued.

As the audience became still, his voice grew stronger. “And somehow the name of God is used to justify their intolerance and bigotry,” he continued. Finally, in a slow but measured voice, he gave the graduates their marching orders. “Use the tools of knowledge and maturity you have won to make a better life for those who will come after you.” Politely yet simply, he told those assembled, “We are expecting great things from you.” The full text of his address appears on page 65.

Jack opposed discrimination, even when it cost real money. He was aware of several news stories that had appeared in *THE ADVOCATE*, explaining how the insurance industry discriminates against gay businesses and individuals. At the start of the summer recess, he decided to confront the insurance industry.

Two firms drew his wrath – Globe Life Insurance and American Health and Life Insurance Company. Both were attempting to sell insurance to college students.

Globe Life Insurance offered to pay the University of Minnesota student government \$5,000 if Jack would personally endorse their product. Jack not only said “No!” but he also told them he will fight companies soliciting student business unless they prove that they don’t discriminate against gay customers.<sup>[134]</sup>

132. Minn.Stat. §137.023 (added by Laws 1976, c. 120, §1).

133. Bjornson, July 1971.

134. Bjornson, 1 Sept. 1971.



American Health and Life Insurance tried a different approach. They asked the U.S. National Student Association (NSA) to pitch low-cost policies through the 500 student governments associated with NSA, using endorsements from the student president on each campus. When that material arrived on his desk, Jack decided to act.

**July 1971** Jack sent copies of the news articles and other materials to both insurance companies, asking for information about their approach to gay customers. He suggested to each company that it incorporate information about same-sex lifestyles in its sales promotions. Advertisements in the gay media, he suggested, would be taken as a sign of good faith and would also demonstrate a willingness not to discriminate.

Globe Life forwarded the material to its underwriting department. American Health did not respond. Their refusal to satisfy him only made Jack more determined to confront them at the upcoming NSA Congress, August 20-29, in Fort Collins, CO. He made plans to present his concerns and the news articles to each of the 2000 representatives attending the congress.

Working with other gay delegates, Jack drafted a policy statement to address "heterosexist chauvinism" within NSA. Noting that "NSA has been an accomplice to a conspiracy of silence," the mandate obligated national officers to "create a Gay desk staffed by Gay people, responsible to Gay people in NSA."<sup>[135]</sup>

After considerable debate, the delegates approved the new position, which would be funded to "provide assistance to Gay Liberation organization to overcome heterosexist harassment at member campuses." The Gay desk would also "innovate programs to combat sexism at member campuses." It was clearly understood by the gay contingent that the insurance companies doing business with the NSA would be the first target of attention.

### Same-sex marriage: in private

**August 1971** Following completion of the adoption process, Michael and Jack applied again for a marriage license, this time in Mankato, MN. They used their legal names – Michael McConnell and Pat Lyn McConnell. On the date they applied, no statute, no opinion of the Attorney General, and no decision of the Minnesota Supreme Court specifically forbid marriage between two persons of the same sex. The license was granted by Audrey Handahl Connor, Clerk of District Court in Blue Earth County, on August 16, 1971.<sup>[136]</sup>

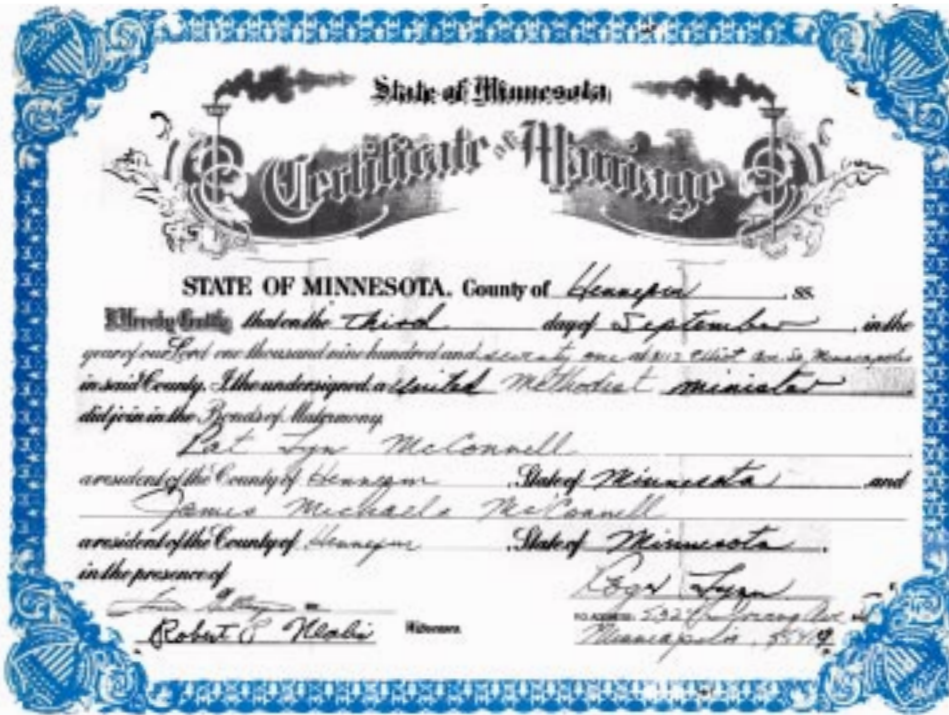
Circumstances forced a change in plans. University publicist Judy Vick, a Mankato native, noticed the announcement days later in her hometown newspaper. She tipped a local reporter, but he had to confirm that Pat Lyn McConnell was aka Jack Baker. He got confirmation from Gerald R. Nelson, Clerk of District Court in Hennepin County, who leaked the information unlawfully.



**September 3, 1971:** The Rev. Roger Lynn solemnizes the first legally-recognized same-sex marriage in North America. Sources close to the County Attorney told THE NEW YORK TIMES that the marriage remains in effect. Photo (l) by Paul R. Hagen

135. U.S. National Student Association.

136. District Court.



**No statute, no opinion of the Attorney General, and no decision of the Minnesota Supreme Court specifically forbid marriage between two persons of the same sex.**

With license in hand, Michael and Jack were lawfully married September 3 by the Reverend Roger W. Lynn of the United Methodist Church.<sup>[137]</sup> The service, conducted in the apartment of Paul Hagen, involved an exchange of a simple set of vows. “We moved quickly to consummate,” Jack said, “before anyone had a chance to instigate a legal proceeding to invalidate.”

Rev. Lynn first asked Michael, “Will you live with Jack in this marriage? Will you respect him? Will you love him?” Then he asked Jack the same questions. Announcing to those assembled, Rev. Lynn said simply, “I declare that they are to live together and are now joined in marriage, in the name of the Father, the Son and the Holy Spirit, Amen.”

Since then, according to Professor William N. Eskridge, thousands of same-sex couples “have similarly petitioned for religious blessing of their unions.”<sup>[138]</sup> Michael told THE ADVOCATE that “we’re very happy and very tired, and we want to spend the next few days at home in peace and quiet.”

Following the ceremony, John Corbey, Blue Earth County Attorney said the license was defective and the marriage null and void because the address listed for the bride was not the applicant’s but that of a visiting

professor. Minnesota law required marriage licenses be issued in the county of the bride’s residence. Therefore, Corbey said, the license issued by Blue Earth county was granted under false circumstances.<sup>[139]</sup> Jack would later convince the Board of Law Examiners that the provision didn’t apply because there was no bride.

Rev. Lynn, who was employed by Model Cities for street ministry from the Loring-Nicollet Center, suffered unintended consequences. Publicity on September 7 caused the director, Rev. T. Harrison Bryant, a conservative Baptist, to announce that “as a result of this action, we have moved to cancel the contract with Model Cities for Mr. Lynn’s services.”<sup>[140]</sup>

Michael and John Preston, co-founders of Gay House, a community center for street people, delivered a swift counterattack. Preston, who was also the director of the Minnesota Council for the Church and the Homophile, made calls to agencies and religious organizations, seeking help to change Rev. Bryant’s plans. Within a day, Rev. Bryant backed down publicly and, by week’s end, denied his prior comments.

Rev. Lynn received a reprimand from his superior, Bishop Paul Washburn, on September 13. “To call such an event marriage is something the church did not intend,” the bishop told reporters. “Our service is very specific about being between a man and a woman.”

Rev. Lynn objected to the criticism. “I am not aware

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**“They seem quite content to beg for second-class citizenship, one crumb at a time.”**

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of any ecclesiastical ruling forbidding homosexual marriage,” he said. “I’m really in favor of this relationship. The two of them deeply love one another, and I was very glad to participate.”

137. Preston.

138. Eskridge, p. 46.

139. Anon. [*New York Times*], 1973.

140. Bjornson, 13 October 1971, p. 32.

Rev. Lynn reviewed this section and described it as “factual as far as I am aware.” Though the Bishop did not support the marriage, he “was not hostile toward me either,” Rev. Lynn recalled recently via e-mail. Half of the mail received by Rev. Lynn and the Bishop was positive. “In the Methodist tradition there is considerable respect for the role of prophetic ministry,” he explained, “and this action was seen by most as an example of that whether they agreed with it or not.”

The full text of Rev. Lynn’s response appears on page 67. This excerpt reminds us that life without self-pride is meaningless: “I have never regretted performing the marriage for Jack and Michael. It’s been one of my successful marriages, but more than that, it has been a defining moment in my life. From that moment on it was clear who I was in regard to the issue of gay marriage, gay/lesbian issues, and being willing to take a public stand on social justice issues. It meant there were many pulpits and other work not available to me, but I did not want these anyway.”

Not all were pleased. Rev. Joseph Head, retired Baptist minister and president of the Minnesota Society of the Sons of the American Revolution, called for the University of Minnesota to expel Jack from its Law School. A closeted homosexual,<sup>[141]</sup> Rev. Head nevertheless insisted that Jack was “unfit to enforce the law because he is himself an avowed law breaker.” Then he added, “Unless the people of Minnesota want to return to the days of Sodom and Gomorrah, we had better get

rid of these men and join in a crusade to curb the emphasis being put on homosexuality in this state.”

Hennepin County Attorney, George M. Scott, waited until February 29, 1972 – six and a half months – before asking the Grand Jury to indict Rev. Lynn. The Grand Jury reviewed the facts and refused, saying in effect, “this matter, for many reasons, is not worth pursuing.”<sup>[142]</sup> It was common knowledge that Jack and Michael were next in line. Sources close to the County Attorney told THE NEW YORK TIMES that the marriage remained in effect.

One benefit of their 1971 marriage recorded in Blue Earth county was the ability to file a joint federal tax return. Hence beginning in 1972, Michael and Jack filed their tax returns jointly. In 1974 an IRS official examined their tax returns and determined the current tax law prohibited a joint filing by two male individuals and recomputed their taxes, changing their status to single. The change in tax status resulted in a tax return totaling \$309 for the two men.

Michael and Jack did not accept the refund. “We realize that the legal position we take necessarily requires us to pay about \$150 each year in taxes as a married couple over and above what would be expected if we filed as singles,” Jack explained in THE NEW YORK TIMES. “However, we also recognize that privileges and responsibilities go hand in hand. Hence, we accept the good with the bad.”<sup>[143]</sup>

Jack filed a legal brief with the IRS maintaining the Minnesota Supreme Court decision did not affect the marriage license granted in Blue Earth county. It applied only to a denial of issuance of the original license in Hennepin county. The IRS maintained they cannot accept a joint return from two men because the IRS code allows only a husband and wife to file joint returns. Its decision was not appealed because the U.S. Supreme Court had, by this time, declared that same-sex marriage was not a “substantial” constitutional issue. See *U.S. Supreme Court waffles again* on page 34.

A new challenge to the IRS position is now underway. This time, a more-receptive U.S. Supreme Court will be asked to



**September 27, 1971:** Michael (l) and Jack (r) discuss their marriage with Jenny Crimm and Bob Kennedy on *Kennedy & Co.* (WLS-TV, Channel 7, Chicago).

141. See page 67 for an account of how he solicited sex from Rev. Roger Lynn.

142. Anon. [*The Minneapolis Star*], 1972.

143. Anon. [*The New York Times*], 1975.



declare that Michael and Jack are lawfully married and fully entitled to be treated the same as every other married Minnesotan. They are determined to prove that a childless couple is a childless couple. See – *Tomorrow* – on page 43.

### Minnesota Supreme Court waffles

R. Michael Wetherbee, attorney for Jack and Michael, appealed Judge Tom Bergin’s refusal to order the Clerk of Court to issue a marriage license. At the time, Minnesota did not have an intermediate appellate court, so the case went directly to the state Supreme Court. The newly-elected Attorney General declined to participate in the appeal.<sup>[144]</sup>

Jack wrote the briefs, as supervised by Wetherbee. They argued that Minnesota statutes did not specifically prohibit same-sex marriage. Also, if the current statute were interpreted to allow only mixed-sex marriages, it was unconstitutional under the 9th and 14th amendments to the U.S. Constitution.

**September 1971** During the hearing before the full court on September 21, 1971, Justice Fallon Kelly insulted the court, the attorneys and the gay citizens who were seeking justice. “He rotated his chair,” Jack said, “so that he faced the wall, with his back to the rostrum.”

Wetherbee ignored the insult. He told the judges who were listening that nowhere in Minnesota law does it forbid gay marriages. If the legislature opposed gay marriages, he argued, they failed to demonstrate it during the last session when an attempt to ban same-sex marriage failed. Also, he continued, the provision requiring licenses to be issued in the county where the woman resides was intended to simplify record keeping, not require the involvement of a woman.

Most likely, the marriage would occur in the bride’s home church. If this provision were to be strictly enforced, Wetherbee said, it would require either Michael or Jack to undergo a sex-change operation in order to be married, a form of cruel and unusual punishment forbidden by the U.S. Constitution.<sup>[145]</sup>

David E. Mikkelson, assistant county attorney, countered with a simple conclusion: no bride, no license. Also, he said, state laws are filled with references to husband and wife, implying marriage to be a male-female institution.

Wetherbee argued that the marriage laws refer to persons, parties and residents, which are sexless terms that cannot be inferred to be strictly male-female. Because the law permits marriage of infertile couples for affection and companionship, the state of Minnesota cannot deny gay couples the same privilege. “If the purpose of marriage is to have children,” he said, “we demand that this court require all couples to have children – or at least that they be examined before marriage to ensure that they’re able to.”

“This is a kind of police power in the broadest sense,” Mikkelson explained. “The State has a right to legislate for the public welfare of the community.” To attack that right, he insisted, is “an attempt to undermine the law of our Creator.”

Wetherbee called Mikkelson a misguided public official who is attempting to impose his concept of “God’s law” on the people of Minnesota. Such a requirement,” he said, “would be a scar on the First Amendment to the U.S. Constitution and an insult to the non-Christians of Minnesota.”

The seven judges remained silent during the 75 minutes of oral arguments and adjourned without asking a single question. The Minnesota Supreme Court announced its decision on Friday, October 15, an unusually short three weeks later.

Their opinion interpreted the marriage statute as a whole and ignored the section that defined “persons” who are “capable in law of contracting marriage.”<sup>[146]</sup> Minnesota’s marriage laws, the court said, did not permit the marriage of two men because “The institution of marriage as a union of man and woman, uniquely involving the procreation and rearing of children within a family, is as old as the book of Genesis.”<sup>[147]</sup>

Taking a broad look, the court said, “It is unrealistic to think that the original draftsman of our marriage statutes, which date from territorial days, would have

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**“Like the Republicans, the DFL party has never again endorsed full equality for gay men and women.”**

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used the term [marriage] in any different sense from an opposite-sex one.” The court then said it was not “independently persuaded” by the constitutional arguments and could find no support for them in any decision of the U.S. Supreme Court.

144. Mason.

145. Bjornson, 13 October 1971, p. 3.

146. Minn.Stat. §517.02 (effective Jan. 1, 1964).

147. Baker v. Nelson, 191 N.W.2d at 186, 187.

Specifically, the opinion noted, the high court's decision to uphold mixed-race marriage in *Loving v. Virginia* (1967) was not a precedent for upholding same-sex marriage. There exists "in commonsense," the opinion noted, "a clear distinction between a marital restriction based merely upon race and one based upon the fundamental difference in sex."

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### **"We have another bigot with a sticky face."**

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Jack described the decision as "hasty, sterile, and cursory, a flimsy attempt to justify a decision the court reached for reasons that have nothing to do with the meaning of the law."<sup>[148]</sup> He said they would appeal the decision to the U.S. Supreme Court.

"They really didn't address themselves to the constitutional arguments, and never mentioned two of them," he emphasized. "I mean our First Amendment argument, where we cite freedom of speech and freedom of association as being denied. And the Eighth Amendment against 'cruel and unusual punishment,' which it certainly would be, to insist on one penis and one vagina - to require Mike or me to undergo a sex-change operation so we can get married."

The Minnesota court spoke with a unanimous voice. On the following Monday (October 18), the federal court of appeals would announce another defeat in Michael's case. "It seemed to me," Jack said, "that both courts had coordinated their announcements for maximum impact."

### **The Minnesota Newspaper Association meddles**

Jack recently reviewed records donated to the Minnesota Historical Society. On December 4, 1970, the MINNESOTA NEWSPAPER ASSOCIATION (MNA) voted to create a "press council." According to Robert M. Shaw, Manager Emeritus, the MNA wanted to address the "ethical problems among newspaper editors and publishers," including the "time-honored tradition of lying about their circulation, ... double-billing, ... gouging and other abuses."<sup>[149]</sup>

The purpose of the new *press council* would be the "mediation of disputes which may arise regarding the conduct of the press."<sup>[150]</sup> Justice C. Donald Peterson agreed to serve as its first chairman.<sup>[151]</sup> "Peterson

chaired the council as it took testimony from adversaries, mediated disputes and made findings of fact," Jack said. According to an annual report, MNA "turned to the judiciary both for the prestige a judge would command and for his or her ability to manage controversy."<sup>[152]</sup>

Problem is, Jack explained, "Judges are forbidden by the Code of Judicial Conduct to act as arbitrator or mediator in a private capacity unless expressly authorized by law."<sup>[153]</sup> Nevertheless, MNA filed papers with the Minnesota Secretary of State claiming to have an office at the Supreme Court.<sup>[154]</sup> "Records at the Minnesota Historical Society show that while the appeal of the denial of our application for a marriage license was in process, MNA was indeed using the Court's offices and resources to mediate MNA's disputes and to operate its *press council*," Jack said.

**October 1971** The marriage law then in effect provided a list of "marriages prohibited." The list did not include persons of the same sex, though it did include marriages where either party "has a husband or wife living," or "within six months after either has been divorced," or "between parties who are nearer than second cousin," or "between parties either one of whom is imbecile, feeble-minded, or insane," or "between persons one of whom is a male person under 18 years of age or one of whom is a female person under the age of 16 years."<sup>[155]</sup>

Another section said specifically, "Every male person who has attained the full age of 21 years, ... is capable in law of contracting marriage, if otherwise competent."<sup>[156]</sup> Justice C. Donald Peterson, chairman of MNA's *press council*, attended the secret deliberations and wrote the court's opinion. He persuaded his colleagues to ignore that section. The judges then cited the "book of Genesis" to conclude that gay men and women are not "persons" in the courts of Minnesota.

"The Minnesota Newspaper Association used the power of the press to corrupt our courts," Jack explained, "solely because Robert Shaw objected to unlawful traditions in the news industry." Documents on file at the Minnesota History Center do indeed show that Shaw's presence interfered with the gay-marriage case before the Court, as Jack contends. "When the smoke cleared," Michael added, "gay Minnesotans were relegated to second-class citizenship."

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148. Bjornson, 10 November 1971, p. 1.

149. Shaw.

150. Minnesota Press Council, Articles, pp. 1-2.

151. Peterson.

152. Minnesota News Council, p. 8.

153. Code of Judicial Conduct, Canon 4F.

154. Minnesota Press Council, Articles, p. 5.

155. Minn.Stat. 517.03.

156. Minn.Stat. 517.02.

## Eighth U.S. Court of Appeals waffles

**October 1971** The Regents' appeal of Judge Neville's decision to the Eighth U.S. Circuit Court of Appeals in St. Louis came to a head on October 18, 1971. A three-judge panel of the appellate court reversed the lower court and dissolved the injunction.

The court did not deny Michael's qualifications. Rather, it invented a set of motives then attacked them. "This is not a case involving mere homosexual propensities on the part of a prospective employee," the opinion explained. "Neither is it a case in which an applicant is excluded from employment because of a desire clandestinely to pursue homosexual conduct. It is, instead, a case in which something more than a remunerative employment is sought; a case in which the applicant seeks employment on his own terms."<sup>[157]</sup>

Michael, the opinion said, was demanding "the right to pursue an activist role in *implementing* his unconventional ideas concerning the societal status to be accorded homosexuals and, thereby, to foist tacit approval of this socially repugnant concept upon his employer, who is, in this instance, an institution of higher learning" (emphasis by the Court).<sup>[158]</sup>

"I can be gay, but I can't publicly proclaim it," Michael explained. "That's stupid."

THE MINNEAPOLIS STAR criticized the court's logic. An editorial said that the decision "amounts to the proposition that the university and other government bodies can refuse to hire, and by the same token can fire, those who 'pursue an activist role in implementing' ideas a bureaucrat brands 'unconventional'."<sup>[159]</sup>

Student Phyllis Kahn insisted in a letter to the MINNESOTA DAILY that "it has not been made evident that McConnell was the most qualified for the job."<sup>[160]</sup>

He may have been "the best man for the job," she said, but there probably was a more qualified woman waiting to be promoted. Six years later, legislator Kahn voted to redefine marriage as "civil contract between a man and a woman."<sup>[161]</sup>

Former Senator Eugene McCarthy (D-Minn.), then a presidential contender, also criticized the decision. He described the court's reasoning as "nonsense."<sup>[162]</sup> It's a question of freedom of speech, he explained after a news conference at Wold-Chamberlain airport October 22. "Being a librarian is not affected by being a homosexual. If there's a security clearance involved, you might make a case on the basis of potential blackmail – but not with McConnell."

A variety of individuals and groups, including officials from the MCLU, the Minneapolis Urban Coalition and the Minnesota NAACP endorsed a rally on the University campus to express outrage at the decision.<sup>[163]</sup> They publicly demanded that the University reverse its decision and hire Michael.<sup>[164]</sup> Likewise, the University Senate re-asserted its demand that the Regents hire Michael.<sup>[165]</sup>

Meanwhile, the MCLU asked for a rehearing of the case before the full court, a step that is required before appeal to the next level may proceed. The attorneys argued that the Regents' action was based upon Michael's use of his right to free speech. Activist speech, they insisted, could not justify the University's decision.

The full court of appeals denied a rehearing on November 18, thereby adopting the decision of its three-judge panel.

**A place that calls itself a "university" held Michael up for public ridicule solely because it disapproved of his choice of person to love. Worse, the federal appellate courts could see nothing wrong with that.**

157. Ibid.

158. McConnell v. Anderson, 451 F.2d at 196.

159. Anon. [*The Minneapolis Star*], 1971.

160. Kahn.

161. State of Minnesota, Journal of the House.

162. Bjornson, 24 November 1971, p. 1.

163. Anon. (full-page ad, *Minnesota Daily*), Oct. 1971.

164. Anon. [*Library Journal*], December 1971.

165. Weiss.

– 1972 - 1973 –

## Appeal #1 to the U.S. Supreme Court

**January 1972** The MCLU, joined by the ACLU, appealed the decision of the appellate court to the U.S. Supreme Court on January 31, 1972. Michael, the petition said, was engaged in “a lawful, peaceful attempt to use existing political and judicial processes for what he believes to be desirable social change.”

If the verdict of the court of appeals were allowed to stand, MCLU’s legal counsel explained, “millions of Americans may be unconstitutionally barred from employment simply because they are homosexuals.”<sup>[166]</sup>

The Regents produced no evidence, the MCLU said, that could establish a connection between potentially embarrassing conduct and efficiency of the University. The *NEW REPUBLIC* agreed and noted a 1969 decision by a District of Columbia appellate court, which held that simply being gay is an insufficient reason to withhold federal employment.<sup>[167]</sup>

## Appeal #2 to the U.S. Supreme Court

Before briefs were filed in the Minnesota Supreme Court to appeal the denial of a marriage license, Michael Wetherbee was hired as MCLU’s legal counsel.<sup>[168]</sup> He drafted a case report, which explained the civil liberties issues involved in same-sex marriage.<sup>[169]</sup> MCLU’s Board reviewed his report and accepted the case. Wetherbee was then instructed to continue his representation of Jack and Michael but with expenses to be absorbed by the MCLU.

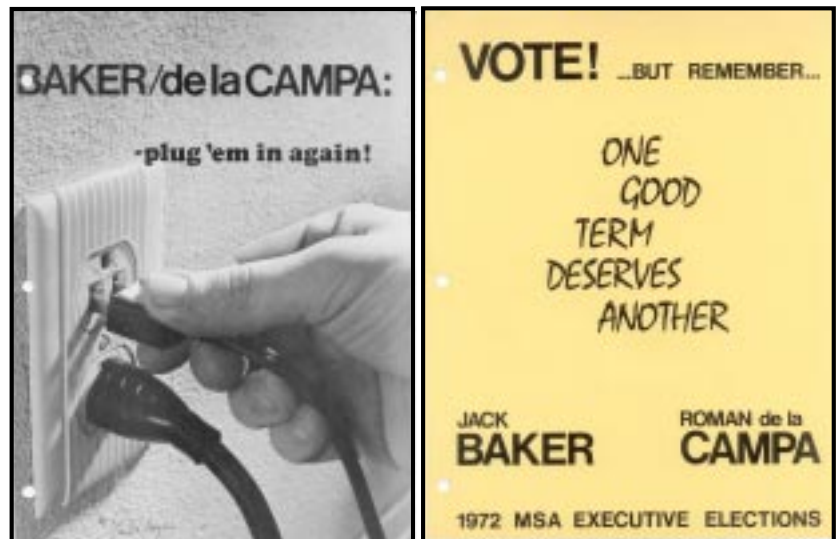
**February 1972** On February 11, 1972 the MCLU announced that it had appealed the decision of the Minnesota Supreme Court to the U.S. Supreme Court, the country’s court of last resort. The Jurisdictional Statement filed with the court said that the State of Minnesota “deprives Baker and McConnell of liberty and property in violation of the due process and equal protection clauses of the Fourteenth Amendment.” It is not the State’s business, it argued, “to determine whether the individuals to the relationship intend to procreate or not.”<sup>[170]</sup>

“Mike Wetherbee told me that the ACLU refused to join in the appeal,” Jack said. “To them, same-sex marriage is not a civil liberties issue.” He clarified the implications for *THE ADVOCATE*. “This incident dramatizes a point I have been trying to make all along, that Gays cannot trust the Great White Liberals to represent them in court, in the legislature, on the city council, or on the governing boards of the civil liberties unions,” he said. “We must represent ourselves.”<sup>[171]</sup>

He was proven right when, years later, the LAMBDA LEGAL DEFENSE AND EDUCATION FUND emerged. Unfortunately, Lambda Legal refused to become involved in the landmark marriage-rights case in Hawaii,<sup>[172]</sup> even though it claimed to be dedicated to the full recognition of the civil rights of lesbians, gay men, bisexuals, transgendered people and people with HIV and AIDS. Now, Kevin Cathcart, Executive Director, claims that “Lambda Legal is spearheading the battle for marriage equality all across this country.”<sup>[173]</sup>

## Jack is re-elected

**March 1972** Jack’s agenda for student dignity was ambitious. It could not be accomplished in one year, so Jack decided to run for re-election, something that had not been accomplished in the history of the University. The last attempt thirteen years prior was a failure.



Posters #4 and 5: Jack asked students for more time to finish his agenda.

Photography and artwork by Paul R. Hagen.

166. Wetherbee, January 1972, pp. 3, 4.

167. Anon. [*New Republic*].

168. Bjornson, 26 May 1971, p. 14.

169. Wetherbee, 1971.

170. Wetherbee, February 1972, pp. 2, 4.

171. Bjornson, 15 March 1972, p. 19.

172. Von Drehle, p. A21.

173. Cathcart.





**Poster #6:** Roman stands with Jack to defend “an outstanding record.” Photography and artwork by Paul R. Hagen.

The University of Minnesota is a creature of the state constitution, which makes it the fourth branch of government.<sup>[174]</sup> Because the Minnesota Student Association was the recognized student government funded by the Board of Regents, Jack was the only openly-gay elected official in the nation. Critics were claiming that his election was just a fluke that could never be repeated. Jack wanted to legitimize the successes of his first term.

“The whole legitimacy of my election, and of my administration in student government, is at stake,” Jack told *THE ADVOCATE*. “No matter where I speak, somebody raises a question that assumes my election was a fluke, that I was not elected on my own merits.”<sup>[175]</sup>

Jack was waiting for President Moos to respond to his proposals to purchase a local FM radio station and to create student-owned and student-run apartments. “Now the question is, whether I’ve done a good job,

whether the students believe in the new direction I’ve taken student government.”

That is why, he explained, he was seeking a second term. “I believe in this program, and I want to see it carried through to completion next year.”

The primary election was not without controversy. One opponent was Steven Smith, an unrepentant racist who was expelled from the Young Americans for Freedom (YAF). After the last election, he called Jack a “filthy queer” and demanded that President Malcolm Moos “forbid this for it is both immoral and un-American.”<sup>[176]</sup> He also made anti-Jewish and anti-Black comments.

On March 8, 1972 Jack ran in the primary for student body president against nine other candidates and received 43 percent of the vote, garnering 1813 votes for retention out of 4410 total cast. His two nearest opponents were the current Vice President, David



**April 6, 1972:** On election night, Jack discusses plans for his second term as Student Body President.

Photo by Pete Hohn  
Courtesy Minnesota Historical Society

174. State of Minnesota, 1973-74, p. 219.

175. Bjornson, 15 March 1972, p. 13.

176. Smith.

Truax, with 660 votes and student Senator Kathy Sims with 475.

Smith garnered 201 votes, landing him seventh. Adding insult to injury, YAF endorsed Jack in the primary. “Well, now the novelty of the gay thing is dead,” Jack commented, “and the question is solely on what I’ve done in office. It looks like students like the new direction we’ve taken.”<sup>[177]</sup>

Three candidates would run in the general election scheduled for April 5-6. This time Jack had a running mate for Vice President, Roman de La Campa, a student senator who led seven other candidates with 39 per-cent of the vote.

Jack continued to promote his successes. Specifically: how he got the Regents to let students sit on their committees, how he created a student-run bookstore and how he intended to build student-owned housing near the University.

In a change from his prior campaign Jack stayed away from making his affectional preference a focus of his campaign. He gave two reasons. First, he said, he wanted to run on his record of accomplishments and stress the need to finish the tasks he was elected to do. Second, his running mate, Roman de la Campa, was straight and did not want to be associated with the Gay Liberation movement. “People would ask me why I was running with Jack and I would say because he’s the best candidate,” de la Campa told the MINNEAPOLIS TRIBUNE. “But even with girls with whom I had a close relationship it raised a specter of doubt.”<sup>[178]</sup>

Shortly after the polls closed, on April 6, the Election Committee announced that Jack had been re-elected with 3,055 votes out of a total of 7,441 cast. His nearest competitor, David Truax, received 2,617 and Kathy Sims got 1,399. Jack’s running mate for Vice

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### **“It’s one of the best policies that exists at any college.”**

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President, Roman de la Campa, lost to Howard Schwartz. No other president had run successfully for re-election in the 121-year history of the University.

Jack’s re-election made headlines throughout Minnesota, thanks to the ASSOCIATED PRESS.<sup>[179]</sup> The AUSTIN DAILY HERALD, DULUTH HERALD, FARIBAULT DAILY NEWS, HIBBING DAILY TRIBUNE and Mankato FREE PRESS, among others, informed their readers about the historic results. The MINNEAPOLIS TRIBUNE,

Minnesota’s largest newspaper, began its in-depth feature of the campaign with the headline, “Students give Baker a vote of confidence.”

Was this a victory for gay rights? “No, not this one,” he told THE ADVOCATE. “We won that issue a year ago. This is a victory for student control over student concerns.”

### **U.S. Supreme Court waffles**

#### **April 1972**

On April 3, 1972 Michael’s job prospects were dealt a crushing blow. The U.S. Supreme Court refused to consider his appeal from the Eighth U.S. Court of Appeals. Justice William O. Douglas was the sole vote in favor; the other eight justices declined.<sup>[180]</sup> The decision of the three-judge panel of the appellate court would prevail.

The New York DAILY NEWS cheered and jeered. In a mean-spirited editorial, it said, “Fairies, nances, swishes, fags, lezzes – call ‘em what you please – should of course be permitted to earn honest livings in nonsensitive jobs.” Government, well, that’s a different story. “[F]rom federal on down,” the editorial insisted, government “should have full freedom to bar them from jobs in which their peculiarities would make them security or other risks.”<sup>[181]</sup>

New York Mayor John Lindsay condemned the editorial and castigated the court for refusing to review a case that “so clearly involves the constitutional right of privacy of the individuals involved.”<sup>[182]</sup> The Gay Activists Alliance staged a rally and sit-in at the Daily News building, at which two men and two women were arrested.

At Jack’s request, the University was forced to disclose the cost to defend its decision not to hire Michael.<sup>[183]</sup> The MINNEAPOLIS TRIBUNE titled its editorial “\$25,000” and wondered aloud to its 230,000 subscribers. Why, it asked, during belt-tightening, retrenchment and reallocation, did the University see fit to spend so much to keep a self-described homosexual from a job in one of its libraries. “We wonder, too,” it concluded, “how much it will cost the next time – and what personal trait might be the next target.”<sup>[184]</sup>

The MINNESOTA DAILY characterized the Regents’ decision to spend \$25,000 as “an intellectual gaffe,” given that 81% of the students opposed it. “The sum wasted in a rear-guard fight against human rights is a large amount for a University that has traveled the

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180. *McConnell v. Anderson* [U.S. Supreme Court]

181. Anon. [*Daily News*].

182. Gay Activists Alliance.

183. Briggs.

184. Anon. [*Minneapolis Tribune*], July 1972.

177. Bjornson, 29 March 1972, p. 2.

178. Anderson.

179. Associated Press, 7 April 1972.

budgetary throes of a retrenchment and reallocation process,” it said. One member of the Office of Student Affairs commented, “In 10 years, the Regents’ recalibration on this will seem awfully foolish.”<sup>[185]</sup>

Meanwhile, Michael threw in the towel. He reluctantly accepted a clerical position with the Hennepin County Library (HCL), which serves Minneapolis and its suburbs. He would survive, he told Jack, even if he had to start over.

Michael flourished in an environment that embraces diversity. He is now one of six Coordinating Librarians, with responsibility for four libraries. See, *Résumé of Michael McConnell*, on page 76. In 2003 he was nominated for the New York Times 2003 Librarian Award honoring librarians for their outstanding public service.<sup>[186]</sup> Mike Hatch, Minnesota’s Attorney General, noted the nomination and awarded Michael a Certificate of Recognition for “distinguished service and dedication to the State of Minnesota.”<sup>[187]</sup> Jack thanked the Attorney General for his kind words. Michael’s “life proves that when government embraces diversity, everyone wins; and vice versa,” he said.<sup>[188]</sup>

At HCL, Michael held two hats for several years. In addition to his primary responsibility, he also served as HCL’s project manager for design, planning and coordination during an \$18 million renovation and expansion of the Brookdale library. Located in the northeast quadrant of the county, the Brookdale Regional Center features a multi-cultural, resource-rich library that emphasizes lifelong learning.

Opened to an eager crowd of more than 6,000 patrons on May 8, 2004, the new facility is the crowning achievement of Michael’s career. It is designed to ensure that all citizens have access to the information needed to preserve democracy in America. Important librarians and reputable architects openly describe Brookdale as the library of the 21st Century.

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## “He has spoken truth to power because he knows the power of truth.”

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“I’m very proud of Michael and his accomplishments,” Jack said. “I want the whole world to know that he stood proud, took his punches, started over at 28, then rose to the top at the Hennepin County Library.”

The Regents “won the battle,” Michael quipped, “but they lost the war.” Their public comments about the marriage application and their mean-spirited reaction generated extensive media attention. It happened again when they lost in U.S. District Court. When they prevailed in the court of appeals, they were met with editorials berating both them and the court.

Finally, in the U.S. Supreme Court, “we exposed the hypocrisy of a judicial system that refuses to recognize the birthright of its gay citizens,” Michael said. “We took a hit and paid the price,” Jack added, “but our pride and commitment remained intact. Trading our birthright for economic gain – or power – was never an option.”

Looking back, Michael said, the ordeal was a blessing in disguise. “We set the agenda for those who would later emerge from the closet.”

### DFL Gay Rights Caucus prevails

**June 9, 1972** Six months of grass-roots organizing paid off at the state convention of Minnesota’s Democratic-Farmer-Labor party (DFL), held June 9-11, 1972. Jack, then 30, was one of six openly-gay delegates who survived both local precinct caucuses and the county unit conventions.<sup>[189]</sup> Also from Minneapolis was John Preston, 26, co-director of Gay Community Services; and Lowell Williams, 20, and James A. Anderson, both university students. Sporting lavender T-shirts emblazoned with “GAY RIGHTS,” these four delegates enlisted two more from St. Paul to form the DFL Gay RIGHTS CAUCUS. Together, they worked the floor.<sup>[190]</sup>

Caucus members and their supporters approached delegates one on one and asked them to reject the “vague, general, insensitive, apple-pie statement” adopted by the Platform Committee. Instead, they urged, endorse full equality for everyone, including “marriage as a civil contract between any two adults.” See, *GAY RIGHTS plank of the Minnesota DFL Party*, on page 74. Such words stirred much controversy, but the

arguments of those proud young leaders prevailed by a wide margin.

Senator Walter F. Mondale (D-Minn.) panicked. He was reluctant to meet with the Caucus. When he did relent, it was made clear to him and his staff that a public acknowledgement of gay human rights was required. Otherwise, Caucus members would exercise their right to question him from the floor. Once the

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185. Anon. [Minnesota Daily], 1972.

186. Biermaier.

187. Hatch.

188. Baker, March 2004.

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189. Baker and Hilger.

190. Bjornson, 26 April 1972, p. 5.



Caucus waived its right to do so, Mondale refused to even acknowledge the existence of gay people and their problems during his endorsement speech.

One Caucus member, James A. Anderson, was young and hopeful. Willing to give Mondale “the benefit of any political doubt,” he became disillusioned as he watched Mondale not only repudiate the GAY RIGHTS plank but also refuse to represent “our cause.” Reluctantly, he agreed with Jack who had labeled the meeting with Mondale “a political maneuver to silence the issue.”<sup>[191]</sup>

Co-opted and deeply resentful, Caucus leaders labeled his performance “an exercise in hypocrisy.”<sup>[192]</sup> Mondale later claimed that he opposed discrimination but, he added, “I must say that I find it difficult to understand or accept the idea of marriage between people of the same sex.”<sup>[193]</sup>

Governor Wendell Anderson was “appalled.”<sup>[194]</sup> Like the Regents and the Dean of the University of Minnesota Law School, he and other party elders feared same-sex love. They denounced the platform and encouraged DFL candidates to threaten their opponents with a lawsuit “if you make any effort to identify me with that.”<sup>[195]</sup> THE OSAKIS REVIEW called the platform “disgusting,”<sup>[196]</sup> while THE DISPATCH (St. Paul), blamed the “verbal Hell” on the “Yahoos.”<sup>[197]</sup>

Because of the controversy, not in spite of it, the DFL captured – for the first time in history – both houses of the legislature in the November election.

## Just because bigot governors appoint unelected, bigot judges to uphold fake laws is no reason for gay couples to submit to second-class citizenship.

What made it even more remarkable was that the victory came mid-term for a homophobic DFL Governor. Such complete control of state government was judged by the ASSOCIATED PRESS to be the third top story of the year.<sup>[198]</sup> Number four on their list was the platform that included the GAY RIGHTS plank.

“Eight of the 12 Regents,” Jack said with some measure of accomplishment, “did not survive the new legislature.” Each was replaced.<sup>[199]</sup>

The victory was short-lived, however. “Like the Republicans, the DFL party has never again endorsed *full equality* for gay men and women,” Jack lamented sadly. “Each successor to the Gay Rights Caucus betrayed the spirit of STONEWALL, though they now call themselves the ‘Stonewall DFL.’”

“They seem quite content to beg for second-class citizenship, one crumb at a time,” Michael added. “That explains why Minnesota had to wait another 21 years for a law to outlaw discrimination against gay people.”

## A “Right to Love” is proposed

**June 21, 1972** Reaction to the GAY RIGHTS plank was swift and furious. A typical reaction came from the UNION ADVOCATE, a labor newspaper distributed to union members. “We are open-minded enough to agree that consenting adults who practice deviate sexual relations should not be persecuted,” it began, “but we hardly approve a plank that would make such practices a normal life-style.”<sup>[200]</sup>

Disdain from party elders, now insults from union leadership. Jack became convinced that human rights should be a bedrock of the Minnesota Constitution. They should not, he told THE ADVOCATE, depend on legislative appropriations to the state Human Rights Department.<sup>[201]</sup>

On June 21, he took his case to the Bill of Rights Committee of the Constitution Study Commission, which was holding hearings at the Capitol. “Each of us has an absolute right to love the human being of our choice,” he testified. “The majority has defined – repeat defined – a relationship as something that can only exist between persons of the opposite sex.”<sup>[202]</sup> Jobs are lost, he emphasized, for the “crimes” of dancing, holding hands with the object of our affection, or for innocent goodbye pecks at the airport.

To rectify that problem, he proposed that the Latin phrase *jus societatis congeneratae* be added to the state Constitution. *Societas* “speaks of a fellowship, a union, a society,” he said. “It implies a love-bond, a working relationship.” *Congeneratus* “speaks of persons allied in nature, character or action to another.” Taken

191. Broich and Anderson.

192. Hilger and Baker.

193. Mondale.

194. Dornfeld.

195. Spear, p. 8.

196. Anon. [*The Osakis Review*].

197. Sumner.

198. Associated Press, December 1972.

199. State of Minnesota.

200. Bjornson, 19 July 1972, p. 18.

201. *Ibid.*, p. 11.

202. Baker, June 1972, p. 1.

together, the phrase “creates a status,” he said, one that protects interpersonal orientation.

A majority of the committee opposed the proposal on the ground that it is not possible to include every group in the constitution. The chair indicated that she would support constitutional protection for non-heterosexuals but was opposed to the Latin language offered.<sup>[203]</sup>

## U.S. Supreme Court waffles again

**October 1972** On October 10, 1972, the U.S. Supreme Court declined to review the Minnesota Supreme Court’s refusal to approve a marriage license for Michael and Jack.

The high court acknowledged that same-sex marriage raised a “federal question.” But, all justices said, it was not “substantial.”<sup>[204]</sup> They then set the appeal aside without addressing the merits, thereby leaving the question open for a decision at a later date.

“It was a disappointment,” Jack confided, “but we set the agenda for those politicians who would later seek votes from gay men and women.” In the process, he added, “we exposed a lack of moral turpitude in the Minnesota Supreme Court.”

## Jack’s “good moral character” is questioned

**November 1972** On November 21, 1972, while in his third year of law school, Jack applied to State Board of Law Examiners, an arm of the Minnesota Supreme Court, to take the Bar exam.<sup>[205]</sup> The application fully disclosed his name change to Pat Lyn McConnell. Once again, the process was not routine.

Rule II required applicants to be “a person of good moral character,” and Rule XII 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, Jack appeared before the Board escorted by R. Michael Wetherbee, Legal Counsel for the MCLU. The Board focused on “possible fraud in the application for a marriage license” obtained in Mankato, MN, a year earlier.<sup>[206]</sup> Jack 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,” Jack explained. It’s possible, for example, to reside at, say, a summer home, yet vote at one’s domicile, which may be hundreds, even thousands of miles away. “After an hour, we finally made it clear to them,” he said.

The only basis for fraud in the Mankato marriage license would be if Michael or Jack supplied a local address at which they were not staying. Since they were at the time staying in the apartment of a friend, there was no basis for a charge of fraud.

Four days later, Jack was informed that “the State Board of Law Examiners has concluded that it will make no objection to your application,”<sup>[207]</sup> 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.”<sup>[208]</sup>

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.

Jack applied again on November 16. According to an eyewitness, Minnesota’s Chief Justice, Oscar Knutson, wanted to issue a Per Curiam (unsigned) order. The plan was to wait until Jack passed the Bar exam, then refuse to admit him to the Bar of Minnesota.<sup>[209]</sup> Eight of the nine Justices agreed to the plan, including the four recent appointments of Governor Wendell Anderson.<sup>[210]</sup>

Insisting that Jack lacked good moral character, Justices Knutson and James C. Otis were very deter-

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**“Each successor to the Gay Rights Caucus betrayed the spirit of Stonewall, though they now call themselves the ‘Stonewall DFL’.”**

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mined to have the Court act unilaterally, knowing full well that the MCLU would challenge any denial in the U.S. Supreme Court. Associate Justice Walter F. Rogosheske was the single holdout. His refusal to concur is what kept Knutson from issuing that order.

Denied authority to issue his order Per Curiam, Knutson no longer had a purpose. He resigned on December 17, exactly one month from the day he was

203. Murphy, et. al.

204. Baker v. Nelson [U.S. Supreme Court].

205. Baker, November 1972.

206. Wetherbee, December 1972.

207. Lloyd, November 1972.

208. Anon. [*The New York Times*], 1973.

209. Baker, October 2002.

210. Baker, March 2003.

informed that Jack would be taking the Bar exam for the last time. With Knutson gone, Jack's third attempt in February, 1974 proved successful. "You will be recommended to the Minnesota Supreme Court for admission to the Bar of this State," he was advised.<sup>[211]</sup>

On April 26, 1974, Jack Baker was admitted to Bar of Minnesota.<sup>[212]</sup> Robert J. Sheran, who had served on the Board of Law Examiners when Jack appeared before it to explain the marriage license obtained in Mankato, MN, was now the Chief Justice.

"It appears now that Chief Justice Knutson was the source of the pressures rippling through the legal establishment," Jack said recently. "It also appears that the marriage license obtained in Mankato, MN was the focus of his obsession."

"First there was an attempt to indict me for procuring the license, but the Grand Jury refused to comply," he said. "Next, an anonymous allegation of fraud in connection with the license was used in an attempt to keep me from taking the Bar exam," he continued.

"When the Board of Law Examiners refused to go along, I was forced to take the Bar exam three times," Jack said, "though I remain convinced that I did not fail, even once." Finally, "When Chief Justice Knutson was forced to play his hand," Jack said, "he was trumped by Justice Rogosheske, who had the moral turpitude to just say NO!"

Years later, Jack learned that the courageous stand on principle enabled one of Justice Rogosheske's sons to subsequently admit that he, too, was gay. "God works in strange and mysterious ways," the Justice declared when he heard the news.

### **FREE prevails: Honeywell yields**

The final draft of an anti-discrimination policy proposed by Jack and approved by the University Committee on Social Policy (October 21, 1970) languished in the Administrative Committee until May 22, 1972. It was adopted only because it offered the needed answer to obligations placed upon the University by the federal government.

Why it was adopted did not matter. All that Jack cared about was the fact that he had succeeded in limiting the power of recruiters to discriminate against gay students. Honeywell assumed – incorrectly – that the

policy was little more than words on paper. Contacted the following year by the MINNESOTA DAILY, Gerry E. Morse, vice president of Honeywell, Inc., said its policy of not hiring a known homosexual as detailed in his 1970 letter "still holds."<sup>[213]</sup>

**March 1973** FREE had gone dormant when Jack became Student Body President, but Robert Halfhill, its former treasurer and one of Jack's campaign workers, remained active. His complaint dated March 26 was filed with the Campus Committee on Placement Services. Halfhill offered Morse's statement as proof that Honeywell is in violation of the new University policy.<sup>[214]</sup>

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**“As long as the state blesses the marriages of impotent men or infertile women – for companionship – then why should not the state offer these same legal benefits to couples of the same sex, who also marry for companionship?”**

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The policy requires the committee to meet informally with the employer twice, attempting to reach a solution. If that proves unsuccessful, University facilities are denied for one year if a majority of the committee members at a formal hearing finds the employer in violation of the policy. "It's one of the best policies that exists at any college," Anne Truax, member of the committee, said. "But the policy is only as good as the enforcement of it," she added.

Seeing a no-win situation, Honeywell retired Morse three months later. Charles E. Brown, his replacement, revoked the policy within weeks of Morse's departure. "I proposed in discussion with other officials that our basic policy of hiring on the basis of ability to do the job be extended to homosexuals, in line with our policy with regard to other minorities," Brown said.<sup>[215]</sup> The old policy was never a formal one until Morse articulated it, "perhaps on the basis of his own beliefs."

Brown admitted that the policy change had not been publicly announced. "We made a phone call to our employment department, that's all, and only because of the prior publicity about the old policy," he told THE ADVOCATE. Should employees be notified? "Perhaps we do have some supervisors who are discriminating on the basis of their own feelings," he said.

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211. Lloyd, 1974.

212. Supreme Court of Minnesota.

213. Urban.

214. Bjornson, April 1973.

215. Bjornson, April 1974.

“But if anything like that comes to light, we’ll try to straighten it out.”

At the time, the only public announcement of the policy change occurred during a local TV report on homosexuality, which mentioned Honeywell’s revised policy. The new Student Body President, Stephen W. Carter – Jack’s successor – asked company president Stephen F. Keating for confirmation. In a carefully-worded letter dated May 14, 1973, Keating tried to rewrite the history of Honeywell’s homophobic past. Nevertheless, he did declare that his company’s hiring policies would now be “strictly” enforced to include gay students. See, *Honeywell capitulates*, on page 75. Recruiters would be required, he said, “to interview and select for employment from among applicants **strictly** upon their relative preparation for, experience and interest in, and capability at the actual requirements of the work for which they are being considered for employment (emphasis added).”<sup>[216]</sup>

Honeywell, then based in Minneapolis, was a diversified maker and seller of computers, defense materiel and heating thermostats, with annual sales of over \$2 billion.

Jack’s policy would ultimately become the standard in academia. The finest compliment was paid by Justice Antonin Scalia. Dissenting in the case that invalidated all laws prohibiting sodomy between consenting adults, he bemoaned the “homosexual agenda” and the willingness of the U.S. Supreme Court to sign on. “I noted in an earlier opinion,” he wrote, “the fact that the [Association of American] Law Schools (to which any reputable law school must seek to belong) excludes from membership any school that refuses to ban from its job-interview facilities a law firm (no matter how small) that does not wish to hire as a prospective partner a person who openly engages in homosexual conduct.”<sup>[217]</sup>

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**“Trading our birthright for economic gain – or power – was never an option.”**

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216. Keating.

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217. *Lawrence v. Texas*, 156 L.Ed.2d at 541.

– 1974 - 1978 –

## Children's Home Society waffles

**April 1974** On April 1, 1974, Jack and Michael applied to the Children's Home Society, St. Paul, MN, to adopt a child.<sup>[218]</sup> Jack told THE ADVOCATE that it was "something Mike and I have discussed doing for several years, and we are now getting settled in our careers, so we felt now is the time."<sup>[219]</sup> Once again, the process was not routine.

Four weeks elapsed before the executive director called. He said he was deciding what to do because the application was a first and he would need two or three more weeks to respond. Smelling a stall, Jack released the application to THE DISPATCH (St. Paul), which reported that "Gay Activist, Spouse Seek to Adopt Child."<sup>[220]</sup>

Almost two months after the application was received, the executive director called to say that he decided not to act on it because both persons were of the same gender.<sup>[221]</sup> He refused to put his decision in writing.

Jack complained to the agency's primary funding source, the United Way.<sup>[222]</sup> The Children's Home Society is "an autonomous organization," the President of the local United Way said. We would "feel compelled to take action," he continued, only if "it should be determined by an appropriate body or tribunal that a member agency was not operating in accordance with the applicable law."<sup>[223]</sup>

On July 16, the St. Paul City Council amended its Human Rights Ordinance to prohibit discrimination on the basis of "affectional or sexual preference."<sup>[224]</sup> Before the vote to approve the amendment, the pastor of the Highland Park Baptist Church warned the City Council, "A gay-rights ordinance will provide moral pollution that will bury St. Paul."<sup>[225]</sup>

## "Don't trust anyone over 30!"

Jack was advised that the Department of Human Rights was "prohibited from investigating or commencing civil or criminal enforcement proceedings

based on conduct occurring before August 19" which was the date when the change took effect.<sup>[226]</sup> The Assistant Director told Jack privately that she had discussed his situation with the Director, the City Attorney and the Mayor. The consensus, she said, was that the St. Paul Department of Human Rights would not skirt the issue.

On September 11, Jack re-submitted the original application to the Children's Home Society and got the same response. This time, the response formed the basis for a complaint of discrimination, which was filed with the Department of Human Rights on October 15.<sup>[227]</sup> Three and a half months later, the Department concluded that "We have reasonable

## On April 7, 1971, Jack Baker became the only openly-gay elected official in the nation.

grounds to believe that the Children's Home Society of Minnesota has committed a violation of Chapter 74 of the St. Paul Legislative Code."<sup>[228]</sup>

A settlement conference failed to satisfy Jack or Mike. The Department then sent the file to the City Attorney for criminal prosecution,<sup>[229]</sup> which was declined because the Children's Home Society agreed to make available the procedures of "Phase I."<sup>[230]</sup> The Department closed its file even though the agency made no effort to disclose what those procedures were.<sup>[231]</sup>

The Department feared the militant Christians, who were preparing a challenge to the gay-rights amendment. The decision to accept the complaint by Jack and Michael, then to request criminal prosecution, inflamed their anger. Truth be told, adoption of children by same-sex couples was not what the City Council had in mind when it passed the amendment.

The Children's Home Society did eventually invite Jack and Michael to an orientation meeting, which would lead to registration and perhaps an application. Registration "may or may not turn into an application," the Director of the Adoption Program emphasized. "Applications are issued on an individual

218. Baker, April 1974.

219. Bjornson, 3 July 1974.

220. Kelly.

221. Baker, Sept. 1974.

222. Baker, May 1974.

223. Borman.

224. Gerri.

225. Barry, 10 July 1974.

226. Goodman, 1974.

227. Olson.

228. Goodman, 1975.

229. Lewis, March 1975.

230. McCloskey.

231. Baker, 1975.



basis when it is clear that a home may be needed in the predictable future.”<sup>[232]</sup>

Even if they jumped through all of the hoops, questions about the marriage license remained. “We were told privately,” Jack said, “that our marriage was not valid.”

“To adopt a child,” Michael added, “meant that we would have had to work with an unwilling Department of Human Rights to validate a marriage in the state Supreme Court, which had already proven itself to be homophobic.” Add to that, Jack continued, “the militant Christians, who were using hateful words to garner support to repeal the gay-rights amendment.”

Going forward at this time would serve no useful purpose because Minnesota was about to explode into a very public debate about the birthright of its gay citizens, no holds barred.

### Koreen Phelps reflects

THE ADVOCATE reported that FREE disbanded after Jack became Student Body President.<sup>[233]</sup> That would have occurred at the end of Spring quarter, 1971 – roughly May 18 – more or less on its second anniversary.

**November 1974** Reflecting back, Koreen Phelps, co-founder of FREE, wondered aloud and lamented in an opinion piece published in the MINNESOTA DAILY. “What happened to Minnesota Gay Activists?” (MGA), she asked.<sup>[234]</sup>

Describing FREE as a “militant group” whose “major thrust was political,” she explained how MGA “carried on that tradition” Their accomplishments? A new generation of activist students had invoked the anti-discrimination policy developed by FREE to defend Byron Schmidt against discrimination by Northwestern Bell Telephone [now, Qwest]. Like FREE, though, MGA disbanded after a few years, apparently as goals were accomplished and students graduated.

After registering in Fall 1974 as a sophomore in Women’s Studies, Koreen was surprised to learn that the new group on campus, University Community Gay Association (UCGA), offered only social activities to gay men and help to “come out,” but “no place for political action or continued education of the University community.” According to its ads, she said, “UCGA will refer all people interested in politics to the Minnesota Committee for Gay Rights (MCGR).”

“MCGR is simply a front organization for DFL hopefuls attempting to ride the gay vote into office,” she charged. “Democratic politicians have always shared only one concern – to get elected.”

Koreen’s success brought sadness as she observed how new students were taking the hard-fought freedoms for granted. “Social activity for gays outside of the bars on campus is needed,” she explained, “but it is only a small part of what gay people deserve.” Coming out is a process, she emphasized, one that “includes self-education, public education, consciousness raising, political awareness and constant, militant action whenever gays are treated unfairly.”

At the time, Jack was the Chair of the Target City Coalition, parent corporation for THE GAY PRIDE COMMITTEE, which sponsored the annual Festival of Pride each June. He didn’t disagree with Koreen’s assessment. “In my circle of friends,” Jack said recently, “MCGR 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.” MCGR was one of several front groups known as the “suits,” he said.

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**“The Minnesota Newspaper Association used the power of the press to corrupt our courts. ... When the smoke cleared, gay Minnesotans were relegated to second-class citizenship.”**

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232. Eid, 1975 and 1972.

233. Bjornson, April 1973.

234. Phelps.

## City of St. Paul waffles

**June 1977** In mid-1977, the Target City Coalition let it be known that it would take “direct action” to deliver just desserts to bigots. A hit list known as the “Pie File” was developed. Public humiliation would be inflicted on celebrities, public officials, even clergy, who trampled on the rights of gay men and women.

In one very public and controversial event, Patrick Schwartz, then 22, was assigned Archbishop John R. Roach. Moments after accepting the Brotherhood Award of the National Conference of Christians and Jews at a dinner in St. Paul on May 12, Archbishop Roach remained unaware that a chocolate cream pie was heading for his face. The incident received coverage statewide, including front-page photos in the MINNEAPOLIS STAR and, in St. Paul, the PIONEER PRESS and THE DISPATCH.<sup>[235]</sup>

Schwartz announced that the pie was retaliation for the bishop’s lobbying and defeat of a gay-rights bill pending in the Minnesota legislature. Continuing coverage for months afterward brought home to Minnesotans the need for simple protections for basic human rights. When he died in July 2003, The STAR TRIBUNE identified the pie incident as one of the high-lights of John Roach’s career.<sup>[236]</sup>

When similar events followed in rapid succession, THE DISPATCH felt the need to analyze the tactic. In a July 26 article entitled “Pie-throwing issue splits gay community,” Jack defended the strategy, saying that the so-called split divided “certain groups that are doing things” from the suits, “who just get in the way.”<sup>[237]</sup>

Anita Bryant, then the mouthpiece for militant Christians who were hell-bent on repealing gay rights, offered in June 1977 to help defeat pending statewide legislation to protect gay men and women.<sup>[238]</sup> That comment earned her a pie in the face during a news event in Des Moines, IA, on October 14. “We have another bigot with a sticky face,” Thom Higgins, a member of the Target City Coalition, announced after delivering the pie that ended her news conference.<sup>[239]</sup>

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**“[Same-sex marriage] would open Pandora’s box.”**

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235. Gendler; Thorkelson, Hennes.

236. Hovde.

237. Kohl, p. 22.

238. Meier.

239. Associated Press, Oct. 1977.



**October 14, 1977:** WCCO-TV, a CBS affiliate, partnered with the Target City Coalition to deliver a “fruit” pie to Anita Bryant in Des Moines, IA.

The humiliation worldwide also ended her career, but not before she labeled St. Paul a “target city.”<sup>[240]</sup> Target City Coalition, Jack explained, had arranged to have Thom Higgins and the fruit pie transported from Minneapolis to Des Moines, IA, in a van owned by WCCO-TV, a CBS affiliate. “In exchange, Thom agreed to move on cue from WCCO’s reporter, who would decide when and how to deliver the pie,” Jack said. Dirty tricks are a fact of life. The nod came when the reporter was certain that all other photographers were either unprepared or distracted. “That’s how WCCO got exclusive footage of the pie in motion,” he explained.

Angered, the militant Christians began in earnest to collect signatures. On January 17, 1978, the St. Paul PIONEER PRESS reported that the Rev. Richard Angwin, pastor of Temple Baptist Church, filed 7,151 petitions with the City Clerk, demanding an election to decide the fate of the gay-rights amendment.<sup>[241]</sup> In the same article, the Director of the Department of Human Rights confessed that, of the 12 gay complaints received since 1974, he had issued no enforcement orders. “Truth is,” Jack said, “no enforcement orders were issued because Mayor

240. Kummer.

241. Beran, January 1978.

Lawrence D. Cohen, the City Attorney and Department Director, Donald Lewis, lacked the will to do so.”

Anita Bryant claimed to be too sick to attend her own rally scheduled for Wednesday April 20. It was billed by the militant Christians as an “extravaganza of joy and enlightenment.” THE DISPATCH described it as a “carnival of sublime controversy,” a spectacle that “featured fear, gloom, two empty chairs and a blistering battle between a couple of sun-kissed barkers.”<sup>[242]</sup> The empty chairs were reserved for Anita Bryant and her co-star, television evangelist Jerry Falwell.

After an intense, emotion-filled, statewide debate, the voters of St. Paul repealed their gay-rights amendment on April 25, 1978.<sup>[243]</sup> Refusing to stop the vote,<sup>[244]</sup> the state Supreme Court eventually ruled that it was perfectly legal, saying only that its decision was based on a review of the files.<sup>[245]</sup> St. Paul Citizens for Human Rights had made a special plea to the high court to halt the printing of election ballots. They

After repeal, the suits did not push for statewide legislation. Instead, they allowed bills to languish in the DFL-controlled legislature for another 15 years. They acted in 1993 only when it became clear that Hawaii would upstage Minnesota.

On March 18, 1993, it was common knowledge that the Hawaii Supreme Court would soon recognize the validity of same-sex marriage. By law, adjournment of the Minnesota legislature was drawing near. First, the House added “sexual orientation” to the Human Rights Act, paving the way for Minnesota to become the eighth state to protect gay men and women from discrimination in employment, housing, education and public accommodations.<sup>[247]</sup>

Later the same day, the DFL-controlled Senate convened itself as a committee of the whole, a rare and extraordinary event driven solely by a need to save face. Once approved, the bill went to a conference committee, then to a final vote in both houses.



**April 25, 1978:** Disappointment prevailed as the verdict of St. Paul voters became final.

Photo by Pete Hohn  
Courtesy Minnesota Historical Society

argued that defects disqualified the petition as a valid initiative under the city’s charter. A ruling from the Ramsey County District Court allowed the gay-rights question to appear on the ballot.

The MINNEAPOLIS TRIBUNE called the referendum “A disappointing vote in St. Paul.” Unashamed, the editor of THE DISPATCH used bigoted words within bigoted statements to argue that “We don’t have 54,096 bigots.”<sup>[246]</sup>

On May 5, 1993, the Hawaii Supreme Court announced that legally recognized marriage need not necessarily be a union between a man and a woman.<sup>[248]</sup> Minnesotans suddenly realized that, once again, Koreen Phelps had it right. Minnesota’s reputation as leader was destroyed because the suits are “simply a front organization for DFL hopefuls attempting to ride the gay vote into office,”

“Why,” Jack asked recently, “did the suits wait until 2004 – 34 years! – to demand *full equality* for gay Minnesotans?” Finally, “why even today are they doing nothing more than reacting to the agenda set by our enemies?”

242. Del Fiacco.

243. Griffin, 1978.

244. Matthews.

245. Associated Press, 1979.

246. Sumner, 1978.

247. Halvorsen.

248. Eskridge, p. 5.

## Conclusion

Jack is fond of saying that the world belongs to those who make things happen. When a mean-spirited Baptist minister in Oklahoma City moonlighted as the County Attorney and used his office to ridicule law-abiding patrons of gay bars, Jack spoke out – with no fear. He convinced the ruling class to make it stop. Armed with the knowledge that the ruling class fears confrontation, Jack came to Minneapolis determined to transform it into a place that was not the Oklahoma he left behind.

– Today –

Minneapolis is now a mecca of “affirming” gay culture precisely *because* Jack and Michael exerted strong leadership. They challenged the ruling class to lead by example, fomenting public debates about the birthright of gay citizens – not once or twice, but seven times! Each time, their quest for *full equality* came a little closer to reality.

- ♦ First, when Jack and Michael confronted the civil government and applied for a license to marry. Photos of the event were seen worldwide, thanks in part to the ASSOCIATED PRESS and LOOK magazine, among others. Young teenagers who witnessed the event grew up to be the activists who made gay marriage a part of the national conversation during Bill Clinton’s first campaign for president (1992). “We shaped their dreams,” Jack said. “The proof is in the pudding.”
- ♦ Next, when the Board of Regents refused to approve Michael’s appointment to be a supervising librarian because, they said, his application for a marriage license “is not consistent with the best interest of the University.” Their words shamed a once-proud institution and provoked a barrage of editorial contempt locally and nationally for their failure to even understand the concept of academic freedom.
- ♦ Next when Jack and members of FREE worked with the faculty and administration to develop a unique policy to deny University facilities to recruiters who discriminate unfairly not only against gay students but against others as well. Robert Halfhill finished the part begun by James Chesebro. Together, they proved that where there’s a *will*, there’s a *way*. In the end, a small group of gay youth who refused to accept second-class citizenship used the policy to force mega-companies like Honeywell, the huge defense contractor, to back down and mend

their ways. According to Justice Antonin Scalia, that policy is now the standard in academia.

- ♦ Next, when Michael applied for a marriage license privately and obtained it lawfully. His dream of marrying Jack was realized in a ceremony performed by Rev. Roger W. Lynn. Bishop Paul Washburn of the United Methodist Church reprimanded Rev. Lynn for solemnizing the marriage, even though no church doctrine forbid it. Likewise, Minnesota’s Chief Justice tried first to have Jack indicted, then to revoke his right to take the bar exam and, finally, to convince the other justices to simply refuse to admit Jack to the bar. Common sense prevailed only because Associate Justice Walter Rogosheske just said NO! to bigotry.
- ♦ Next, when Jack asked the students to elect him their Student Body President. Paul Hagen and other members of FREE put together a winning campaign that was noticed around the world, thanks in part to Walter Cronkite of CBS NEWS, PLAYBOY and TIME, among others. When Jack asked the students to re-elect him so that he could finish his agenda of “Student Control over Student Concerns,” more creative posters by Paul Hagen produced another victory – the first time that had happened in the 121-year history of the University of Minnesota.

### Separate and unequal is not the American Way.

- ♦ Next, when Jack and five other members of the Gay Rights Caucus asked delegates to the DFL party’s statewide convention to endorse “marriage as a civil contract between any two adults.” The convention agreed, even though Senator [later, Vice President] Walter Mondale refused to even acknowledge the existence of gay voters. “Appalled,” the homophobic governor urged candidates to renounce the party’s platform and sue their opponents. The public debate merited a rating of the fourth top story of 1972 by the ASSOCIATED PRESS.



♦ Finally, when as Chairman of the Target City Coalition, Jack championed a partnership with WCCO-TV to deliver a “fruit” pie to Anita Bryant during her news conference in Des Moines, IA. Militant Christians, led by Rev. Richard Angwin, pastor of Temple Baptist Church, retaliated by collecting the signatures needed to put the St. Paul gay-rights amendment to a vote. The bigots did prevail but not before a no-holds-barred debate woke Minnesotans to the need for a state law to protect gay people from discrimination. Now a public joke, Anita Bryant’s career ended, and the militant Christians lost their mouthpiece.

Among lawyers, the MCLU was unique. Its Board of Directors avoided same-sex marriage at first, primarily because the ACLU – its parent organization in New York – insisted that same-sex marriage is not a civil liberties issue. Matt Stark, its President, and Lynn Castner, its Legal Counsel, persisted. Shortly after Castner retired and R. Michael Wetherbee replaced him, the MCLU’s Board voted to stand with Jack and Michael in defense of same-sex marriage.

To its shame, the Legal Aid Clinic of the University of Minnesota Law School buckled and abandoned Jack and Michael when faced with empty threats to revoke the Third Year Practice Rule. The Director admitted that some clients are indeed more important than others, while the Dean blamed the victims. Third-year law students abandoned their unpopular clients when threatened with unspecified harm to their careers. If “the clinic exhibited an enormous amount of moral courage and conviction in the matter,” as professor Oliphant contends today, then it’s never too late to finish the lawsuit it started.

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**A childless couple is a childless couple, and no amount of flim-flam will change that.**

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The courts were no better. One Justice of Minnesota’s Supreme Court insulted the attorney for the gay citizens seeking redress. Then the full court invoked “the book of Genesis” to conclude that gay men and women are not “persons” before declaring that some childless couples are indeed more equal than others. The lower courts were equally homophobic.

Like the Dean of the University of Minnesota Law School, the Eighth U.S. Court of Appeals blamed the victim. Then the U.S. Supreme Court refused to listen to arguments in favor of same-sex marriage or, in Michael’s case, to uphold his right to make such arguments.

The library profession also abandoned Michael. When the rank and file of the Minnesota Library Association instructed their leaders to defend Michael’s right to be judged on his qualifications, MLA’s president twisted those instructions into nonsense. A plea to the American Library Association languished for five years. According to Barbara Gittings, “It’s plain that ALA failed the spirit if not the letter of fairness by refusing even in 1975 to go to bat for McConnell.”

The Children’s Home Society said it would not allow same-sex couples to adopt a child, and the United Way, its primary funding source, refused to intervene. The St. Paul Department of Human Rights said it violated the city’s recently-enacted gay-rights ordinance, but the City Attorney refused to prosecute.

The suits made public apologies for those who demanded *full equality*, even called Jack and Michael the “lunatic fringe.” In spite of organized opposition from the self-anointed “leadership,” the notion of same-sex marriage resonated. The suits responded by promoting domesticated partnerships to the “Boomer” generation, an alternative cop-out they claimed to be dictated by “practical politics.” Next, they promoted “civil unions,” and now it’s “marital rights.” Each is an increasingly more-clever way of saying *separate and unequal*. Jack and Michael rejected that movement outright, calling such actions reckless. “If you beg for second-class citizenship,” Jack insists to this day, “you will be treated as one.”



– Tomorrow –

As Michael's attorney, Jack has one more task to perform before their Quest for *full equality* ends. Demanding to be recognized as a married couple, Michael amended his tax return for the year 2000. The IRS agreed that, if he were married, he would be entitled to an additional refund of \$793.28. His claim was disallowed, the IRS said, because, "The Federal Government does not recognize same-sex marriages."

Jack filed suit in U.S. District court on May 18, 2004, the 34th anniversary of the day when he and Michael first applied for a marriage license in Minneapolis. He asked the Court to order the IRS to treat Michael the same as every other married Minnesotan. The path will lead to the U.S. Supreme Court, where the justices will be asked to uphold the validity of Michael's marriage to Jack.

Jack contends that the marriage license obtained in Mankato, MN was lawfully procured and validly solemnized by the Rev. Roger Lynn. His marriage to Michael remains valid, he says, until declared otherwise by the court of last resort.

The *Ex Post Facto* clause of the federal constitution protects them. No constitutional amendment and no so-called "defense of marriage" act can reach backward to invalidate a marriage solemnized 32 years ago. Hence, asking the Supreme Court to uphold a license lawfully issued by one state has a better chance of success than asking the high Court to force all states to do something they do not want to do.

Jack and Michael agree with those who say that marriage is an institution for the raising of children. However, childless couples also share in the benefits of marriage. Problem is, only mixed-sex couples may qualify.

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**Stop being a victim, and  
"Just say NO!" to second-  
class citizenship.**

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A childless couple is a childless couple. No State is required by the U.S. Constitution to extend the benefits of marriage to childless couples. However, that Constitution does forbid the States to play favorites. If some benefits are provided to some childless couples, those same benefits must be available equally to all childless couples.

As an American, Michael always insisted that his birthright entitled him to expect that the law will treat all childless couples equally. "No birthright, no citizenship," he insists. If mixed-sex couples are allowed to

marry solely for companionship, then same-sex couples must be treated no differently.

– The future –

"Obvious gays" who stood proud at the STONEWALL INN on June 27, 1969 remain their heroes. They were the ones who defended their own birthright, while others who would later call themselves gay "leaders" cowered in the closet. To Jack and Michael, STONEWALL means full and absolute equality for ALL God's children; no exceptions, no excuses. They demand *full equality*, no longer just "equal rights," and reject the notion that same-sex couples must compromise. Lobbying for "civil unions," they insist, is wrong.

Separate and unequal is not the American Way. Just because bigot governors appoint unelected, bigot judges to uphold fake laws is no reason for gay couples to submit to second-class citizenship. State and federal courts will remain homophobic until they are made to understand that no amount of flim-flam will change the basic premise: a childless couple is a childless couple.

Ignoring all critics, Jack and Michael dared to confront the civil government to demand the same inheritance rights and tax preferences as other childless couples. Slowly, others joined their quest. They proved that gay men and women want *full equality*, not half measures, and that same-sex marriage is the primary issue that motivates them.

When Jack turned 30, he addressed students and faculty at the University of Winnipeg. The marriage application, he confided, was "intended, literally, to throw a monkey wrench into the works." In its February 16, 2004 edition, TIME magazine proved him right. Alongside the photo that ignited a movement worldwide (*Same-sex marriage: in public* on page 6), TIME discussed how – 34 years later – the issue of same-sex marriage had created chaos in the Massachusetts legislature and elsewhere.<sup>[249]</sup>

A dream come true in 2004. On February 24, president George W. Bush urged Congress to amend the U.S. Constitution to abolish all forms of same-sex unions in the United States. A Civil Libertarian, Jack knows that the solution for bad speech is not less speech, but more speech. As he and Michael see it, gay Americans are fortunate to have our birthright made the subject of a national conversation during the election of the president of the United States of America!

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249. Cloud.

“I knew on Day One,” Michael explained, “that love is the most powerful force in the universe.” With a smile that exudes the wisdom of his years, he asked, to no one in particular, “Who could stop an army of lovers united?”

Michael and Jack now live privately in the City of Lakes. They celebrate their commitment each year by urging new generations of gay youth to stop being a victim, and “Just say NO! to second-class citizenship.” (See page 82.)

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**“Why did the suits wait until 2004 – 34 years! – to stand tall and defend the birthright of gay Minnesotans? Why even today are they doing nothing more than reacting to the agenda set by our enemies?”**

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## Appendix

Listed here are source documents for turning points in the Quest for *full equality*.

- A. **May 18, 1969 – *Founding of FREE*** on page 47. The prospectus for a simple course is the seminal document for a revolution that transformed Minnesota.
- B. **[May 18, 1970] – *Announcement of same-sex couple to apply for a marriage license*** on page 48. This news release from FREE is the seminal document for an event that shaped the dreams of a whole generation of gay youth. Disciples among them joined the challenge of *full equality* and, in unison, transformed an entire world. Author: James W. Chesebro, then a Ph.D. Candidate in the Department of Speech-Communications, University of Minnesota.
- C. **October 10-11, 1970 – *Proposed agenda for Minnesota’s first regional convention to empower gay youth*** on page 49. This agenda was included with a news release that was distributed to local and national news media by the University News Service. It was also distributed as a leaflet in local gay bars on October 8-9, 1970.
- D. **[November 12, 1970] – *One perspective for Minnesota’s first regional convention to empower gay youth*** on page 51. This perspective was written by James W. Chesebro. It was distributed to members of FREE at a weekly meeting on November 12, 1970. Keep in mind that, in the early 1970s, typewriters were the medium of communication, and that typewriters do not have spell-checkers.
- E. **[March 9, 1971]– *Response of Professor Robert E. Oliphant*** on page 61. Professor Robert E. Oliphant explains why the Dean’s “decision was not unreasonable,” given the “tiny chance of success with Jack’s lawsuit.”
- F. **[Spring, 1971] – *A perspective from Jack Baker’s poster maker*** on page 63. Paul Hagen explains how Jack helped him come out and how he returned the favor by helping Jack get elected, then re-elected Student Body President.
- G. **June 11, 1971– *Commencement, University of Minnesota*** on page 65. In this address to the graduating seniors, Jack Baker presents a clear mandate for a fundamental restructuring of a society where discrimination ran rampant.

- H. **[September 3, 1971] – Response of Rev. Roger W. Lynn** on page 67. The Rev. Roger Lynn explains how his participation in the marriage of Jack Baker and Michael McConnell affected him personally, how it affected those around him and how he used the tradition of “prophetic ministry” to awaken the United Methodist Church to the unmet needs of the “gay and lesbian members of our community.”
- I. **March 10, 1972 – The right to be human and gay** on page 69. This speech was delivered to a crowd of over two thousand at the University of Winnipeg on Jack Baker’s 30th birthday. “Because of the interest generated by his speech and this topic,” the MANITOBAN printed it verbatim, as well as some highlights of the question period.
- J. **June 9, 1972 – GAY RIGHTS plank of the Minnesota DFL Party** on page 74. This request from the DFL Gay Rights Caucus is the seminal document for an event that transformed the politics of Minnesota and enabled the party to capture – for the first time in history – both houses of the legislature in the next election.
- K. **May 14, 1973 – Honeywell capitulates** on page 75. This letter from Honeywell president Stephen F. Keating confirms that FREE succeeded in its campaign to force companies, large and small, to abandon policies of discrimination against gay students.
- L. **March 1, 2003 – Résumé of Michael McConnell** on page 76. A place that calls itself a “university” held Michael up for public humiliation solely because it disapproved of his choice of person to love. Worse, the federal appellate courts could see nothing wrong with that. “I want the whole world to know,” said Jack Baker, “that Michael stood proud, took his punches, started over at 28, then rose to the top at the Hennepin County Library.”
- M. **March 10, 2003 – Just say NO! to second-class citizenship** on page 82. As they near the end of the Quest for Full Equality, Jack Baker and Michael McConnell speak out publicly and vociferously to urge gay youth to stand proud and invent the future of their dreams, with no fear.





Founding of FREE

From p. 1

Sunday, May 18, 1969  
From p. 5: "New Courses  
(Beginning in the middle of May)."

...Miss Peach (comic strip) ...  
...female heterosexuals (especially nymphomaniacs) ...  
...used NOT to attend this very rough, free-swinging course.

**THE HOMOSEXUAL REVOLUTION**  
K. A. Phelps, 339-4113  
Sunday, 7:00 PM

This course will be about homosexuality and its place in the sexual revolution. For truly concerned, openminded men and women, straight or gay, couples or singles who would like to reach a deeper understanding of this large minority group. There will be some outside reading. Don't hesitate. The Revolution Is Now!

**SPRING QUARTER**

**free you...**

Bulletin No. 5      May, 1969

STAFF  
James Park, Dave Christofferson,  
Niki Muggli, Sharon Childs,  
Dwynella Criss, Koreen Phelps

a paper  
that can upset  
your thinking

From p. 2

## Announcement of same-sex couple to apply for a marriage license

Address: B-67, Coffman Memorial Union, University of Minnesota, Minneapolis, Minnesota, 55455

Contact: James W. Chesebro  
127 West 15th Street  
Minneapolis, Minnesota  
338-1805

5/17/70 for immediate release

FREE ("Fight Repression of Erotic Expression"), a University of Minnesota student organization, announced today that two FREE members will apply for a Minnesota marriage license. The application will be made on Monday, May 18 at 3:00 pm in the Minneapolis Hennepin County Court House.

The two FREE members, Jack Baker and Jim McConnell (both over 21), have been together for three years, and now hope to have their relationship recognized as an enduring and honest love unit.

Minnesota statutes do not prohibit marriages between members of the same sex (MSA, Chapter 517). Moreover, FREE will seek to have the U.S. Supreme Court affirm the legality of this relationship, if necessary.

FREE expects the license to be granted because several major principles are involved:

- 1) Procreation cannot be the only standard used to legally recognize a significant love relationship.
- 2) Any relationship that promotes honesty, self-respect, mutual growth and understanding for two people and which harms no other person should be accepted by the law.
- 3) Sexual preference is not a reason to deny a couple inheritance rights, property privileges, or tax benefits.
- 4) Homosexuals are entitled to the same rights enjoyed by heterosexuals.
- 5) The desire of two human beings to be joined in a permanent love relationship ought to be recognized with full legal dignity.

### Background Information:

The language choices used to describe heterosexuals do not apply to homosexuals. The terms husband, wife, spouse, mate or team imply procreation. However, the terms lovers or partners best describe a homosexual couple because they emphasize rotating social roles and are standard words in the Gay community.

**Proposed agenda for Minnesota's first regional convention to empower gay youth**

## REGIONAL GAY CONFERENCES: OCTOBER 10 AND 11 [1970]

Sponsored by FREE: Gay Liberation of Minnesota  
B-67 Coffman Memorial Union  
University of Minnesota  
Minneapolis, Minnesota 55455

All sessions will be held at Dania Hall, 5th and Cedar, on the West Bank unless an injunction is won against the University's Board of Regents before the weekend. All sessions are open to the public, unless otherwise indicated. The march through downtown to Loring Park will begin at noon. Check at the convention for further details.

Saturday, October 10:

- 9:30 Institutional and Cultural Sexism, 2-1/2 hour rap
- 10:00 Problems and Methods for Establishing a Homophile Group, Jack Baker, member of FREE's Coordinating Committee, one hour.
- 10:30 Women's Session - topic open, one hour
- 11:00 Establishing Educational Courses Dealing with Homosexuality in the colleges and high schools, Ed Bertorelli, member of FREE's Coordinating Committee, one hour
- 11:30 Meet for march downtown outside conference site.
- 1:00 The Homosexual and the Church, the Rev. James Siefkus, Director of Congregational Social Concerns for the American Lutheran Church in America, one hour.
- 1:30 Gay Liberation and other homophile groups: Can They Work Together, one hour rap.
- 2:00 The Homosexual, Employment and Housing Rights: The Battle at the State Government Level, Conrad Balfour, Commissioner of the Minnesota Human Rights Department, one hour.
- 3:00 The Homosexual, Policies and Repressive Laws, two hour rap.
- 3:30 The National Gay Liberation Alliance: Which Direction, two hour rap.
- 4:00 Strategies and Tactics for Changing Social Attitudes: How Do Heterosexuals Perceive the Rhetorical Strategies of the Gay Liberation Movement? William Howell, Professor and President of the Speech-Communication Association of America, one hour.

/over/

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- 5:00 Methods for Dealing with Personal Problems and Adjustments in Gay Life, Jerrold Winters, Director of Social Work Programs of the St. Paul-Ramsey County Mental Health Center, one hour.  
 Racism, three hour rap.  
 Gay Women: The Dual Dilemma, Sandra Purnell from Women's Liberation at the University of Minnesota, one hour.
- 8:00 Dance
- 9:00 Gay Organizations and Relating to the Gay Community, two hour rap.

Sunday, October 11:

- 1:00 Third World Revolutionaries, closed session, two hour rap.  
 An Ecumenical Dialogue, two hours.
- 2:00 Relating to Other Radical Groups, two hour rap.  
 Revolutionary Peoples' Constitutional Convention--The Washington November 4 Session: Reconsidering the demands of the Gay workshops a at the Philadelphia session and preparing for the Washington session, two hours.

Schedule for the remainder of the day depends on interests of the people attending.



## One perspective for Minnesota's first regional convention to empower gay youth

THE FIRST NATIONAL GAY LIB CONVENTION: ONE VIEW FROM MINNEAPOLIS

Jim Chesebro

On October 9-11, people from 14 cities throughout the United States, representing 16 organizations, met in Minneapolis for the first national gay lib convention. In all, over 110 men and over 35 women met in sessions to discuss the activities of gay lib as carried on at local levels, to re-examine the questions of sexism and racism, and to prepare for the Revolutionary Peoples' Constitutional Convention.

On Friday, October 9, most groups began to arrive. Those groups represented included GLF of Washington D.C., GLF of New York, Chicago Gay Liberation, GLF at the University of Iowa, Gay Women of Iowa City, GLF and Gay Sunshine of San Francisco, GLF at Mankato State in Minnesota, GLF of Philadelphia, ONE of Chicago, GLF of Lawrence Kansas, GLF of Northern Illinois University, GLF of Milwaukee, GLF of Ann Arbor, and GLF of Washington University in St. Louis. FREE: Gay Liberation of Minnesota hosted the convention.

The convention was held in Dania Hall, across the river from the University of Minnesota. The University of Minnesota Regents had ruled that no decision on the right to hold the convention on campus could be made until all litigation on the James McConnell case (a librarian fired by the University because he was Gay and a member of FREE and won a Federal District Court decision for his job--a decision appealed by the Regents) was completed. Because the Regents failed to approve the decision, the right to hold the convention on campus was denied. The results of this decision were aptly captured by Gay Flames, "We came together in an old meeting hall not from the University of Minnesota, which had prohibited FREE from bringing us all into its pure and hallowed halls." From my point of view, the convention began with the recognition of institutional and cultural sexism and with the full impact of oppression by denying Gay People the right of free speech, assembly, and petition.

In was in this context, that the first session was held on Friday evening. The Coordinating Committee of FREE proposed to approximately 40 people present that some action be taken, by way of demonstration, against the University of Minnesota. The general consensus was that this kind of demonstration should have been taken by FREE earlier and that most people at the convention had not come for "political reasons" but rather for the sessions. The Friday evening session also produced a new schedule for the Convention. Many people felt that changes could be made that would allow Gay People to discuss unique questions among themselves--the planned sessions would not accomplish what larger sessions only with Gay People could accomplish. In my view, such a point of view was a very real consideration. In many respects, this was the first time any of us had had a chance to interact with people from all over the country and relate to the activities each group was carrying on in their own locality. As a result, from what I could determine was a majority consensus, the planned schedule was abandoned and the decision was made to consider reports from each group

represented, followed by a discussion of Gay oppression and how Gay People repress each other, followed by a discussion of sexism and then racism. I personally feel that most people at the convention found this to be a better schedule. approximately 40 people did leave and return home because of this change. Paul Goldman later noted that, "I was astonished at the fiasco that developed at your conference and I cannot help but indicate by way of a letter my feelings. I have been concerned with this movement for over forty years, and it would appear that the attitude displayed by the New York group was such that only hurt can be the result." While Paul's feelings were shared by those who did leave early, it did appear to me that the apparent disorganization may have stemmed from the fact that a structure was adopted that allowed all people to talk and to relate to each other. While liberal structures are clear and efficient, the hierarchies used often preclude all people from speaking and sometimes make some people feel less significant as human beings. The structure adopted, then, was clearly a radical structure, designed by and for radicals. While apparent disorganization was the result, the quality of the interaction and the implications for many of us must also be assessed. From that basis, many felt the convention was extremely significant. I do not, however, discount the feeling of those who were told that a specific set of activities would be offered, who travelled here for that convention, and then were not allowed to participate in the sessions they felt a need for. Perhaps forms of oppression must always be re-examined in Gay Lib, but I do think a strong consensus opted for the revised schedule and it did produce important feelings and directions for those who participated through all the sessions. In any event, the new schedule did go into effect and most people seemed to relate very well with the new topics.

The Saturday session began at 10:15 with most groups present but with the obvious absence of most of the women--only 7 women attended this session with the report that most of the women had remained at the women's registration house. The absence of our Gay Sisters was disturbing. Sue Born, a member of FREE's Coordinating Committee noted that a "polarity" had clearly developed between the men and the women. "The women are not here and that says something," she noted. "The women have problems that they have to face up to" and they cannot do that feeling the "chauvanism of an all-male dominated group," she stated. Admitting that there may be "no answers" to the oppression of Gay Women by Gay Men and straights, she noted that the answers for most of the women "were not here." She suggested that the women "are being just as chauvanistic as the men" right now, for most of the convention, and this accounting of the convention can only be a recounting of what happened in the men's sessions. I might also note that this accounting comes from someone who is middle class, white, and operating for Gay Lib from a campus group. Other accounts might produce different points of view equally valid--I have attempted to relate what I have seen and felt during the Convention. Others, with different backgrounds, undoubtedly saw and felt other things. The Saturday session, then, began for me with a recognition that even in Gay Lib, our Gay Sisters felt oppression by Gay Men--a depressing note but one that I felt was essential if Gay Liberation is to have the meaning to each of us I hope it does.

From this perspective, reports from each group at the Convention began:

FREE: GAY LIBERATION OF MINNESOTA, Minneapolis, Minnesota: Jack Baker, representing the majority of FREE members, spoke for FREE. Baker noted that FREE's approach has been essentially "non-political" and operating through the "established channels." He noted that this approach has meant that FREE has only been turned "down twice in its activities." FREE had dealt successfully with its Human Rights Department for employment and housing discrimination, began work to eliminate the sodomy law in Minnesota, surveyed the largest 25 corporations

in Minnesota with three favorable responses from major corporations and only one negative response (Honeywell--the war corporation). FREE has also begun a process to change the University policy--the change of policy would have the University bar all employers from campus who discriminate against any minority, Gay or straight. FREE has also won a Federal District Court decision for a FREE member who was fired--full media coverage by all forms of media occurred with very favorable editorial responses and reactions to the case. Baker concluded by re-asserting that FREE has been "non-political" and emphasized "civil rights in all situations." In the questioning that followed, some asked how FREE related to the Third World Gay Revolutionaries. Baker noted that Minnesota only had 3% of the population being black and that a campus group initially has great deal of trouble even beginning to relate to this group. While this concluded FREE's report, let me note that since the convention, some of us have had some success in getting FREE's non-political stance changed. FREE members have agreed to enter a coalition with other sex groups and to endorse the Black Panther Party as the vanguard for all oppressed people. While passed by the group, the labels radicals, fanatics, and revolutionaries has been used to describe the people supporting a political stance for FREE. Thus, the full meaning of the convention for FREE people has yet to be sorted out but certainly some changes have occurred.

MORGAN PENNY, independent report of activities in San Francisco: Gay Sunshine is a recently formed publication which it is hoped can be a national newspaper for Gay Liberation. All groups are asked to try to sell the newspaper--sellers retain 10¢ for every copy sold. In turning to a report, Morgan noted that he represented no group but "came because I wanted to come." He noted that there are numerous groups in San Francisco but also of the "groups meet and pass resolution, but its all bullshit. But some things have happened. He noted that action with the Whitehorse where 8 of 10 demands were met. "Certain individuals are responsible for this and are pulling off things, but the meetings however are strikly bullshit."

Many of the Gay Women in San Francisco have been able to "relate to Women's Liberation." The "consciousness of many of the men has also been raised to that the importance of Women's Liberation is clear as well as the importance of identity for the Gay Women."

Many of the groups in San Francisco are "establishment" and "intergration oriented in some groups." "I hope that a larger number begin to believe that this is not where it is at."

It is often noted that moving to San Francisco is the "best" kind of thing. However, "openness in San Francisco is not the same as openness in a repressed city. It is probably more important to be open here in Minneapolis than in San Francisco in terms of Gay Liberation."

In questioning, some asked if polarization between the establishment and the radical movement was a problem. "I am not worried about that," noted Morgan. "There is the polarization--the establishment bag and the radical bag. You've jut got to hit them over the head with Gay Liberation."

GAY LIBERATION FRONT OF MILWAUKEE, Milwaukee, Wisconsin: At first, GLF of Milwaukee "began as an elite small group." In reacting to the larger society, "We yelled facist and they yelled commie." We are now "trying out a larger, more viable structure and trying to relate to the larger Gay Community, and larger straight community."

One of the "most exciting things we did was to confront the sissy beaters in the parks at night. It brought us together a lot."

"A strong, separate identity has allowed us to get a lot more done" than by aliegning with other straight, radical groups. When we did align with them, we found we were "separated and only used as a token."

In the middle of the Milwaukee report, the Women did enter the room. They had come to make an announcement: "The women will be meeting by ourselves to get our heads together. We do intend to relate to the larger group later but now we need to talk to each other first and then to the men." We women recognize that the "woman's life style and personhood has been lost and that the life style of women is not considered valid."

NEW YORK GAY LIBERATION FRONT, New York City, New York: Beginning with a description of the structure of Gay Liberation in New York, it was noted that NYGLF and GAA (Gay Activist Alliance) are split and the Radicalesbians are also split from GLF. GAA is beginning to work through established channels for change--hence, the confrontations with Mayor Lindsey and other politicians. GLF is concerned with consciousness raising and street action for a complete revolution. Most recently, Gay Liberation, with all groups, have worked together as witnessed by the mass march of 6,000 to 10,000 with no confrontation.

Most recently New York Gay People have faced arbitrary arrests and illegal questioning especially in the Dixie Hotel where some 400 have been harassed.

The most recent actions has been the "Fall Offensive" against NYU for not allowing Gay Liberation to use University facilities. GLF sat-in for one week.

Media from New York include Gay (weekly newspaper) and Gay Flames. Come Out! is the publication of GLF and has put out five issues. Come Out! is seeking a national paper and need all Gay people to help on distribution. There has recently been a split between GLF and Come Out! in terms of official structure.

Other separate groups in New York include the Third World Revolutionary (blacks and puerto ricans), Gay Youth for those under 21, START (street transvestites) who fight the "pigs every day of their lives and live an actual revolution in the streets--they just don't talk about it." Another group is the Red Butterfly (Marxist-Lenin) which has been relating to Gay Liberation.

While all these groups sound like Gay Liberation is divided, one has to remember that as Gay people emerge, they come from different strata and have different problems. The issues of racism and sexism do "get people together by also allows them to fight for their own needs." Alliances also exist for the groups.

In terms of future plans, a community center is planned by NYGLF which would provide services for the Gay community.

With the mention of Marxist-Lenin group, and briefly the old Left, John Preston (1628 Elliot Avenue South, Minneapolis, Minnesota 55404) mentioned that he had attended an informal meeting of the Gay People of the Parti Quebecois in Quebec and that the Gay People were seriously considering mass genocide and then suicide of Gay People. The feeling being that such actions would help the Parti Quebecois achieve revolution. It was strongly noted that the existence of Gay Liberation groups would preclude such actions. John's whole description left a very real and serious impact on the group.

GAY LIBERATION FRONT OF IOWA UNIVERSITY, Iowa City, Iowa: Paul Hudson noted that GLF At Iowa University became an official student organization on September 1. Since that time, they have had three meetings with 50 to 70 people in attendance and with 10-12 women. Women's Liberation is very strong on the campus and GLF is attempting to relate to this group.

The main problem the group faces is convincing the Gay Community in the Iowa City area (approximately 1500) to stand up for Gay People and come out of their closets. The group possesses no membership list. In all, then, Paul suggested that the problem was convincing people "of the need for a Gay Radical consciousness"

A major project of Gay Liberation at Iowa University has been an "Anti-Homecoming Queen" project, sponsored by Gay Lib and Women's Lib. Paul indicated that both groups would seek to have representatives. After the Convention, the newspapers I say mentioned that all homecoming queens had been excluded from the homecoming parade under the strong influence of Women's Lib and Gay Lib. Paul recommended reading Notes from the Second Year by Women's Liberation.

GAY LIBERATION FRONT OF LAWRENCE, Lawrence Kansas: GLF of Lawrence is very similar to the Iowa University GLF in that the campus "has a greater bearing on the community" than in most larger cities. In terms of the community, the people in the area are extremely "intolerant" of the University.

The problem GLF faces is where to start in the community and how to work in their own group. They expressed a need for aid and information in dealing with their conditions. Some of their problems include the fact that the law precludes same-sex dancing, the feasibility of holding hands in public is not acceptable to the community and would do more to alienate, and has no money or facilities for publicity.

There are 8 to 9 women in a Women's Caucus in the group and there is also a strong communal gay spirit but "not united effort" yet. The Lawrence people concluded by again noting that they need all of the aid and information that they can get ahead of especially in terms of gaining University recognition which gives them facilities and money.

WASHINGTON, D.C. GAY LIBERATION FRONT, Washington, D.C.: The group is working strongly on collectives with 8 communes operating. At present, they will be doing a speaking engagement with the Department of Health, Education, and Welfare. The attempted alliance with Women's Liberation failed. At present, the group is concentrating upon consciousness raising in the Gay Community.

CHICAGO GAY LIBERATION, Chicago, Illinois: Rather than present a report, it was noted that the entire convention was white, middle-class. White racism, it was felt, was a very dominant theme. As a result, the Third World Revolutionary brothers left the caucus.

GAY LIBERATION FRONT AT NORTHERN ILLINOIS, DeKalb, Illinois: The report began with the observation that after the New York report, noise in the hall began to increase and that less attention was being paid to the smaller cities. New York City, it was noted, could not be the standard for every area or city in the country. Because every community in which Gay Liberation people work is different, it was suggested that all people had to respect the actions taken in different communities.

The Northern Illinois people in Gay Liberation felt that they were new people in politics and that they were learning a lot at the Convention.

Unfortunately, "we don't get along very well with our Gay sisters" but we are trying to relate and interact.

In terms of procedure, Northern Illinois Gay People have not tried to organize all Gays on the campus but have one group who can work together and then they hope to "open up the community and the campus." Approximately 60 people are in attendance at an average meeting and a strong effort is being made to work with other radical groups.



After the Northern Illinois report, the Third World Gay Revolutionaries returned to the larger session. While I do not pretend to capture all that was said or the feelings and needs involved, as far as I could see it the Third World people began by noting that the "Women are receiving much too much importance here. The strong feeling was that a discussion of racism and Gay Liberation was needed before the Revolutionary Peoples Constitution as discussed--"the white, middle-class point of view has dominated here too long."

In beginning the discussion of racism, Willy Hill of FREE began by noting that many of the blacks in the Minneapolis bars are "plastic" and are not attempting to relate to the Third World Revolutionaries. Others picked up the discussion and noted that "there is separation in the Gay Community. Gay People discriminate against Black Gay People. As a result, the doctrine of Black Revolution is becoming a reality."

Another person noted that he, "couldn't relate to this conference because it was white, middle class. For example, are there third world revolutionaries in every gay group here? Whites naturally assume leadership and blacks feel oppressed."

Others expressed the feeling that blacks want to be black: "I don't want to talk proper, have a white lover to be accepted, or to have anything white or half-white to be accepted. Most whites feel they have the right to call you nigger if they know you. Whites use the word too quickly--reflected in their actions and statements is the belief that they think blacks are uppity." "We can't go to our Gay Brothers and Sisters and become white. We want every right given among white Brothers. Don't be intimidated by our personalities--if we're wrong, tell us. That's all we want."

One white noted that "racism is a power struggle and any whites participating in the institutions that suppress blacks makes them racists. Whites do treat blacks special--whites relate to some blacks as sex objects in the Gay Community."

One black noted: "Racism is something that must be death with in every homophile or gay lib group." "Don't think so much about what is fashionable what is easy, but what is right. Take a stand on the issue--it is something we all have to cope with."

A white noted: "We tend to gravitate toward the relationships with the less problems and that tends to mean that being with a white is easiest--that's a process which comes naturally and immediately. The kind of people we want to be, however, isn't in anything around us but is something we must work out." Aggression is an example of something we must work out and end. We can't let ease determine our personality or the people we like. If we don't get there, I am a racist.

Another person noted however, that strength of convention does not equal aggression.

Returning to the issue of racism, one black noted: "If I do something you don't understand, rather than try to explain it yourself, confront me." "If you would go to a white brother and ask, do the same for me." "Don't let my skin stop you. Black people are people. You don't have to like all black people. If you find a black person you like, let him know."

The statement is often made that gay people are less racist. One black noted: "Gay racism may appear different in the context of gayness, but it only appears different. "It's the same thing. You need to relate to people as people. I think of the things this society teaches people as they relate and that is essentially to prostitute themselves to one another. This society teaches us to profit above all else even in human relationships. Often what happens is that the oppressed need to oppress other and then all people become slaves." "Those who go to the extreme of having sex with black people are using Gay against the struggle."

At 5:20, 19 women entered the hall and presented two demands to the men in the larger session. (1) That all Third World Gay Revolutionaries and all lesbians be represented at the Revolutionary Peoples Constitutional Convention and that (2) Two lesbians and two Third World Revolutionaries be represented at the planning session for every white male. With a following half hour discussion, emphasizing the demands, every people felt it was impossible to

determine "whose oppression is worse" but a mathematical formula, but it was also noted that blacks and lesbians cannot emerge in an all white male group. Perhaps, then, such a formula, the consensus seemed to be, might be needed.

By around 6:00 the first days session ended and that evening a dance was held in the hall. The sense of necessary brotherhood emerged during the dance and many of the sisters began to participate although many stood in one corner during a large part of the dance. By the end of the evening, it did appear that most people felt a sense of unity.

On Sunday, October 11, the session began at 11:30 with approximately 60 men in attendance and five women. The session was intended to discuss sexism and the Men's Demands at the Peoples' Convention. Sue Born chaired the meeting.

Before the discussion of sexism or the Peoples' Convention began, several comments were made. One person noted that black, gay women were not present. Another person noted that as a white, male homosexual, he felt oppressed by the approach of the women. It was also noted that "street people" unite all people in the revolution and ought not be oppressed by Gay People.

In turning to the Peoples' Convention, it was noted that the women had demanded representation at the Peoples' Convention and that the priority ought to focus upon Gay Women and Third World people in the formula for representation. Another ratio was proposed:

For every 2 white, Gay males, there should be  
3 white, Gay females,  
3 Third World males, and  
4 Third World females.

The formula brought out procedural questions: Should the demands be made at the planning session? Will there be a planning session? Without available information from the Black Panther Party at that time, the questions remained unanswered.

A motion was made that street transvestites, street people, and transsexuals be represented at the Convention. The principle involved was that "all facets of homosexuality be represented, and that all "Gay People share in the direction and nature of the Convention and if they are not in a vocal group, they be encouraged to form a group and to attend." It was also noted that a liaison would be needed among all groups. In reinforcing this principle from the perspective of street people, it was noted that "street people--white, homosexual, hippie, drug, welfare cases--are rejected and not related to by white, middle class radicals." From this perspective, the group agreed to the motion by apparent consensus.

In beginning the discussion of sexism--the philosophy held by some that their sexuality or sexual preferences are superior to anyone who is different it was initially observed that sexism, classism, and racism are part of an organic whole. Each feeds on the other and reinforces the other. From this perspective, the women opened the discussion by noting that they felt alienated:

- (1) The separatism was "not good," but
- (2) "The men's acceptance would be tokenism and then we'll be fucked over again."
- (3) Women's Liberation has really "one nothing for Gay Women."

With this opening perspective, women from different cities commended. A woman from Iowa City noted that the "men and women are separated and that just seems that way it has to be." A woman from Minneapolis noted that there are two

major views--one being that the women ought to remain separate and another being that they have to work together even if tokenism operates. A woman from Kansas noted that "Nothing really exists for Woman in Kansas and the women are not together and they just need to decide what we want to do." The "lack of women is a big problem." The women, then, "need numbers and also need to get ourselves together." In questioning the Kansas woman, she noted that the women are represented in the organization by serving on different committees and that there was also a woman's caucus. In describing the women in New York, one person noted that the women there are strong but male leadership dominates. Because of this "typical maleness," the women formed Radicalesbians which is "connected but independent."

With the discussion opening up, Victor noted that most Gay Men see the Gay Women as an "extension of their gayness." This, he noted, required "consciousness raising which is new to many Gay Men. We need to know why we act the way we do." Someone else noted that, "Gay Men don't understand chauvinism--the struggle is new to many of us." Another noted, "We need to learn to relate to each other as Gay people." It seemed to me that much of these comments came down to asking the women to help the men.

It was also noted that gay men and gay women have "life styles that are different" and that "all different types exist within each life style." Overall, most different types are "strongly influenced by the role playing of straights. A lot of us look like we're straight and some of the butch element are unable to relate to the fem element." "This produces a cycle," one person concluded.

In directing the discussion back to the women, one person asked, "What is the experience of Gay Women in Relating to Gay Men?" One woman noted, "There is sincerity here now. Often times, however, it is a tokenism thing. When women were first getting it together, I know of few men who would even say hello." Another woman noted that, "At the outset of a group, women alone get the blunt of every nasty comment. We are being treated nice now." Another woman noted that, "Women get special treatment--you get kissed by the men when you have been absent for 3 or 4 weeks or something, but the men don't give the same kind of treatment to each other." The point, said one woman, "Women don't want to be treated in a nice manner."

The men began to react. "Men are prostrating themselves before women. If a woman has nothing to offer, then special treatment is tokenism. Why can't it be that people who go to a convention relate to each other as people?" Another male noted, "People are not, however, equal. People are not trained to treat each other equally. White males are trained to be articulate and to control. We need to clear the space to let others come up--otherwise we can't grow." One male noted that, "we can start by rejecting the 'new homosexual' (see: Tom Burke, "The New Homosexual," Esquire Magazine, December 1969) who is described as using dope and fucking women."

The tokenism question received a great deal of attention. One male noted that women are "pushed around, The change will happen when it happens." Another noted that he quite strongly endorsed tokenism--he went after the women, asked them directly to participate, and did all he could to get them involved. "I don't care if that's tokenism or not--I want the women to participate." Sue Born noted that one consideration was being made in FREE--the men had the meeting had half the votes, and the women, even if only two or three, had the remaining half of the votes. "The feeling being," noted Jim Chesebro of FREE, "that unless the entire Gay Community is represented, FREE ought not hold meetings for the need becomes getting the Gay Community represented, not holding business as usual."

By this time, groups began to leave--many had extremely long car rides ahead of them. As Iowa men left, they asked that at the Peoples' Constitution, "as many Gay Men and Gay Women as possible should be sent to the Revolutionary Peoples' Constitutional Convention." After discussion, the Iowa men supported the women's original ratio. The question of the Convention also suggested some position on recognizing the Black Panther Party as the "vanguard of revolution in America." Some felt that until sexism was dissolved, that could not be done. Victor noted, "If the Black Panther Party isn't the vanguard, there is none. We must become our own vanguard." From this point on, the group began to disseminate and the convention ended.

After the Convention, several major considerations crossed my mind:

1. No one description of this convention can be the controlling perspective of what happened in Minneapolis for these two days. The frame of reference used in this description has been that of a middle-class, white, college-connected, Gay male. Anyone else describing the convention would have seen other things and felt other things. Everyone has a frame of reference by which they select certain things out of the context around them. Several different perspectives exist, and this has only been one such perspective. What we need to do is to be aware of other perspectives and let them emerge so that we grow as people.

2. Gay Liberation groups, as radicals, must always allow other less radical Gay people to participate in their on-going activities. A structure must not be adopted at a meeting such as this that precludes Gay people from participating. While a radical structure may be best, if it excludes some Gay people because they cannot function in such a structure immediately, the attitude ought not be, "this is what will serve them best." Structures ought to be flexible enough to allow conservative and liberal Gay People to be gradually introduced into the radical framework. An "all or nothing" approach at this Convention precluded some 40 people from relating from the level of consciousness they were at. Radicalism is a process.

3. Gay People cannot dismiss a Convention such as this one simply because it is "disorganized." What is organization is a function of one's perspective. To the liberal and the conservative, a hierarchy with controls on participation creates organization. However, liberal and conservative people must be open to other modes of interaction. For many radicals, participation by all with less organization and efficiency, becomes a key--an orientation toward all the people. A growing awareness of sexism, racism, and classism means that structures are used that allow all to speak and participate. The framework for discussion adopted at this Convention began to work at these problems. Liberals and conservatives, then, need to consider alternatives also.

4. The Convention allowed all to hear what other Gay People are doing. This seems essential for any kind of national progress and reinforcement. Such conventions are needed again and again.

5. The Gay People at this Convention gained an awareness and respect for different approaches used by different groups in different cities. No standard from one city can be used as a guideline or measure of success for any other group. The problems New York people have with the Gay bars are not the problems Lawrence people have--Lawrence has no Gay bar. Because regions of the country differ, what is radical in one region may not be radical in another. Respect for individual differences seems key here as well as the recognition that a uniform standard for progress cannot be used. It does seem clear, however, that there can be agreement on eliminating sexism, racism, and classism--this cannot simply be death with in the jargon of radicalism with a, "I'm struggling." The effort must occur in behavior, attitude and values as a persistent and on-going progress. Regional differences cannot be reason to ignore these problems.

6. "Becoming political" ought be an objective of all groups. We constantly need to raise our level of consciousness working toward interaction with, perhaps later against, institutions and cultural norms. A minorities' identity must be reflected in the world around it--that reflection can be from within the system (if that point of view can be justified) to destruction of all systems (if that point of view can be justified.)

7. Sexism, racism, and classism does exist in Gay groups and actions must be taken to remove it--the criticism one makes of the system ought not exist from the source of that criticism.

8. Men in Gay Liberation groups must ask themselves, "What does Gay Liberation and Gay Men have to offer women?"

9. People need to be treated as people--ultimately, we cannot assume we know how others feel or decide what others need, but we must confront people as people whether they be non-white or non-male.

10. Tokenism may be essential as people raise their level of consciousness regarding issues but ultimately we need to treat people as people.

11. The Revolutionary People's Constitutional Convention:

a. Is relevant to all Gay People and all Gay groups should do all they can to explain how the Peoples Convention is relevant to all Gay People and have as many Gay People as possible attend.

b. Should represent all different strata of Gay People--if some are not organized, they ought to be encouraged to do so to define their own identity and direction they need to move in.

c. Oppression in Gay Liberation needs to be recognized and dealt with and those who are oppressed need to have a structure in the Convention that allows them to participate as equals--that may mean tokenistic formulas at first.

These are the things that effected me.

SEIZE THE TIME!

ALL POWER TO THE PEOPLE!

GAY POWER TO THE GAY PEOPLE!



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## Response of Professor Robert E. Oliphant

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**Author's note:** "The University of Minnesota Law School sells its soul for money" is taken directly from the Diary of Jack Baker. Robert Oliphant responds to a draft of that section in the following e-mail.

The full text of his response appears here unedited, including his consistent misspelling of Dean William B. Lockhart's last name.

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From: "Oliphant, Bob"  
To: "Ken Bronson"  
Subject: RE:  
Date: Thu, 9 Oct 2003 09:16:19 -0500

Thank you for your note and the attached draft.

In reviewing your draft, my reaction is that it is partly fact, partly fiction, and possibly partly defamatory. The decision by Dean Lockhardt that we could not handle the declaratory judgment matter was far more complex than your article indicates. Among other matters, he was concerned about diverting limited resources from our existing programs to work on a major test case that had little or no chance of success. We had a tiny staff and among our clients were dozens of persons who might be imprisoned on criminal charges. Without our help, these indigent defendants would not have counsel to represent them.

The Dean had also been placed under some pressure by outside forces because of our aggressive representation in Hennepin County court of misdemeanor defendants, our expanding campus clinic program, and the student practice rule. In the context of limited resources, the need to maintain and further develop a student law clinic program (today because of our early work it is one of the finest in the nation), lines of students seeking help with landlord-tenant and related problems, the need for criminal representation, and the tiny chance of success with Jack's lawsuit, Dean Lockhardt's decision was not unreasonable.

Despite Dean Lockhardt's decision (he was the boss), the clinic students and I chose to provide as much assistance as we could for Jack, given the difficulty of the situation. Among other matters, two of my very best students were asked to work with him on the matter. As the situation progressed, Jack obtained private counsel to represent him. The action was subsequently brought in district court and in the Minnesota Supreme Court. As Dean Lockhardt predicted, it was rejected.

I believe that the students and the clinic exhibited an enormous amount of moral courage and conviction in the matter. We attempted to provide whatever legal assistance we could under the circumstances and always supported Jack in his effort! It was my personal belief at that time--and continues to this day--that homosexual couples should be allowed to marry. The clinic students and I were, of course, decades ahead of the rest of society on the matter.

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I am unable to comment on alleged conversations between Jack and myself without a formal waiver of the attorney-client privilege. If you can provide that, I may comment on some the alleged conversations contained in your article.

I appreciate your sending me the draft.

Robert E. Oliphant

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**Comment:** I requested and received from Jack Baker a signed waiver of “all lawyer-client confidentiality that ever existed between myself and Robert Oliphant, H. Peter Albrecht or Stephen Simon.” I then attempted to obtain from professor

Oliphant a postal address to which to send the waiver. After receiving no response to two e-mails, I called him on December 15, 2003. Informed that a waiver existed, professor Oliphant refused to supply a postal address and declined further comment.

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## A perspective from Jack Baker's poster maker

Paul R. Hagen

First, THANK YOU for writing this story!

### MY BACKGROUND

While I'd had crushes on guys since early grade school, I didn't come out as a gay man until after being discharged from the army in February, 1970. I was 23.

My decision to come out was made about six months prior to my discharge. I'd reached the point where I knew that I had to begin living honestly, but my self-preservation instincts told me to wait until I was a civilian.

I returned to my home town of Minneapolis and took up temporary residence at the home of relatives (my parents were deceased). I didn't come out to them at first as they had two teen-age sons (my cousins). Also, I had no clue about how to come out or where to meet other guys like myself.

Then, one morning as my aunt and I were reading the paper, she said that she'd just seen an article about a "group of homos" at the University. To this day, I'll never know why she mentioned that particular article to me. At the time, I tried to sound cool and detached, but when she left the room, I dove for her half of the paper and devoured the article. It was about FREE (Fight Repression of Erotic Expression), and it said that the group met every week in the Men's Lounge at the University's student union.

With much trepidation, I attended the following week's meeting. I had no idea of what to expect. I felt like the whole world was watching and whispering "There's one!" as I approached the door to the Men's Lounge.

My fears were immediately dispelled as I entered the room. Just a fairly ordinary looking bunch of guys. Perhaps the most ordinary looking of all was Jack Baker, who I knew from the newspaper article was the founder of the group. Jack spoke. Others spoke. Then, there was a lot of informal socializing.

After the meeting, I ended up spending the night with a guy I'd met there. His bed was a mattress on the floor of a counter-culture crash pad. The whole experience was incredibly liberating.

I never missed a FREE meeting after that, and this expedited my coming out to my relatives. I'd lived with them for a while before going into the army, so they knew all my friends, and I'd always told them who I was seeing when I went out at night. Suddenly, I

was just "going out" with no further explanation. Because this kind of mysteriousness was out of character for me, I felt it was time to get honest.

While my aunt and I were having coffee one morning, I told her that I was attending the FREE meetings she'd read about in the paper. She asked why, and I said it was something I had to do. Then, she asked, "Are you gay?" I answered, "Yes." She said, "Oh," and that was that.

Thereafter, we talked a lot about my gay experience. She was very supportive, and our conversations completely shattered her concept of "homos." She told my uncle about my being gay, and he was very supportive too.

Years later, I learned from one of my cousins that he'd given them a heads-up and told them to "just say no," then notify him if I ever came on to them.

### THE POSTERS

When Jack mentioned that he was going to run for President of the Minnesota Student Association, I immediately volunteered to do his campaign posters. While I wanted the posters to break through, I knew that in order for Jack to win, they would need to carry an inclusive message - one that immediately diffused any concerns about Jack being a one-issue candidate.

#### Poster #1 – Shoes

My whole idea for having Jack wear those trashy high heels was to poke good-natured fun at a commonly held gay stereotype. Look at the shoes, then look at Jack. He looked as out of place in those shoes as any icon of heterosexual masculinity, YET HE WAS GAY. I thought the absurdity of the image might help raise a little consciousness along with making people smile.

Then, there was the message: "PUT YOURSELF IN JACK BAKER'S SHOES! If YOU Were ELECTED MSA President... Could YOU Forget The People Who Put YOU There?"

That was all about letting people know that, while Jack was unabashedly gay (as symbolized by those shoes), he was definitely NOT a one-issue candidate. I wanted to hammer home that Jack's intent was to represent the ENTIRE student body.

**Poster #2 - Mama D**

Here again, I was trying to use a completely unexpected (yet, hopefully, humorous) image to bust stereotypes and make a serious point: Jack was NOT a one-issue candidate. Yes, he was gay, but his intent was to “come out” for ALL of the issues that mattered to the diverse student body he sought to represent.

**Poster #3 - Responsible Activism**

While I thought the implicit message was solid (“This guy will push hard for change without going off the deep end”), I thought this poster was boring in comparison to the other two. Apparently the student body agreed. It didn't get stolen or put up in student dorms and apartments. The important thing was that Jack got elected.

Mission accomplished. I was happy to have been able to help.

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## Commencement, University of Minnesota

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UNIVERSITY OF MINNESOTA

Minnesota Student Association  
214 Coffman Memorial Union

June 11, 1971

FOR IMMEDIATE RELEASE

For additional information  
contact: Jack Baker, 378-1095

The following is the prepared text of an address given by Jack Baker, President of the Minnesota Student Association, at the Commencement exercises, June 12, 1971:

"It is tradition that the outgoing president of the Minnesota Student Association addresses the graduates. This year, Rick Macpherson is out of town. He asked me to speak in his place.

"I envy each of you because your captivity is over. You are about to enter the brave new world. It will be frustrating; but it will be challenging. You will have a chance to put the tools of knowledge to work in order to create a better world for each of us.

"I ask only that you give some thought to some of my friends who will come after you. I ask that you give them the same chance to utilize their talents as each of you will receive.

"My friend Mike Davis is Black. That automatically makes him the lesser of two equally qualified applicants.

"Sue Nelson--she's a woman. A woman's place is in the home. And despite very clear federal and states laws to the contrary, law firms are prone to ask female law students why they bothered to apply.

"Another friend of mine fell victim to the University's belt-tightening and he may never graduate. But, on top of that, Ray Roybal's handicap is that his parents are Chicano. Some people will never forgive him for that.



Baker address  
Page 2  
June 11, 1971

"Myself--well I chose to live a same-sex life style. Some of your parents believe that unless you produce children, you are not entitled to the same decent amenities of life as they are. And somehow the name of God is used to justify their intolerances and bigotry.

"But in that regard, it is interesting to note that just last Wednesday, the Minnesota Conference of the United Methodist Church passed a resolution. It read in part as follows: "The christian faith teaches that, though all men have fallen short of the glory of god, each man has the precious dignity in the eyes of God. In the light of that central teaching of the Church, the Minnesota Conference of the United Methodist Church recognizes the right of [Gay people] to equal employment opportunities."

"So, if I had to leave one message with you, it is this. Use the tools of knowledge and maturity you have won to make a better life for those who will come after you. We are expecting great things from you.

"Please don't let us down."

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## Response of Rev. Roger W. Lynn

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**Author's note:** The Rev Roger W. Lynn was provided a draft of the section "Same-sex marriage: in private." His response appears below.

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From: "Roger W. Lynn" <... >  
To: "Ken Bronson" <... >  
Subject: Re: Baker-McConnell marriage  
Date: Sat, 7 Feb 2004 15:48:20 -0600

Dear Ken,

I hope this response is not coming too late. I found the article to be factual as far as I am aware.

Originally Jack and Mike were planning to have another United Methodist minister, Jim Clayton, marry them, but at the last minute he said his credentials were not in order. So about a week before the ceremony they came to me about the doing the wedding. (I had met them through my contact with Gay House as a Street Worker employed by Loring Nicollet Center.) I immediately agreed to do the wedding without much thought of the consequences to my own career, because I am strongly in favor of gay/lesbian marriages. After the wedding, as the article notes, Mr. Bryant fired me partly because of his own conservative theology but also because one of the main funders of the LNC was Hennepin Avenue UMC. I had worked there as a Minister of Education for about four years. I had left employment at Hennepin a few months earlier on less than favorable terms but still sang in the choir and attended services.

On the Sunday following the wedding, Dr. Pennington, the Senior Pastor, devoted most of his sermon to condemning the marriage. The Chairperson of the LNC Board was a friend of mine and told me that Pennington had put considerable pressure on Bryant to fire me. She however, when hearing of my dismissal, called Bryant and told him he had no grounds for firing me because I had not acted illegally nor was the wedding on company time or directly related to my work; so the next day I was rehired. However, at the end of the year when the funding for my position ran out, Mr. Bryant was unable to find additional funding and I was let go.

I have never regretted performing the marriage for Jack and Michael. It's been one of my successful marriages, but more than that, it has been a defining moment in my life. From that moment on it was clear who I was in regard to the issue of gay marriage, gay/lesbian issues, and being willing to take a public stand on social justice issues. It meant there were many pulpits and other work not available to me, but I did not want these anyway.

I was able to find work and even to return to the church when I chose serving two pastorates of 5 and 9 years. The first of these in a very conservative small town parish and the last one in an inner city church that had a very active ministry with gays and lesbians.

Following the ceremony, there was a great deal of publicity. Someone sent a hate letter from New York addressed to "Gay Hippy Minister, Minneapolis, Minnesota", and it got to me. There was considerable animosity within the UM Church in the Minnesota Conference toward the marriage and my participation, but there was also considerable support. The mail to me personally and to the Conference Office was about fifty/fifty. The Bishop [Paul Washburn] did not support the action but was not hostile toward me either. In the Methodist tradition there is considerable respect for the role of prophetic ministry, and this action was seen by most as an example of that whether they agreed with it or not.

There was also some opposition expressed by such right wingers as the Rev. Head mentioned in the article. He would often show up when I would speak in public and even call me up in a poorly disguised voice asking me personal questions and when I would be speaking in public. One time he came to my office to interview me about my beliefs. In the course of the conversation, he slid his hand up my inner thigh and asked if I wanted a "closer relationship". I removed his hand and politely declined. I mention this because one of the things that I learned was that many of my strongest opponents following the marriage appeared to be closeted gay men. I base this on their actions and conversation about "how those disgusting homos do it".

I remain strongly supportive of gay/lesbian marriages. I think, contrary to much of the current debate, the basic issue is not legal benefits that accrue to a married couple, but the social benefits--familial and communal--that come to a married couple. Marriage is a public statement, before God and the couple's supportive community, friends and family. It states that they are a unit needing the community's blessing and support. The married status within the community is an on-going identity as a unit with definite intra-couple and communal relational expectations. These blessings, supports, and expectations contribute to the success and the quality of the relationship. To deny that to gay and lesbian members of our community is a grave injustice and diminishes our whole community.

Shalom,

Roger Lynn

## The right to be human and gay

Jack Baker

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**Author's note:** What follows is reprinted from the Monday, March 13, 1972 edition of the MANITOBAN, the University of Winnipeg student newspaper. The title above is what appeared in print. Jack's speech was delivered three days earlier, on his 30th birthday. To avoid distractions, typographical errors are corrected. Added emphasis is mine.

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*Last Friday, Jack Baker, President of the University of Minnesota Student Association and first President of FREE: Gay Liberation of Minnesota spoke to a crowd of over two thousand on Campus on "The Right to be Gay".*

*Baker is a third-year Law student who is currently fighting in the Supreme Court for the rights of his same-sex marriage.*

*Because of the interest generated by his speech and this topic, the Manitoban is printing verbatim on his speech as well as some highlights of the question period.*

The right to be gay, as it means to me, is the right to express one's emotions as one sees fit and not to be confined to an artificial barrier that emotions must be expressed to a person of the opposite sex. I think we are all human beings and that we have emotional considerations, emotional feelings toward other human beings. I think it's a perversion of society to limit one individual's expressions of those emotions.

I think the right to be gay is the right to be human without being ridiculed. The concept that we must all be the same, that we must all dress alike, that we must all make love alike, that we must all go to the same church, to me again is another perversion of society. I think that we are different and that we must respect those differences. And that we, as individuals, as human beings, must allow for differences, and allow for differences in each individual without intimidating and without ridicule.

I think the right to be gay is the right to have equal rights under the law. That's the right to job protection. Simply because we make love in a different manner does not mean that that person is not entitled to a living wage, does not mean that that person is not entitled to job protection under the law, does not mean that person is not entitled to housing protection. These are rights that are guaranteed us through our humanity, regardless of what country we are born in, whether in this country or in the United States. And I think also it means the right to make love as you see fit and not as

some other person sees fit. So that basically is what the right to be gay means to me. I think it's really a very simple concept. It's really, to summarize, the right to be human.

Now I want to cover briefly what the arguments in favor of same-sex marriages are, why you will be hearing more and more about them, and the demand for them by gay people. But first, I want to go into the history of the test fight that I am carrying on in the United States. It was in April 1970, a year and half, two years ago, when my lover and I applied for a marriage licence in the city of Minneapolis. We were turned down. We went into court and asked the judge to force the clerk of District Court to issue the marriage licence. The District Court said "No" so we took it to the state Supreme Court. The state Supreme Court said "No" so we are now before the United States Supreme Court.

In the meantime, since we knew that it would take a couple of years to fight the battle in court, we decided to tie a legal relationship between us so that we could get most of the benefits of marriage. And by doing some research, I found that by adoption you could – when one adult adopts another – get about ninety per cent of the benefits of marriage. We decided that we would do that. In the meantime, we found that you could change the name of the child (adoptee). This is a standard procedure in adoption proceedings. And so the legal strategy as to why my lover adopted me is just that, it's a political strategy. He adopted me. We changed my name to Pat Lyn McConnell. He then went to an out-state [rural] Minnesota clerk of district Court and they gave him a marriage licence with no questions asked. We then had a United Methodist Minister solemnize that marriage. So, as far as we are concerned, **that is the first legally recognized same-sex marriage in the history of the United States.**

There are two separate cases there. I simply want to give the facts. Now, what are the legal arguments in favour of it? I think no matter what system of law you operate under, whether the Canadian system of law or the United States system of law, simply from an equita-

ble standpoint it seems that you have to treat everybody equally. It's a fact that in the city of Minneapolis 1970 thirty per cent of the divorces in the county were childless heterosexual divorces. So there's between ten to thirty per cent of the married couples in the State of Minnesota who are childless couples and they have all the rights and benefits of marriage. They pay lower taxes, they inherit each other's property, they can sue for wrongful death, they can do a lot of things that married couples can do who are raising children. We maintain that it's a matter of equity and fair play that **if a state is going give childless heterosexual couples rights and benefits under the law, they can't complain when childless same-sex couples ask for the same rights.** That happens to be embedded in our constitution.

Another argument is simply that the state, by allowing childless heterosexual couples to have the rights and benefits of a marriage, is essentially putting those couples on a pedestal; it is giving them first class status and putting childless same-sex couples in a lower class status, second class status. That is forbidden by our constitution. That is an infringement of the right to associate with the person whomever you want to.

There was a bill introduced in the legislature last year that would have defined marriage as a contract between a male and a female person. That sounds simple but it's really not all that simple, because you really haven't defined your terms. To define one's gender is not simply a matter of lifting one's dress or pulling down one's pants and looking at one's genitals. Medical researchers will tell you that gender is a function of three separate variables, not just a function of your genitals, but it's a function of your entire gonadal structure, the insides of your body, the organs, whether cyclical or not, what have you. It's also a function of hormones and chromosomes. It happens to be medical fact that two to three per cent of the population has some type of biological abnormality that makes them part male and part female. So that, if the state allows a person who is half male and half female to marry a person who is a hundred per cent male, they're in very nebulous ground denying marriage to a couple of the same sex.

So there are some legal arguments. I think that they apply under the Canadian system of law or under any system of law. **It's a matter of fair play.**

The real reason that there is a push for same-sex marriages among gay people is that, in my opinion, particularly in the United States, women do not have equal status under the law or in society unless they are

married. And once married, they are still not considered equal citizens unless they have produced a child. So that a family with a child is considered the ultimate in our society. And that creates the mentality that insists that every woman produce a child or procreate for the simple sake of procreation. And that, if continued is going to create havoc, a population crisis as they have today in the People's Republic of China.

We have to change the system, the institution of marriage as we know it today. In the United States, we are at a crisis. We must change; we must de-emphasize the nuclear family. And so we must create alternatives to marriage.

I happen to agree with Margaret Mead, the noted anthropologist, who says that we should create communal type arrangements, where a woman, if she desires to have a child, can raise it in a family of her choice. She can pick older people, younger people, black people, gay people, in a communal type arrangement and give that child the experiences that she feels that child deserves. I think if we move in that direction we will have a society in which only 25% of the people are in fact raising children, 25% of the women. And I think that that is a much better approach to society. We simply have to create some sort of alternative.

I think that we will get a better society because we will have people who are raising children who want to do it and who are doing it not simply because of social pressure.

And therein lies the real point. We are intending, by bringing this to the public, to create a psychological havoc on the people of the world, primarily the United States. **I predict that same-sex marriages will be legalized before the end of this decade.** And I think that it will have such a devastating shock on this country and the United States so that people will begin to think rationally about alternatives to the nuclear family and will begin to think of new ways to enhance the reproductive process of society.

**So it's intended, literally, to throw a monkey wrench into the works.**

When I was elected student president in the last election a year ago, students there at the University of Minnesota had come to the point where they realized that who one dances with in public, who one holds hands with in public, where one goes to church, who one sleeps with in private, are totally irrelevant as far as one's make-up as a human being. And that what counts are the innermost qualities and capabilities. It was on that basis that the campaign was waged; it was on that basis that the election was fought. It was on the



issues and on the personalities, I think that the students realized that there are certain trivialities in our society which must be ignored. **I think this a new trend among the youth.**

Q: Why do they call it gay?

Baker: It's a long-term investment. In about two or three years time, when the controversy over same-sex lifestyle really dies down and is no longer a controversy, you will have gay people with all what that word implies. Gay, outgoing, happy-go-lucky, vibrant. So you'll have gay people and then you will have non-gay people. It's sort of a one-upmanship game.

Q: I am really interested to hear your thoughts on children in a same-sex marriage, how they work and whether there are in fact children in a same-sex marriage? and how it's working?

Baker: It's quite a common practice in the United States for gay people to adopt children. It's urged in California that single people (that's the way they put it) adopt children. It's very common for a gay person to adopt a child and settle down with his or her lover and raise that child. As far as I am personally concerned, **it's no different from raising a white child in a black family, or a black child in a white family.** It's a problem of social prejudice. I think you will see more and more of it as time goes on. I personally won't adopt a child simply because today is my birthday and I am now over thirty and by the time I am out of law school I don't think that I will be able to give the child the time that I think a child deserves. And so for that reason, and reason alone, I won't adopt a child. But in principle, I see nothing wrong with it.

Q: Did you ever have a girlfriend?

Baker: Yes, I had a girlfriend when I was in high school. As all high school students do, play this one-upmanship, keen-up-with-the-Joneses type of thing in high school – date, date, date on Friday and Saturday night, be seen around town with somebody socially slick. That's a peer pressure sort of thing. I went through that. But the interesting thing, when anyone plays that "keep up with the Jones" game, they know they're doing it for that reason, that it's peer pressure. High school students who are gay know that and they're putting up a facade. There's a lot of people out here, I venture to say – I know there is – that are putting on this facade. I went through it and it was just when I got out of high school, I was nineteen, at the Illinois Institute of Technology in Chicago, that I finally

decided that I was going to live my life the way I wanted to and that I really didn't give a damn about anybody else. If they didn't like the way I was living my life they could turn around and go the other way.

I've had a girlfriend and I've been to bed with women. I was going to ask him [pointing to the moderator] to introduce me as a latent heterosexual. I do have that problem.

Q: Is it true that gay marriages break up more readily than heterosexual ones? and if so do you know why?

Baker: That's a loaded question. The answer is "No." I just happen to have the facts with me. The results of a survey by two researchers at the Washington University at St. Louis. Thirty-nine per cent of all gay people have a relationship lasting between one and five years, an additional fifteen per cent have a relationship lasting between six and eleven years, and an additional seven per cent have a relationship lasting longer than twelve years. Now consider that in the context of the United States and also in this country that the whole structure is designed that if two people, two gay people are living together, get caught living together, they'll lose their job, their parents will disown them, they'll lose their inheritance, the whole thing. It's a social condemnation. Sometimes they can get killed, they get beat up. When you have they type of society, and you still have figures like these, I think that they speak for themselves.

Particularly in view of the fact that in California they passed a law which gave heterosexuals the same rights that gay people had. In other words, you could register you marriage and when you got tired you just paid another ten dollars and unregistered it. Very simple; pick up your hairdrier and leave, as we like to say. As it turned out, 75% of all marriages of people under twenty-five were getting divorces. This was a scandal. This myth about theses long-lasting heterosexual relationships was just shattered.

We're talking about people getting along with each other, and I don't think that gay people have any better way of getting along with each other than non-gay people do.

Q: What are the religious points of view on homosexuals?

Baker: Obviously most of them have been against, and this is what you will find with the bible. The tradition of the bible is that people tend to use it to put another people down. They're using it against the blacks in our country, they're now using it against the

gays, and they've used it traditionally against most groups. I don't think that the bible per se condemns homosexuality. I can debate anybody point by point on the bible if they want to.

The bible is designed to preach brotherhood between people and when you take the word of God to preach hatred to one particular group, to me that's a perversion of the bible. It never intended that.

The Catholics, the Fundamentalists – all of them – tend to look down upon homosexuality, quoting Leviticus, St. Paul and other verses. I think that there is a re-evaluation going on among theologians in the United States, particularly in Minneapolis.

Q: You called yourself a latent heterosexual and said you do have that problem. Do you think that one can have meaningful sex with both sexes, or do you have to make a choice?

Baker: I think that you can have a meaningful relationship between both sexes. I don't think that you have to make a choice sex-wise. I do think that you have to make a choice emotion-wise. I put intercourse and relationships on two levels. I think that sex per se, the orgasm part of sex is one thing. I think the emotional aspect is another. It's on a completely different level. I think you have to make a choice as to a meaningful deep emotional relationship on an emotional level; and once you have that, it doesn't make any difference how you have orgasm, whether it's with a person of the same sex or the opposite sex. To answer the specific question, I think that you can do both.

Q: How do you feel about gay women in the feminist movement?

Baker: Women's liberation and gay liberation have fundamentally the same goals in general, but the specifics of the goals are different. Both groups are talking about destroying the chauvinism, the male chauvinism, as the women's groups say. Gay liberation calls it the Marlboro concept. The concept that you have to wear levis and leather jackets, and be a *man* and not cry. This whole concept.

The reason gay people tend to be a threat to non-gay people is because they toss that whole thing down. They're not afraid to dance with persons of the same sex in public, they're not afraid to show emotion, they're not afraid to cry, they're not afraid to be human. It seems to me that that's basically what both movements are saying. I think it's healthy that gay women are in the feminist movement. I think women have begun to accept them in the movement because feminists have begun to realize that basically that is true, and that gay

women in women's liberation movement is not going to destroy them politically.

Q: What value do you place on your masculinity?

Baker: No value whatsoever. I can prove that I am a man by simply taking my pants down. Beyond that, I think that the concept of the Marlboro man is just a lot of bull-shit. I think the we are all human beings.

Q: Was your relationship with your parents, when you were young, average?

Baker: I don't know because I can't compare it. I think it was. My parents died when I was five or six. So, I knew very little of my parents. What I can remember prior to that time, I would say "yes." I don't see anything different from it.

I may be misjudging the question but from what I have seen in other peoples' minds, they tend to look for something like 'what traumatic happening happened in your life to force you to be gay?' I'll answer that question. It's a stereotype that the only reason that a person is gay is because they had a traumatic experience and if they didn't have that traumatic experience they'd be just like us. To me, that's an ego-trip. Like, everybody wants to be just like me, and if they're not just like me, then they had a traumatic experience. It's just a stereotype. So, I can't really answer the question.

Q: What rationale does business use to defend not hiring homosexuals and have you been successful in changing this practice?

Baker: The rationale that businesses use is that it has traditionally been controlled by the white male heterosexual, and the white male heterosexual has a vested interest. Anything that has threatened that supremacy had tended to be discounted and tended to be destroyed. Gradually that is changing. We're attempting in our country to change the law so that there can be no discrimination based on sexual preference. I understand that that is also going on in this country.

Have we been successful in changing the practice? Yes, in terms of educating the people; but in terms of actual law changes, no.

There was an interesting question asked to me by a reporter this morning: **Do we think that the effeminate homosexual is going to ruin us, and do we disavow any contact with them? The answer is "No."** In New York City, when gay people were fighting for a city ordinance that would include gay people under the human rights act, to give them job protection, hous-

ing protection, protection against discrimination in public accommodations, they made a stand. They said they they will not sacrifice principle and lift one part of the group up, get the rights of one part, at the expense of another. That all people were going to be included under that law. They made a choice that transvestites were to be included or they would not take the law.

They made that demand to the city council. The city council came back and said that they'll be glad to give to those that look like heterosexuals and behave nicely, they'll give them the protection but they can't do anything with transvestites.

They (the gay group) essentially told them to shove it up their ass. They wanted that one way or another. They took a stand; they lost the law for protection, but they're going to go back next year.

I think that it's an important thing. We're all human, and we should all have rights. We should all be able to live our lives as we see fit and not be forced to conform.

## GAY RIGHTS plank of the Minnesota DFL Party

### A REQUEST FROM THE DFL GAY RIGHTS CAUCUS

Help! We ask your support in our struggle to secure basic human rights for perhaps 350,000 Minnesotans.

We have been forced to submit the following minority report to the convention. The GAY RIGHTS plank addresses itself to the basic human need to express one's emotions openly, honestly and proudly. We are human; we are proud.

#### GAY RIGHTS

We oppose any form of discrimination for expressions of same-sex love and support legislation and court action guaranteeing Gay people full civil and legal rights. Among specific measures we advocate are:

- a. Executive Orders prohibiting discrimination in federal employment, military service, federally contracted jobs, the approval of visas, the issuance of passports, or the granting of citizenship for expressions of same-sex love.
- b. Destruction of all military and civil governmental documents pertaining to expressions of same-sex love.
- c. Restoration of full veteran's rights to all persons given less-than-honorable discharges for expressions of same-sex love.
- d. Minnesota legislation redefining marriage as a civil contract between any two adults.
- e. Minnesota legislative action to repeal all laws prohibiting sexual acts between consenting adults and Gubernatorial Clemency to all persons previously convicted on the basis of such laws.
- f. Minnesota legislation guaranteeing Gay people housing and job protection under the Minnesota State Human Rights Act.

The Platform Committee rejected the GAY RIGHTS plank in favor of the following vague, general, insensitive, apple-pie statement. Although well-meaning, it does not speak to the specific oppression suffered by non-heterosexuals in a heterosexually dominated society.

68. Socio-Sexual Rights: We support legislation and court action to guarantee all civil and legal rights to all citizens, regardless of sexual preference.

We seek for everyone the right to love according to the needs of the individual. Unfortunately, the Platform Committee chose to emphasize the sexual side of same-sex love which, in our minds, is less important than the free, open and honest expression of emotions. So we come directly to you with the GAY RIGHTS plank.

We feel the right to love the individual of your choice is absolute. The way in which you choose to express you love is a private concern. But, the ability to express your love is a basic human right.

WE ... UPHOLD HUMAN  
AND CIVIL RIGHTS ... Preamble, DFL Constitution

## Honeywell capitulates

To avoid sanctions by the Campus Committee on Placement Services, Honeywell president Stephen Keating promises that company employment policies will now be "strictly" enforced to include gay students.

### Honeywell

STEPHEN F. KEATING  
President

May 14, 1973

Mr. Stephen W. Carter, President-elect  
Minnesota Student Association  
University of Minnesota  
Minneapolis, Minnesota 55455

Dear Mr. Carter:

Thank you for your letter of May 2, 1973. Mr. Morse's letter of June 29, 1970, was a specific answer to a specific written inquiry at that time by Mr. Chesebro. Apparently it is now being interpreted out of context.

Our policy is, as it has been, to interview and select for employment from among applicants strictly upon their relative preparation for, experience and interest in, and capability at the actual requirements of the work for which they are being considered for employment. My check of our recruiting at University of Minnesota reveals no unfair discrimination.

Because of the great number of graduates of the University of Minnesota currently employed by Honeywell in the Twin Cities area, the University's Campus Committee on Placement Services can easily verify the actual day-to-day effect of our practices. By interviewing alumni of its own choice, free from any company participation or knowledge, the Committee, I am confident, can satisfy itself that only bona fide occupational requirements are the basis for retention, transfer, or promotion as well as for hiring.

Sincerely,



Stephen F. Keating  
gj

Honeywell Inc., 2701 Fourth Avenue South, Minneapolis, Minnesota 55408, Telephone 612/332-5200



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## Résumé of Michael McConnell

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### Higher Education

<b>University</b>	<p><b>Master of Library Science</b> (Beta Phi Mu, National Library Science Honor Society), University of Oklahoma, 1968</p> <p><b>Bachelor of Arts</b> (major in Library Science, minor in Pharmacy), University of Oklahoma, 1967</p>
<b>Post-university</b> (examples)	<p><b>Seminar</b> – <i>Building Systems Thinking into Your Thinking</i>, The Management Center, University of St. Thomas (2000)</p> <p><b>Presentation</b> – <i>Information Work Environments</i>, Convenor of Action Group addressing Public Library Association (2002 National Conference)</p> <p><b>Symposium</b> – <i>Connecting Users with Services: Reference Services in the Networked Environment</i>, University of Minnesota Libraries (1998)</p> <p><b>Employee Development</b> – <i>Race, Culture &amp; Communication: Effective Management in a Diverse Workplace</i>, Hennepin County (1990)</p> <p><b>Workshop</b> – <i>An Orientation to Service Quality</i>, Metropolitan Library Service Agency (1990 Continuing Education Day)</p>

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### Career Highlights

<b>Executive Management</b> 1995-present	<p>Coordinating Librarian, Hennepin County Library (HCL) Public Services Manager</p> <p>Cooperate with five other Public Services Managers to share responsibility for executive decisions:</p> <ul style="list-style-type: none"> <li>♦ Serve as a member of HCL executive teams to develop and manage the strategic direction of 26 libraries, including the Leadership Council, the Library Advisory Council and User Centered Services (UCS) Steering Committee</li> <li>♦ Coordinate the vision of Hennepin County with local elected officials</li> <li>♦ Work with County commissioners, the Library Director and Property Services managers to secure funding and approval of plans for development of the Brookdale Resource Library</li> </ul>
<b>System Management</b> 1995-present	<p>Coordinating Librarian, HCL Public Services Manager</p> <p>Expand primary responsibilities to provide liaison between County executives and operational units:</p> <ul style="list-style-type: none"> <li>♦ Develop and mentor managers in four individual libraries into a cohesive group that shares responsibility for managing resources and for implementing a system-wide perspective among staff</li> <li>♦ Facilitate system management by working directly with colleagues and staff. Examples: (1) design of a new administrative structure for public services; (2) Labor-Management Team to resolve labor issues amicably; and (3) coordination between six Resource Group Managers and their staff to develop roles and service responses for Resource Libraries and HCL's eLibrary and to resolve problems associated with managing 26 physical libraries plus a virtual library</li> <li>♦ Create a system plan to develop and implement HCL's Technology Public Service environments and its Technology Centers</li> </ul>

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## Career Highlights (continued)

### Project Management

2000 - present

#### Coordinating Librarian, Northeast Resource Group

Project Manager for the transformation of an Area Library into the Brookdale Resource Library

Expand primary responsibilities to act as HCL's project manager to design, plan and coordinate its new Brookdale Resource Library:

- ♦ Design and plan a new and expanded library to accommodate the County's most diverse community and workforce. Manage all current and future elements of the project, including staff, collection, facilities, delivery of services, and implementation timeline
- ♦ Incorporate community, Library and County expectations into convenient, inviting spaces that harnesses electronic technologies. Involve the community in the selection of public art and the development of roles and services for the new facility
- ♦ Promote new ways of thinking about how to deliver library services in the 21st Century. Create multi-cultural, resource-rich environments that emphasize lifelong learning and literacy

#### Principal Librarian, HCL

1999-00

#### Project Manager for Technology Centers

Expand primary responsibilities to create *Links* prototypes for special focus technology centers as part of an overall implementation of Hennepin eLibraries. Develop *Links* center online environments, which enable quick access to electronic resources. Integrate future-looking *Links* centers and workstation environments throughout the system, producing user-friendly, efficient and healthful work spaces for both customers and staff

Additional management responsibilities:

- ♦ Manage all elements of design and implementation, including the coordination of people, technology and resources
- ♦ Manage action teams to produce online and in-house *Links* models, each with a different focus; install (in 1999) the ResourceLinks, InternetLinks, LearningLinks, KidLinks and TeenLinks centers; add (in 2000) PopLinks, SeniorLinks, WorldLinks and FamilyLinks centers

### Resource Group Management

2000-present

#### Coordinating Librarian, HCL

Northeast Resource Group Manager  
(formerly, Brookdale/Near North Cluster)

Oversee a cluster of four agencies: (1) Brookdale Resource Library, (2) Golden Valley Community Library, (3) Rockford Road Community Library and (4) St. Anthony Community Library

Management responsibilities:

- ♦ Manage 92 people
- ♦ Implement a new, team-based management model and administrative structure for planning, development, resource allocation and library service delivery in northeast Hennepin County

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**Career Highlights** (continued)

- 1991-00 **Principal Librarian, HCL**  
**Cluster Manager for the Near North Cluster**  
 Oversee a cluster of five agencies: (1) Rockford Road Community Library, (2) St. Anthony Community Library, (3) Golden Valley Community Library and, until December 1999, (4) Plymouth Community Library and (5) Children's Readmobile  
 Management responsibilities:
- ♦ Manage 64 people
  - ♦ Coordinate staff, resources and service programs in each service area
- 1990-91 Expand responsibilities (see Library Management, below) to three agencies, forming the Near North Cluster: (1) Rockford Road Community Library, (2) St. Anthony Community Library and (3) HCL Mobile Services  
 Management responsibilities:
- ♦ Manage an expanded staff of 52 people and other cluster resources
  - ♦ Act as the primary contact in service areas to explain Library services, programs, policy and procedures
- Special assignments:** Prepared a change in focus and a long-range plan for the system's Mobile Services section; served on the Library Automation Project core group for selecting the Library's new computer system; served on the Division management team for the system-wide allocation of services and resources to meet communities' needs

**Library Management,  
 Training Services**

- 1989-90 **Principal Librarian, HCL**  
**Community Librarian at Rockford Road Community Library  
 and Training Coordinator for system reference staff**  
 Plan and coordinate resources, services and staff for the system's busiest community library. Prepare regular and special reports and maintain unit records. Initiate and maintain collaborative efforts with institutions, businesses and community groups operating in the service area  
 Management responsibilities:
- ♦ Manage a staff of 25 people and other agency resources
  - ♦ Serve as the primary resource for initial training of all new librarians, library assistants and substitutes in the Community Library Division; coordinate training programs with Area Library Division
- Special assignments:** Served as a member of the team for training system reference staff to use the new online catalog

**Section Management**

- 1987-89 **Senior Librarian, Southdale-Hennepin Area Library**  
**Senior Popular Library Librarian**  
 Plan the programs and services of the Area Library's Popular Library Section (central fiction, AV and large-print collections; children's library, adult and juvenile programming; and the Media Lab services). Help users select and locate appropriate materials. Keep records and prepare regular and special reports for administration. Maintain close communication with the Southdale Coordinating Librarian and the Division Manager.  
 Management responsibilities:
- ♦ Manage five full-time and five part-time librarians
  - ♦ Supervise the section's secretary plus the manager of HCL Media Lab and its staff (nine people)

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**Career Highlights** (continued)

- Government Publications**      Senior Librarian, Southdale-Hennepin Area Library  
 1977-87      Senior Government Publications Librarian  
 Manage a depository collection of federal documents that are of interest to HCL patrons, and provide support services. Explore and recommend the integration of new resources in coordination with the collection maintained in the Hennepin County Government Center Library, University of Minnesota Regional Depository and MPLIC Government Documents Department. Develop and present on-going training programs related to government publications and the work of the section  
 Management responsibilities:  
 ♦ Manage one full-time and three half-time librarians  
 ♦ Supervise one clerical support person
- Reference Services**      Senior Librarian, Southdale-Hennepin Area Library  
 1974-77      Information Services Senior Librarian  
 Manage the Federal Depository collection (80,000 items). Provide reference service to library users. Fill reference requests from branch libraries. Supervise one Library Assistant and a support staff of five people
- A new beginning**      HCL Technical Services Division, Cataloging Section,  
 1973-74      MARC Editor  
 Edit print and non-print shelf list data into computer-ready MARC II format; edit Titles in Process for Hennepin County; edit other bibliographic data in preparation for printing the HCL *Materials Catalog*
- Human services**      Youth Services Coalition, Minneapolis, MN  
 1971-72      Executive Director  
 Coordinate in-kind services and human resources for 29 youth-serving agencies; prepare and maintain information and resource files; coordinate training workshops and labs for staff of member agencies
- 1970      FREE: Gay Liberation of Minnesota  
 One proud Human Being defending my birthright  
 Maintain and develop personal qualities as an individual and expand professionalism as a librarian; investigate ways to help young people who have problems acclimating themselves to a cold, inconsistent and indifferent society; volunteer time and energy to Twin Cities youth-oriented, crisis-intervention agencies
- Technical Services**      Assistant Professor, Park College Library (Kansas City, MO)  
 1968-70      Technical Services Librarian  
 Manage Acquisitions, Cataloging and Periodicals sections. Reorganize entire periodicals collection, including all records. Serve as library liaison with faculty concerning departmental book budgets and order requests. Maintain catalog records and perform reference duties  
 Management responsibilities:  
 ♦ Supervise two professionals, five clerks and four students  
 ♦ Coordinate the formation of a periodicals bank for public and academic libraries located in the Kansas City metroplex, which includes large portions of both Kansas and Missouri

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## Professional Affiliations

- 1968-present American Library Association
- ♦ Social Responsibilities Round Table (1973 - 75)
  - ♦ Advisory Committee to ALA Office of Library Personnel Resources, Subcom. on Equal Employment Opportunity (1974-75)
- 1972-present Minnesota Library Association
- ♦ Chair, Professional Welfare Committee (1976 - 77)
  - ♦ Chair, Intellectual Freedom Committee (1974 - 75)
  - ♦ Chair, Subcom. on Jobs, Professional Welfare Committee (1974 - 75)
- 1968-70 Missouri Library Association
- 1968-70 Representative of Park College Library to Kansas City Regional Council for Higher Education
- 1969-73 American Association of University Professors

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## Publications

- Studies**
- March 1998 *Information Work Environments*, a guide to creating user-friendly, efficient, healthful public service delivery environments, 19 pp
- Oct. 1974 *A Study: Information Services Feedback System*, for Hennepin County Library, 20 pp
- Newsletters**
- 1994-present “Hard Hat” reports for the *HCL Staff Newsletter* discussing project development during construction at Plymouth, Rockford Road and Brookdale libraries and during development of HCL Technology Centers
- 1968-70 Several short articles about libraries and books for the *Friends of the Park College Library Newsletter*
- Published Articles**
- June 1974 *Alex in Wonderland*, Wilson Library Bulletin
- Bibliographies**
- June 1970 *Park College Library's holdings in African-American history and culture*, 90 pp (used by students and faculty, and also by the cooperating libraries and professors of the Kansas City Regional Council for Higher Education)

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## Leadership Initiatives

- |                                   |           |   |
|-----------------------------------|-----------|---|
| <b>Recognition</b>                | May 2001  | Hennepin County <i>Employee Recognition Program</i> – Received a Certificate of Recognition for “Innovative Ideas – Information Work Environment Team”  |
|                                   | May 2000  | Hennepin County <i>Employee Recognition Program</i> – Received a Certificate of Recognition for “Team Effectiveness”  |
|                                   | Jan. 2000 | <i>Library Foundation</i> of Hennepin County – Persuaded a private donor to acquire a \$100,000 work from a local sculptor and donate it to the library as a centerpiece for the new Brookdale-Hennepin Regional Center           |
|                                   | Sep. 1999 | <i>American Libraries</i> – Shared credit for HCL’s ranking as the number two library in the U.S. serving a population base of over 500,000   |
|                                   | 1999      | <i>Library Foundation</i> of Hennepin County – Chaired HCL’s efforts to provide patrons with easy access to consumer health information, which led to a grant of \$10,000 from the Allina Foundation                              |
|                                   | 1996      | Hennepin County <i>Excellence in Management Award</i> – Honored at a banquet with an award that began as a nomination by peers  |
|                                   |           |   |
| <b>Training</b>                   | 1999      | <i>Balanced Goals</i> – Produced, as part of a planning team, and presented a multi-media briefing to the Hennepin County Board of Commissioners, which clarified options for balancing new technology with traditional resources |
|                                   | 1996      | <i>Public Learning and Training</i> – Launched the first call for a system-wide coordinator and worked with others to make this position a reality in 2000  |
|                                   |           |   |
| <b>Organizational Development</b> | 1997      | <i>Information Work Environments</i> – Formed and chaired the action group that designed and developed a standardized prototype for user-friendly, efficient, healthful environments for public service delivery points           |
|                                   | 1996      | <i>Information Services Committee</i> – Created and chaired the system’s first cross-functional team, which became the model for a prototype as HCL moved to team-based management throughout the system                          |
|                                   | 1991      | <i>Team-based management</i> – Developed the first team-based cluster management prototype for HCL’s future community library administration  |



## *Just say NO! to second-class citizenship*

Ever since our first contact at a barn party near Norman, OK, Michael McConnell has always insisted that his birthright as an American was equal to every other citizen. "No birthright, no citizenship" is how he explains it. I went to law school to learn how to defend his birthright.

Before the Civil War, each black American was counted as a 3/5 person, with no right to vote. People of God waged war to change that. Father against son, brother against brother, fighting to uphold the principle of absolute equality for ALL God's children.

Righteousness prevailed, and Americans came together to adopt the 14th Amendment.<sup>[1]</sup> *We the people* declared that states shall **not** play favorites.

One hundred two years later – May 18, 1970 – Michael and I stood together and applied for a license to marry. A court clerk refused to issue a license that the law allowed.<sup>[2]</sup>



Minnesota's Supreme Court affirmed the renegade clerk. Amidst unlawful tampering,<sup>[3]</sup> the judges declared gay men and women to be not "persons" in the courts of Minnesota.

Does the 14th Amendment allow Minnesota to play favorites with its marriage laws? The U.S. Supreme Court declined our appeal

1. Adopted July 21, 1868 to outlaw not only slavery but **all** forms of enforced inequality.
2. "Every male person who has attained the full age of 21 years, and every female person who has attained the full age of 18 years, is capable in law of contracting marriage, if otherwise competent." Minn.Stat. §517.02 (effective Jan. 1, 1964)
3. Cozy relationships enabled a private, homophobic "press council" owned by the Minnesota Newspaper Association to operate clandestinely and unlawfully inside the back rooms of the Supreme Court.

but left that question open for decision at a later date. The *later date* is near.

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.

Michael agrees with those who say that marriage is an institution for the raising of children. However, childless couples also share in the benefits of marriage. Problem is, only mixed-sex couples qualify. As an American, Michael's birthright entitles him to expect that the law will treat all childless couples equally.

**A childless couple is a childless couple.** Not so, said some leaders, even clergy, who sold out. They now insist that "practical politics" requires same-sex couples to compromise and to lobby for "civil unions." I disagree.

Separate and unequal is not the American Way. I refuse to negotiate any terms for Michael's birthright, or to let him **beg** for it.

STONEWALL means full and absolute equality for ALL God's children; no exceptions, no excuses. Full equality, not "equal rights."

Today we celebrate the 36th anniversary of our commitment. Please join with Michael and me, and just say **NO!** to second-class citizenship.



**Jack Baker, Esq.**  
March 10, 2003

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Just nine months after this feature appeared as part of its cover story on *The American Family*, LOOK ceased publication (last issue: 19 Oct. 1971). Charlotte Brooks said LOOK's demise was caused by shift in advertising from magazines to television. See Brooks, *op. cit.* (Other). Her view is echoed by "A History of Cowles Media Company" (Hennepin County Library, ref. 070.50977A), which said on page 61, "While LOOK itself was successful, with a circulation over three million and advertising revenue of \$21 million in 1952, it was in a highly competitive field with ongoing circulation battles." Indeed, it was a decline in circulation that forced the two Minneapolis papers to be combined and renamed the MINNEAPOLIS STAR AND TRIBUNE, which was later renamed the STAR TRIBUNE, then sold to The McClatchy Company, Sacramento, CA.

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- Kuhn, David. "Regents Query Acceptance of Homosexual Unit," *Minneapolis Tribune*, 23 November 1969, p. ?
- Kuhn, Dave. "U Regents Reject Homosexual for Library," *Minneapolis Tribune*, 11 July 1970, p. ?
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- Matthews, Tom. "Gay rights issue to be on ballots," *The Dispatch* (St. Paul), 31 March 1978, p. 1.
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- Ojeda-Zapata, Julio. "Minnesota's gay leaders point to 1970 as key year in march toward acceptance," *St. Paul Pioneer Press*, 25 April 1993, p. ?
- Olsen, Steve. "Disorganization marks gay lib convention," *Minnesota Daily*, 13 October 1970, p. ?
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- Pinney, Greg. "'U' to Appeal Homosexual Hiring Order," *Minneapolis Tribune*, 12 September 1970, p. ?
- Richardson, Bill. "Bill to ban homosexual marriage clears State House committee," *Minnesota Daily*, 14 April 1971, p. ?
- Richardson, Bill. "House approves homosexual marriage ban," *Minnesota Daily*, 20 April 1971, p. ?
- Riemerman, Bill. "Appeal Delays Marriage Bill," *St. Paul Pioneer Press*, 13 February 1971, p. ?
- Stoner, Vic. "On-campus recruiting plan won't affect U hiring policy," *Minnesota Daily*, 23 October 1970, p. 1+.
- Thorkelson, Willmar. "Archbishop Roach struck by protester's cream pie," *The Minneapolis Star*, 13 May 1977, p. 1A+.
- Tigue, Randy. "FREE offers antidiscrimination proposal," *Minnesota Daily*, 11 March 1970, p. 1+.
- Tigue, Randy. "Regent: FREE member case: matter of public relations," *Minnesota Daily*, 16 July 1970, p. 1+.
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- United Press International. "No Wedding Belle For This Marriage" [a Philadelphia newspaper], 20 May 1970, p. ?
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- Urban, Gary. "Complaint charges Honeywell discrimination," *Minnesota Daily*, 12 March 1973, p. 8.
- Von Drehle, David. "Same-Sex Unions Move Center Stage," *The Washington Post*, 23 November 2003, p. A1+.
- Wall, Milan. "Baker Says Case Designed To Toss Wrench Into Works," *The Star* (Lincoln, NE), 9 Oct. 1971, p. ?
- Walsh, James. "Christian student group fights 'U' bias rule," *Star Tribune*, 25 October 2003, p. B1+.
- Wehrein, Austin C. "Homosexual Wins Presidency of U. of Minnesota Students," *The Washington Post*, 9 April 1971, p. A3.
- Wetmore, Pete. "ACSA to offer revisions of recognition procedures for student organizations," *Minnesota Daily*, 24 November 1969, p. ?
- Williams, Gerri. "St. Paul council passes gay-rights amendments," *Minneapolis Tribune*, 17 July 1974, p. 5B.
- Wintrol, Mary. "Action delayed on policy to deny U facilities to biased employers," *Minnesota Daily*, 10 Nov. 1970, p. 1+.

### News releases

- Baker, Jack. [no title], *Fight Repression of Erotic Expression (FREE)*, 1 November 1969.  
This news release announced that the Twin Cities Assembly Committee on Student Affairs of the University of Minnesota met on October 24 and approved FREE for campus membership.
- Baker, Jack. "FREE's Request For A Regional Convention Referred To The Board Of Regent's Committee," *Fight Repression of Erotic Expression (FREE)*, 15 July 1970.  
This news release announced that FREE's request to host a regional convention on campus has been referred to the Board of Regents.
- Baker, Jack. "Baker Applies for Bar License," 21 November 1972.  
This news release announced that Jack Baker, President of the Minnesota Student Association, filed a formal request to take the bar exam next February.
- Baker, Jack and Hilger, Dennis. "Gay Machine Startled DFL Regulars," *DFL Gay Rights Caucus*, 9 June 1972.  
This news release announced that a coalition of gay delegates and nongay supporters were "prepared to stage a floor fight to secure ... a solid Gay Rights plank in the DFL platform."
- Biermaier, Carla Knutson (Community Relations, Hennepin County Library). "Four Area Librarians Nominated For New York Times Librarian Award," 13 January 2004.  
This news release announced that four suburban Hennepin County librarians were nominated by members of the community for this national award.
- Chesebro, James W. "News from FREE", *Fight Repression of Erotic Expression*, 17 May 1970.  
This news release announced that two FREE members would apply for a Minnesota marriage license on Monday, May 18 at 3:00 pm in the Minneapolis Hennepin County Court House.
- Chesebro, Jim [James W]. "FREE Host Gay Liberation Conference This Weekend", *FREE: Gay Liberation of Minnesota*, [8 October 1970].  
This news release announced that Gay Liberation and homophile leaders from Minnesota, Wisconsin, Illinois, Michigan, Iowa, Kansas and New York will attend a Gay Convention this weekend (October 10-11) to be held at Dania Hall on the West Bank.
- Cunningham, Valerie. "Committee Approves Anti-Discrimination Resolution For 'U' Placement Offices," *University of Minnesota News Service*, 23 October 1970.  
This news release announced that the Committee on Social Policy passed an anti-discrimination resolution this week and sent it on to the University Administrative Committee for action after consultation with the University's placement directors.
- Cunningham, Valerie. "'U' Alters Process for Admitting Student Groups," *University of Minnesota News Service*, 12 June 1971.  
This news release announced that a change in the process by which student organizations are authorized at the University of Minnesota was approved today by the Board of Regents.
- Cunningham, Valerie. "Homosexual Court Cases Cost U of M \$25,000," *University of Minnesota News Service*, 25 July 1972.  
This news release announced that the University spent approximately \$25,000 in legal fees and administrative and staff costs to defend its decision not to hire Michael McConnell.
- Fishman, Israel. "Gaylib Task Force May Disrupt Conference," *Task Force [on] Gay Liberation* (Social Responsibilities Round Table, American Library Association), 21 June 1971.  
This news release announced that the Task Force on Gay Liberation of the American Library Association may begin disrupting the annual conference because the Intellectual Freedom Committee is paying only lip service to intellectual freedom.

Karwoski, Gail Langer. "Gay Activist Passes Bar Exam on Third Try," [7 April 1974].

This news release announced that the Minnesota Supreme Court must now decide if Jack Baker will be allowed to practice law now that he has been notified of his successful completion of the Bar exam.

Mitz, Rick. "FREE Seeks To End Corporate Discrimination Against Homosexuals," University of Minnesota News Service, 17 June 1970.

This news release announced that the largest companies in the Twin Cities area would be asked for policy statements concerning its employment practices toward homosexuals.

News & Media Relations Committee. "Lindsay Condemns Daily News Editorial, *Gay Activists Alliance*, 13 April 1972.

This news release announced that on "Monday, April 10, more than 250 members of the gay community in and around the metropolitan New York area demonstrated outside the New York Daily News building."

Preston, John. "Minnesota Hosts First Legally Sanctioned Same-Sex Marriage," Minnesota Student Association, 7 September 1971.

This news release announced that in the first legally recognized same-sex marriage, Jack Baker and Michael McConnell were married Friday (September 3) in a small ceremony at a private home.

Wetherbee, R. Michael (Legal Counsel). [News Release], *The Minnesota Civil Liberties Union*, 31 January 1972.

This news release announced that today the MCLU and the American Civil Liberties Union Foundation "filed an appeal to the U.S. Supreme Court in the case of J. Michael McConnell, a librarian who was denied employment with the University of Minnesota because he is a homosexual."

Wetherbee, R. Michael (Legal Counsel). [News Release], *The Minnesota Civil Liberties Union*, 11 February 1972.

This news release announced that today the MCLU filed "an appeal to the U.S. Supreme Court in the attempt of Jack Baker and J. Michael McConnell, both 29, to obtain a marriage license."

Wetherbee, R. Michael (Legal Counsel). [News Release], *The Minnesota Civil Liberties Union*, 27 December 1972.

This news release announced that today the MCLU successfully defended Jack Baker before the Minnesota State Board of Law Examiners.

### Opinion pieces

Baker, Jack. "The right to be human and gay," *Manitoban*, [13] March 1972, p. ?

This verbatim reprint of a speech made to students and faculty at the University of Manitoba, Winnipeg, Canada, appears in the Appendix.

Baker, Jack. "The Right to Love," *Hennepin Lawyer*, November-December, 1972, p. 14.

Broich, Les and Anderson, James A. "Gay rights and Mondale," *Minnesota Daily*, 27 October 1972, p. 7.

McConnell, J. Michael. "Alex in Wonderland, a library fantasy," *Wilson Library Bulletin*, June 1974, p. 845+.

Phelps, Koreen. "What happened to Minnesota Gay Activists?," *Minnesota Daily*, 13 November 1974, p. 7.

### Official Documents

Anon. [Extract of Minutes], Executive Committee of the Board of Regents, *University of Minnesota*, 11 September 1970.

This statement, issued to the media at the Regents' meeting, announced that the "Committee recommends that the Board authorize its legal counsel to begin the appeal process forthwith."

District Court (County of Blue Earth, State of Minnesota). Marriage License, 16 August 1971.

This license, identified as 536, is signed by Audrey Handahl Connor, Clerk of the District Court.

Garrison, S.B. (Assistant Secretary). "Minutes [Extract]," Board of Regents, *University of Minnesota*, 10 July 1970, par. 6.

This paragraph recites that the Executive Committee approved "personnel actions for non-tenured academic staff" that were included in the report of the Vice President for Planning and Operations "subject to a recommendation [of the Faculty, Staff, and Student Affairs Committee]. "The Board voted to approve and adopt the report and the actions as reported."

Minnesota Library Association. *Bulletin of the Minnesota Library Association*, 20, No. 1 (February 1971), p. 15.

This Bulletin includes the minutes of MLA's 75th Annual Conference, held 15-16 October 1970 in Rochester, MN.

Minnesota Free University. *Free you...* Bulletin No. 5 (May 1969), p. 5.

This Bulletin announced the offering of a new course entitled "The Homosexual Revolution," which attracted a small band of gay youth who began a movement that transformed Minnesota.

Murphy, Diana E. (Chairman), Brown, Robert J. (Senator) and Lee, L.J. (Representative). "[Preliminary] Report of the Bill of Rights Committee to the Constitutions Study Commission on September 20, 1972."

Nelson, Gerald R (Clerk of District Court). Letter to Richard John Baker and James Michael McConnell, 22 May 1970.

This letter serves as the formal denial of a marriage license on the basis of a "sufficient legal impediment."

Scott, George M (Hennepin County Attorney). Letter to Gerald R. Nelson, 22 May 1970.

This letter-memorandum provides the legal basis for denial of a marriage license to persons of the same sex.

Shanley, Sandra (Secretary). "Minutes," *Library Staff Association*, 11 June 1970, p. 4.

State of Minnesota. *The Minnesota Legislative Manual*. 1969-70.

State of Minnesota. *The Minnesota Legislative Manual*. 1971-72.

Of the four Regents whose term expired in 1971, two were re-elected: Lester Malkerson and George Rauenhorst.

State of Minnesota. *The Minnesota Legislative Manual*. 1973-74.

Of the four Regents whose term expired in 1973, one was re-elected: former Governor Elmer L. Andersen.

Of the nine sitting Justices of the Supreme Court, four had been recently appointed by the newly-elected Governor Wendell Anderson: John J. Todd, Harry H. MacLaughlin (currently, a U.S. District Judge), Lawrence R. Yetka, and George M. Scott.

State of Minnesota. *The Minnesota Legislative Manual*. 1975-76.

Of the four Regents whose term expired in 1975, one was re-elected: Neil Sherburne.

State of Minnesota. *Journal of the House*, 21 May 1977, pp. 3657-3660.

These pages record the report of the Conference Committee on S.F. No. 977 and the vote to adopt it. Included in the report is a redefinition of marriage as "a civil contract between a man and a woman".

State of Minnesota. *Journal of the Senate*, 21 May 1977, pp. 2738-2741.

These pages record the report of the Conference Committee on S.F. No. 977 and the vote to adopt it. Included in the report is a redefinition of marriage as "a civil contract between a man and a woman".

Supreme Court of the State of Minnesota. Certificate admitting Richard J. Baker as an Attorney and Counselor of the Supreme Court, 26 August 1974.

Tierney, R. Joel (Secretary Pro Tem). "Minutes," Faculty, Staff, and Student Affairs Committee of the Board of Regents, *University of Minnesota*, 22 June 1970.

This document records that the committee took only one action before adjournment: "Voted to recommend that the appointment of Mr. J.M. McConnell to the position of Head of the Cataloging Division of the St. Paul Campus Library at the rank of Instructor not be approved."

United States National Student Association. *Codification of Policy*, 1971-1972, p 54.

This document codifies policy statements adopted at the 24th National Student Congress held at Colorado State University, Fort Collins, Colorado, August 19-29, 1971, and at the 25th National Student Congress held at Catholic University, Washington, D.C., August 12-19, 1972.

Weiss, Gerhard H (Chairman). "Report of the Senate Library Committee," in *The Senate Docket* (University of Minnesota), 2 December 1971.

### Statutes and ordinances

Code of Judicial Conduct, amended 11 November 1995, made no changes to Canon 4F, which reads as follows:

[4]F. service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity **unless expressly authorized by law** (emphasis added).

Minn.Stat. §517.02. Persons capable of contracting [West Publishing Co., *Minnesota Statutes Annotated*, June 1969, vol. 31.]

The following sentence, which became effective Jan. 1, 1964, prevailed during 1970 and 1971:

"Every male person who has attained the full age of 21 years, and every female person who has attained the full age of 18 years, is capable in law of contracting marriage, if otherwise competent."

Minn.Stat. §517.03. Marriages prohibited [West Publishing Co., *Minnesota Statutes Annotated*, June 1969, vol. 31.]

This provision, which prevailed during 1970 and 1971, did not prohibit marriages between persons of the same sex.

Minn.Stat. §137.023 [West Publishing Co., *Minnesota Statutes Annotated*, January 1979, vol. 10B.]

"In electing members of the board of regents pursuant to Article 13, Section 3, of the Constitution of the state of Minnesota and Territorial Laws 1851, Chapter 3, Section 5, and commencing with the election of members of the board of regents in 1977, one member of the board of regents of the university shall be a person who at the time of his election to the board is a student at the university or who has graduated from the university within the five years prior to his election. This persons shall serve for a six year term and represent the state at large. Upon expiration of his terms or in the event of a vacancy in his office, one position shall be filled by a person having the same qualifications." (Added by Laws 1976, c. 120, §1)

City of St. Paul Legislative Code, c. 74 (Human Rights Ordinance), §6 (amended July 16, 1974; effective August 19)

"PROHIBITED ACTS IN PUBLIC ACCOMMODATIONS. No person shall discriminate, on grounds of race, color, sex, creed, national origin, ancestry, or affectional or sexual preference, with respect to the access to, use of, or benefit from any public accommodation, or to make or publish any statement evidencing his intent to do so."

**Court decisions**

Baehr v. Lewin, 852 P.2d 44 (Hawaii Supreme Court, 5 May 1993).

According to Eskridge (pp. 1, 4), Ninia Baehr was 14 when Jack and Michael applied for a marriage license. She and Genora Dancel applied for a license to marry in June 1990.

Baker v. Nelson, File No. 672384. Order (8 January 1971) and Amended Order (29 January 1971) [Hennepin County District Court, Fourth Judicial District].

Baker v. Nelson, 291 Minn. 310, 191 N.W.2d 185 (15 October 1971) [Minnesota Supreme Court].

Baker v. Nelson, 409 U.S. 810, 93 S.Ct. 37, 34 L.Ed.2d 65 (10 October 72) [U.S. Supreme Court].

Lawrence v. Texas, 539 U.S. \_\_\_, 123 S.Ct. \_\_\_, 156 L.Ed.2d 508 (2003) [U.S. Supreme Court].

McConnell v. Anderson, 316 F.Supp. 809 (9 September 1970) [U.S. District Court].

McConnell v. Anderson, 451 F. 2d 193 (18 October 1971) [Court of Appeals].

McConnell v. Anderson, 405 U.S. 1046, 92 S.Ct. 1312, 31 L.Ed.2d 588 (3 April 1972) [U.S. Supreme Court].

Petition of James Michael McConnell to adopt Richard John Baker, File No. AD - 19962. Findings and Decree (3 August 1971) and Memorandum (25 May 1971) [Hennepin County District Court - Juvenile Division, Fourth Judicial District].

**Correspondence**

Bachus, Edward J (Secretary, Task Force on Gay Liberation). Letter to Lillian M. Bradshaw [President, American Library Association], 8 March 1971.

Baker, Jack. Letter to Ralph H. Hopp, 15 April 1970.

Baker, Jack. Letter to Gilford R. Johnson (President, Minnesota Library Association), 16 December 1970.

Baker, Richard John. Letter to Children's Home Society of Minnesota, 1 April 1974.

Baker, Jack. Letter to The President, United Way of Minneapolis, 31 May 1974.

Baker, Jack. Letter to St. Paul Department of Civil Rights, 6 September 1974.

Baker, Jack. Letter to Judith B. Goodman [Assistant Director, St. Paul Department of Human Rights], 26 September 1974.

Baker, Jack. Letter to Donald Lewis [Director, St. Paul Department of Human Rights], 1 May 1975.

Baker, Jack. Memo to the file (TOPIC: Conversation with [eyewitness]), 10 October 2002.

Baker, Jack. Memo to the file (TOPIC: Conversation with [eyewitness]), 28 March 2003.

Baker, Jack. Correspondence with Ken Bronson. 2002-2004.

Jack enabled access to source documents, collaborated on their meaning and edited text for factual accuracy.

Baker, Jack. Letter to Mike Hatch (Attorney General of Minnesota), 13 March 2004.

Bell, Kirk. Letter to Jack Baker, [12 March 1972].

Berninghausen, David K (Chairman, Intellectual Freedom Committee). Letter to J. Michael McConnell, 5 March 1971.

Borman, Marvin (President, United Way of Minneapolis). Letter to Jack Baker, 14 June 1974.

Briggs, Rodney (Executive Assistant to the President). Letter to Jack Baker, 17 July 1972.

Cathcart, Kevin (Executive Director). "Marriage Equality is in the air," *Lambda Legal eNews*, 21 January 2004.

This e-mail was sent to supporters as a response to the State of the Union address in which President George W. Bush discussed same-sex marriage and the need for a constitutional amendment to prohibit them.

Donahue, Phil (The Phil Donahue Show, WLW-TV, Dayton, OH). Letter to Jack Baker and Michael McConnell, 23 February 1971.

Eid, Paul B (Director, Adoption Program). Letter to Richard John Baker and J. Michael McConnell, 16 May 1975.

This letter included an enclosure. See Eid, *op. cit.* (Leaflets).

Goodman, Judith B (Assistant Director, St. Paul Department of Human Rights). Letter to Jack Baker, 10 Sept. 1974.

Goodman, Judith B (Assistant Director, St. Paul Department of Human Rights). Letter to Jack Baker, 28 January 1975.

Hagen, Paul R. E-mail to Ken Bronson, 1 July 2003.

The bulk of this e-mail appears in the Appendix.

Halfhill, Robert. Letter to Campus Committee on Placement Services, 26 March 1973.

Hatch, Mike (Attorney General of Minnesota). Letter to Michael McConnell, 4 March 2004.

Included with this letter was a Certificate of Recognition, which reads as follows: "In recognition of distinguished service and dedication to the State of Minnesota, this certificate is awarded with the gratitude of the Attorney General on this the 4th day of March, 2004."

Hilger, Dennis and Baker, Jack. Letter to Walter F. Mondale (U.S. Senator). 11 June 1972.

Hogg, James F (Secretary, Board of Regents). Letter to J. Michael McConnell, 6 July 1970.

- Hogg, James F (Secretary, Board of Regents). Letter to J. Michael McConnell, 10 July 1970.
- Hopp, Ralph H (University Librarian). Letter to J. Michael McConnell, 27 April 1970.
- Hopp, Ralph H (University Librarian). Letter to Jack Baker, 29 April 1970.
- Johnsson, Gil (President, Minnesota Library Association). Letter to Jack Baker, 22 December 1970.
- Keating, Stephen F (President, Honeywell, Inc.). Letter to Stephen W. Carter (President-elect, Minnesota Student Association), 14 May 1973.
- Kenefick, John R (Assistant Solicitor General). Letter to R. Michael Wetherbee, 15 December 1970.
- Kennedy, Bob (Kennedy and Co., WLS-TV, Chicago). Letter to Jack Baker and Mike McConnell, 27 September 1971.
- Kirschman, C. Frederick. E-mails to [Jack] Baker, January 2004.
- Krug, Judith F (Director, Office for Intellectual Freedom). Letter to J. Michael McConnell, 2 February 1971.
- Lewis, Donald (Director, St. Paul Department of Human Rights). Letter to Jack Baker, 6 March 1975.
- Lewis, Donald (Director, St. Paul Department of Human Rights). Letter to Jack Baker, 30 April 1975.
- Lloyd, William J (Director, State Board of Law Examiners). Letter to Richard John Baker, 26 December 1972.
- Lloyd, William J (Director, State Board of Law Examiners). Letter to Richard J. Baker, 30 March 1973.
- Lloyd, William J (Director, State Board of Law Examiners). Letter to Richard J. Baker, 18 September 1973.
- Lloyd, William J (Director, State Board of Law Examiners). Letter to Richard J. Baker, 5 April 1974.
- Lynn, Roger W. E-mail to Ken Bronson, 7 February 2004.  
The full text of this e-mail appears in the Appendix.
- Mason, John M (Solicitor General). Letter to R. Michael Wetherbee, 19 April 1971.
- McCloskey, Paul F (Assistant City Attorney). Letter to Donald Lewis [Director, St. Paul Department of Human Rights], 5 March 1975.
- McConnell, Michael. Correspondence with Ken Bronson. 2002.
- Mondale, Walter F (U.S. Senator). Letter to Jack Baker, 30 June 1972.
- Moos, Malcolm (University President). Letter to Richard Baker (and others), 11 February 1971.
- Oliphant, Robert E. E-mail to Ken Bronson, 9 October 2003.  
The full text of this e-mail appears in the Appendix.
- Olson, Gayle (Field Representative). Letter to Jack Baker, 6 November 1974.
- Peterson, C. Donald. Letter to Robert M. Shaw, Manager, Minnesota Newspaper Association, 22 February 1971.  
This letter, which is written on the stationery of the Minnesota Supreme Court, recites decisions made at the initial meeting of the Minnesota Press Council, acknowledges his appointment to be its Chairman, and issues instructions to carry out his duties as Chairman. Courtesy of Minnesota Historical Society.
- Reynard, J.W. (Assistant Manager, Personnel Division, Employee Relations Department, E.I duPont de Nemours & Company). Letter to Jack Baker, 20 February 1970.
- Shaw, [Robert M.] (Manager Emeritus, Minnesota Newspaper Association). Letter to Tom [Patterson], 9 September 1987.  
Courtesy of Minnesota Historical Society.
- Thomas, J. Donald (Executive Secretary, Association of College and Research Libraries). Letter to J. Michael McConnell, 23 August 1971.  
Attached to this letter was a copy of a resolution approved by the Board of Directors of the Association of College and Research Libraries on 21 June 1971.
- Wetherbee, R. Michael. Case Report to MCLU Board of Directors re Baker and McConnell v. Gerald R. Nelson, 5 August 1971.

### Letters to the Editor

- [Baker], Jack. "'Strange Set' Member Gives His Viewpoint," *Oklahoma City Times* (Letters page), 14 October 1966, p. ?
- Baker, Jack. File copy of a letter that may or may not have been published in the *Village Voice*, 10 February 1972.
- Bertarelli (sic), Edward; Chesebro, James W.; Meko, James E. "disservice," *Minnesota Daily* (Letters page), 8 April 1971, p. 5.
- Bertorelli, Edward. "erroneous assertions," *Minnesota Daily* (Letters page), 19 April 1971, p. 5.
- Broderick, Dorothy M. "Defending gay librarians," *Wilson Library Bulletin*, September 1974, p. 31+.
- Halfhill, Robert. "letter mistaken," *Minnesota Daily* (Letters page), 14 April 1971, p. ?
- Kahn, Phyllis. "Need the best man win?" *Minnesota Daily* (Letters page), 11 November 1971, p. 4.
- Osgood, James B. "SCMAI Issues," *American Libraries*, September 1974, p. 398.
- Preston, John; Hagen, Paul R.; Skoglund, Christopher; Hustad, John; Miller, Lyn; Anderson, Mark; Anderson, Loree; Larson, Davies; Gardner, Bruce. "pointed reply," *Minnesota Daily* (Letters page), 13 April 1971, p. ?
- Smith, Steven Charles. "filthy queer," *Minnesota Daily* (Letters page), 14 April 1971, p. ?

**Leaflets**

DFL Gay Right Caucus. "A request from the DFL Gay Rights Caucus," 9 June 1972.

This GAY RIGHTS plank was adopted verbatim by the delegates to the 1972 DFL state convention.

Gay Activists Alliance. "Protest this Anti-Gay BIGOTRY," [7 April 1972].

This leaflet was distributed to the gay bars and community centers in metropolitan New York to announce a demonstration scheduled for Monday April 10 from 11:30 a.m. to 1:00 p.m. "expressing our rage at the editorial policy of the New York Daily News."

Eid, Paul B. "Registration Fee - \$25.00," *Children's Home Society*, 9-19-72.

See also, Eid, *op. cit.* (Correspondence). This leaflet, which contains the initials PBE, was included as an enclosure.

Gay Activists Alliance. Leaflet listing four demands, [10 April 1972].

This leaflet was distributed to participants in a demonstration at the New York Daily News building, 220 E. 42 St.

**Other**

Anon. "End To Discrimination Against Gays!" *Minnesota Daily*, 26 October 1971, p. 16.

This full-page advertisement called for a rally to protest the Regents' and Court's decision against Michael McConnell Tuesday, October 26, 12:00 Noon, Morrill Hall.

Baker, Jack. Diary of Jack Baker; in particular, the entries of March 1970, June 1970 and March 1971.

Baker, Jack. Remarks to the Bill of Rights Committee of the Constitution Study Commission, 21 June 1972.

Baker, Jack. "Just Say No! to second-class citizenship," *PULSE of the Twin Cities*, 5-11 March 2003, p. 4.

Brooks, Charlotte. Interview, 15 April 2003.

Charlotte Brooks photographed Jack and Michael as "The Homosexual Couple" in LOOK magazine's cover story on *The American Family*. See Star, *op. cit.* (Magazines). The demise of LOOK after publication of that issue, she said, was not caused by the article but by a shift in advertising from magazines to television, which caused many general information magazines to go out of business.

Chesebro, Jim. "The First National Gay Lib Convention: One View from Minneapolis," *FREE: Gay Liberation of Minnesota* [12 November 70]. 10 pp.

This report served as the unofficial minutes of what turned out to be the first national Gay Convention in the U.S.

Gay Students' Union, U.C. Berkeley. G.S.U Newsletter, 20 January 1971.

Halfhill, Robert. "Radicalism vs. Gay Liberation," [1 April 1971], 15 pp.

This report provided an analysis of the problems afflicting FREE, including an analysis of the October, 1970 Gay Liberation convention, which was intended as a counterpoint to Chesebro, *op. cit.*

Hunt, William Coughlin. *The Biblical Case for Full Equality for GLBT Persons in the Church*. www.mtn.org/~cpcsm [no date].

According to the introduction, this article is based on the 14 March 2001 presentation in the *Outreach Luncheon Series* of the Catholic Pastoral Committee on Sexual Minorities (CPCSM).

Minnesota News Council. *Annual Report for 1981*.

Minnesota Press Council. *Articles of Incorporation*, filed with the Secretary of State 19 March 1974.

This document listed the address of the Minnesota Supreme Court as the "registered office of the corporation."

Minnesota Press Council. *Certificate of Amendment of Articles of Incorporation*, filed with the Secretary of State 4 March 1980

This certificate changes the name of the organization to "Minnesota News Council," but it does not change the registered office.

Oliphant, Robert E. Telephone conversation with Ken Bronson, 15 December 2003.

When informed that, at his request, Jack Baker signed a waiver of "all lawyer-client confidentiality that ever existed between myself and Robert Oliphant, H. Peter Albrecht or Stephen Simon," professor Oliphant refused to supply an address and declined further comment.

Spear, Allan. Minnesota Historical Society Oral History Interview, by Scott Paulsen, OH42 (27 October 1993).

Senator Spear served three decades in the Minnesota Legislature and was President of the Senate when he retired.



## Acknowledgements

After more than a year of researching, reading and writing, I have completed the task I set for myself. I will never know why, after so many years, Jack Baker and Michael McConnell decided to open up to me, a total stranger. Nevertheless, they showed me patience and a willingness to answer all of my questions as I attempted to connect the dots of their quest for Full Equality.

This is a true story. On this day 34 years ago, Michael and Jack applied for a marriage license. The event was planned three years earlier, on the day they became lovers. The happy ending will come later perhaps, after they return to the U.S. Supreme Court and ask – for a second time – that the law recognize their marriage.

Once very public role models, Michael and Jack choose now to be into each other in a very private way. They remain immensely proud of what they accomplished for themselves, the “affirming” mecca that is Minneapolis, and the worldwide community of GLBT people. Their story could not be written without assistance from many people.

1. First and foremost, I must thank Jack and Michael for allowing me to be the voice to tell their story. I must also be honest. This article was a collaboration between Jack, Michael and myself. You will discover vast amounts of information never before been made public. Historic documents are important, of course. But it will be obvious that the inside story could not be obtained from anyone other than Jack or Michael. Hence, editing chores were shared between myself and both Michael and Jack.
2. Barbara Gittings deserves credit for her efforts on behalf of human rights and dignity. She is currently investing her time teaching the younger generations about the early LGBT movement and civil rights struggles. Her touring show introduced me to Jack and Michael for the first time and planted the seed for this article.
3. The University of Minnesota’s Linnea Stenson and Nickolaus Tretter confirmed some of my initial Internet facts regarding Michael and Jack. They encouraged me and expressed hope that I might succeed. To their knowledge, the complete story had not yet been told.
4. Paul Hagen, creator of Jacks campaign posters, also has my appreciation. He discusses for the first time the creative process behind the memorable posters that got Jack elected, then re-elected Student Body President.
5. Charlotte Brooks allowed me to display her spectacular photograph of Jack and Michael, which was first published in LOOK magazine. She was gracious and patient with me as we sorted through the details.
6. Minnesota Historical Society allowed me to display photographs from the Minneapolis Star and Tribune Collection. Access to original photos from news events of that period enhances the article’s impact.
7. Rev. Roger Lynn deserves the adulation of our community for his willingness to officiate at the marriage of Michael and Jack, and for his determination to remain firmly committed to his beliefs, even when his livelihood was threatened. His explanation of his involvement in the historic ceremony – previously not heard – gives voice to an important player in the Quest. I thank him.
8. Robert Oliphant responded to my request for comment when other players declined. Although professor Oliphant did not answer all of questions that persist in my mind, he did share his remembrances. For that, I am grateful.

I hope Jack and Michael will point proudly to this article when asked about these tumultuous years in our history.

Ken Bronson, Chicago,

18 May 2004

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Comments or questions are welcome.

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