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**GAY PRIDE**

**v.**

**THE CITY OF MINNEAPOLIS**

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**BLOCK PARTY CASE**

**by**

**Jason Smith**

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## Acknowledgments

Tom Burke and Brad Golden deserve much credit for being champions of equal rights and for sharing their stories with me. Without their willingness to take on the political establishment, this story would not be being told today.

Special thanks to Federal District Court Judge Miles Lord, attorney Jonathan Adams, and former Minneapolis Mayor Don Fraser, who all took time from their busy schedules to give me insight into this story. Attorney and long-time Gay rights activist Jack Baker, who rarely gives public interviews, also graciously talked with me about his role in the shaping the fight for equal rights. I am also indebted to Jean-Nickolaus Tretter, historian and archivist of the *Tretter Collection in Gay, Lesbian, Bisexual and Transgender Studies* at the *University of Minnesota's Special Collections and Rare Books Office* in the University's *Elmer L. Andersen Library* for granting me access to the collection and assisting with my research. I am appreciative of the assistance of Teresa Nelson, *ACLU of Minnesota* Legal Counsel, in sorting through the minutiae of legal case records and proceedings. Dr. Anne Phibbs was my professor at *Metropolitan State University* and is currently Director of the *Gay, Lesbian, Bisexual, Transgender, Ally (GLBTA) Programs Office* at the *University of Minnesota*. She assisted me with the original paper on which this book is based.

This book would not have been written if not for the efforts of Dr. Matthew Stark, the Executive Director Emeritus of the *Minnesota Civil Liberties Union (MCLU)*. (He had served as Executive Director from September 1973 until July 1, 1987, and had been President from 1967 until 1973, and from 1990 to 1994.) Matt was an early and vigorous supporter of Gay rights, and under his leadership the *MCLU* took on numerous Gay rights cases, including, in 1970, the first marriage equality case in the United States; a case that, unfortunately, was lost in court. Matt was a valuable source of information for the original paper that I wrote

on this subject and it was at his suggestion that I eventually expanded the story for this book. For his assistance in obtaining interviews with the key players and his keen editing of this slim volume, I am extremely grateful.

Many other people had a hand in making not only this book, but also in making Gay history. This story is built on their efforts. Keep on fighting for equality!

**JASON SMITH**

*For John Viars: Teacher – Mentor – Friend*

## Preface

By Norman Dorsen

This short and affecting book captures an important slice of the Gay rights movement that is in danger of being lost to history. The 1969 riot at the Stonewall Inn was a turning point. Although I did not see the Stonewall happenings, they were the talk of Greenwich Villagers both Gay and straight, and they permanently changed the sense of self of Gay people, especially younger ones.

But it is hardly known except by a few scholars and those who lived through the events that in 1980 and 1981 a small group of determined persons in Minneapolis fought, and eventually won, the right to hold a Gay pride block party on the city's leading thoroughfare over the opposition of almost the entire Minneapolis political establishment.

The facts leading to the first Gay pride block party are deceptively simple. When a request was made to city leaders to hold the event, it was denied; and denied again, even though it was obvious to any knowledgeable person that the First Amendment secured the right of the Gay community to hold a rally on Hennepin Avenue, just as many other groups (and commercial entities) had done over the years. The essence of freedom of speech is that the government must treat everyone identically in terms of their right to speak and to protest.

Eventually, it took extraordinary efforts by Gay activists and a principled and able Federal District Court Judge (Miles Lord), as well as the handy work of a young lawyer, Jonathan Adams (who, I am happy to say, was a recent graduate of NYU Law School), and the unremitting support of the Minnesota Civil Liberties Union's executive director (and former president), Matthew Stark, my longtime colleague on the board of directors of the ACLU, to establish the Gay pride block party.

All this and more Jason Smith recounts clearly and thoughtfully. Adding to the interest and impact of the book are a series of interviews that Smith conducted, with the assistance of Stark, in 2008 with many of the leading participants in the controversy. Looking back almost three decades, they are able to put into broader context what they did and didn't do, and to shed new light on some of the figures who helped or impeded the effort to afford a long-oppressed community with rights that should have been taken for granted.

Roger Baldwin, the principal founder of the American Civil Liberties Union in January 1920, often said that "No right stays won." What he meant is that there are always strong forces in American society seeking to limit and even to undo gains that have been made by oppressed groups. Thus, continual vigilance and action by the Gay community is needed, just as African-Americans and women must work hard to retain and extend what they have achieved over many decades. This fine book will surely aid in the struggle.

*Norman Dorsen is the Stokes Professor of Law, New York University School of Law. He was General Counsel (1969-1976) and President (1976-1991) of the American Civil Liberties Union.*

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## Chapter 1: The Streets Belong to the People

On Friday, June 26, 1981, despite the heat and humidity, dozens of people lingered after the end of the workday near the intersection of Fourth Street and Hennepin Avenue in Minneapolis, Minnesota. Trying to appear inconspicuous, they strolled down the street and around corners, only to reappear a few minutes later after going around the block or turning around and coming back. An unusual police presence could be seen as cruisers roamed the Avenue. The careful observer would note street barricades tucked discretely along the curb at both ends of the block. And, in the parking lot next to the sprawling *Gay Nineties*<sup>1</sup> bar complex, the major Gay bar in the Upper Midwest, there was a flurry of activity.

As the last of the downtown office workers hurried down the street to join the Friday night exodus to their homes in the suburbs, other people strolled down Hennepin Avenue, warily watching each other and the workers in the parking lot.

Police cruisers arrived and parked along the curb at both ends of the block. As the bell in the City Hall clock tower struck eight, there was a rush of activity. The barricades were flung across the street, blocking traffic. A flatbed truck, which had been parked alongside the *Gay Nineties*, roared to life and pulled out across Hennepin Avenue with band instruments and sound equipment on board. One of the organizers of the event grabbed an extension cord from the back of the truck and ran into the Bar to plug it in. The people who had been waiting in doorways and on street corners rushed up to the impromptu stage on the flatbed truck. Crowds appeared out of nowhere, flooding into the street, some people holding hands, some kissing, all in a festive, if wary, mood. As the sound system on the stage squealed to life and the band, *Urban Gorillas*, began to play, the crowd cheered. This was the moment they had been waiting for. This event was the culmination of a long-fought legal battle that not only pitted Gay organizers against the *Democratic-Farmer-Labor (DFL)* political machine that controlled Minneapolis City Hall, but also, unfortunately, caused a rift between progressive and conservative Gays, all of whom sought to claim the mantle of leadership of the Gay

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<sup>1</sup> 408 Hennepin Avenue, Minneapolis, MN 55401-1913

rights movement in Minneapolis. But for the organizers of this Block Party and the crowd that materialized on Hennepin Avenue that night, their nearly exhausting three-year struggle in a federal courtroom paid off and, for an hour at least, the street was theirs. The spirit of the *Stonewall Revolution* was alive and being celebrated on the major street in downtown Minneapolis!

Throughout the late 1970s and early 1980s a series of legal and political battles raged in the city of Minneapolis. With overtones of moral superiority and religious fervor, the fight over Gay rights mirrored what was happening elsewhere in the United States at that time. Bubbling below the surface and rarely mentioned in the news media was an undercurrent of homophobia that permeated the political scene.

One key legal dispute emerged in early 1980 involving a group of Gay activists who wanted to hold a Block Party on Hennepin Avenue as part of the *Twin Cities Gay Pride Festival*. This annual event commemorated the Stonewall Riots, a pitched confrontation between police and Gay protestors which broke out in New York's Greenwich Village in 1967. The organizers of the Block Party were opposed not only by the City Council, but also, according to Gay activist and *Gay Pride Committee* co-chair, Brad Golden, by the "DFL controlled establishment." The legal maneuvering, which was played out in detail in both the local mainstream and Gay press, marked a turning point not only in Gay rights organizing in Minneapolis and the Upper Midwest, but also marked the beginning of a change in public attitudes about homosexuality and civil rights.

On one side of the issue were Gay activists and their straight allies and supporters who wanted immediate recognition and support of their rights by society and its institutions of power. On the other side were City Council members who opposed any recognition of Gay rights, and conservative Gay leaders who favored a "go-slow" approach that they hoped would, little by little, lead to greater acceptance of Gay men and Lesbians by society. The legal case "*Gay Pride v. City of Minneapolis*"<sup>2</sup>

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<sup>2</sup> United States District Court, District of Minnesota, Fourth Division, Case file Civ. 4-81-208, 17 April 1981.

is a touchstone in history that is in danger of being forgotten even though today's recognition of Gay rights stem from it.\*

Though the lives of Gay and Lesbian people are now documented throughout history, their accomplishments and contributions to society have often been neglected or assimilated by the dominant heterosexual community. Historical figures including the ancient Greeks, Alexander the Great, computer inventor Alan Turing and First Lady Eleanor Roosevelt are all known to have had same-sex relationships. But, traditionally, historians have ignored the sexual orientation of these figures, instead tending to focus on other accomplishments.<sup>3</sup> Recently, scholars of Gay and Lesbian history have compiled research which presents a fuller picture of these figures' lives and shows that many of the people who shaped our culture were, in fact, attracted to members of the same sex.

The terms "Gay" and "Lesbian" are products of the 20<sup>th</sup> century. While some people from earlier eras did engage in same-sex sexual behavior they would not have identified themselves by these contemporary terms. In fact, it wasn't until 1951 that the *Oxford English Dictionary* issued its first citation equating the word "Gay" with homosexuality.<sup>4</sup>

In the United States in the mid-20<sup>th</sup> century, Gay men and Lesbians started agitating for changes to anti-Gay laws and broader acceptance in society, actions which in turn developed a distinct homosexual culture. These pioneers created a group identity based on sexual orientation in an overtly political act aimed at protecting and expanding their civil rights. As you will see below, they banded together in bars, social clubs and service organizations to avoid individual persecution and to claim greater political power through the sexual orientation-based institutions that they

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\* The full case file, transcripts from interviews conducted for this book, and other research materials are on file at the Jean-Nickolaus Tretter Collection in Gay, Lesbian, Bisexual and Transgender Studies, part of the Special Collections and Rare Books section of the Elmer L. Andersen Library located at the University of Minnesota campus in Minneapolis.

<sup>3</sup> Mann, William J., *Gay Pride: A Celebration of All Things Gay and Lesbian*, New York, NY. Citadel Press, 2005

<sup>4</sup> <http://www.etymonline.com/index.php?term=Gay>

created. Many of these Gay rights pioneers recognized a reflection of their own struggle for acceptance in the battles being fought over racial discrimination, a theory that has drawn much criticism from both Gay rights and black civil rights activists. As Craig J. Konnoth noted in the *Yale Law Journal*, "the debate over the race analogy has raged since the beginning of the Gay rights movement. As Gay urban enclaves grew in the post-WWII era, greater visibility led to greater social suppression, which in turn led to greater Gay mobilization. Using the analogy, a few early Gay organizers argued that Gays, like African-Americans, are a minority, that discrimination against them should bear the same stigma as racial discrimination, and that judges should be as attentive to Gay rights as they are to racial justice."<sup>5</sup>

It was in this environment of mobilization against discrimination that the modern Gay rights movement began to flourish.

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<sup>5</sup> Konnoth, Craig J., *Created in Its Image: The Race Analogy, Gay Identity, and Gay Litigation in the 1950s-1970s*, *Yale Law Journal*, Volume 119, Number 2, November 2009, New Haven, CT, The Yale Law Journal Company, Inc., p. 319

## Chapter 2: United States' Gay Culture

What has come to be known, sometimes pejoratively, as "The Homosexual Lifestyle" began to develop in the United States during the early part of the 20<sup>th</sup> Century in larger cities such as New York and San Francisco. Political radicalism and a newfound sexual freedom contributed to a bohemian atmosphere in big city neighborhoods such as San Francisco's Castro District and New York's Greenwich Village. According to Gay historian Neil Miller, "This combination also made it attractive to Gays and Lesbians who could blend in with the other nonconformists of the Village. After all, in popular parlance, 'artistic' was often a code word for homosexual."<sup>6</sup> While many of the denizens of New York's Greenwich Village at the time were socialists or anarchists, there was little political activism based on sexual orientation. Instead, Gays and Lesbians were more interested in finding a welcoming and safe neighborhood to live in. Greenwich Village provided such an environment and during World War I, social events in the neighborhood included elaborate costume balls attended by cross-dressing men.<sup>7</sup>

Historians of Gay culture generally acknowledge that the Gay rights movement as a political entity in the United States began in 1950 with the formation of the *Mattachine Society* in San Francisco. This group, named after jesters in the courts of 13<sup>th</sup> and 14<sup>th</sup> century Spain and France, was created by Gay activist Harry Hay as a "service and welfare organization devoted to the protection and improvement of society's androgynous minority."<sup>8</sup> The *Mattachine Society*, which was later fractured by differences in political ideology, was the first organization to begin agitating for greater social acceptance of homosexuality in the United States. The fractiousness that later split the organization was expected and even encouraged by Hay in comments he made to the first meeting of the group in November of 1950 in Los Angeles. He

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<sup>6</sup> Miller, Neil. *Out of the Past: Gay and Lesbian History from 1869 to the Present*, New York, N.Y. Vintage Books, 1995, p. 137

<sup>7</sup> Miller, p. 141.

<sup>8</sup> Witt, Lynn, Sherry Thomas and Eric Marcus, eds. *Out in All Directions: The Almanac of Gay and Lesbian America*, New York, N.Y. Warner Books. 1995, p. 198

recognized that the participants in the group came from many different personal experiences, and said:

ōĩ these differences of source-level are immaterial providing that we, in such groups as this, agree to participate to the fullest; providing we agree to disagree, object, criticize, analyze, summarize, specify, test, weigh, simplify and finally to *prove* our conclusions by self-applications, thus bringing to the community generally the greatest body of socially derived, socially coordinated, socially oriented and socially proven theory as we can possibly fashion. Fighting, arguing, hollering and swearing has yielded magnificent harvests of social re-orientation and progressive legislation in the shape of Neighborhood Cooperatives, Third Parties, and Parentsø Councils to name only a few. Such results may also be ours providing that this group keep always in mind the heroic objective of liberating one of our largest minorities from the solitary confinement of social persecution and civil insecurityĩ and instead guaranteeing them the basic and protected right to enter the front ranks of self-respecting citizenship, recognized and honored as socially contributive.ö<sup>9</sup>

In the U.S. in the 1950s, attending a meeting of a so-called õhomophileö group was personally risky and even illegal in some states. Police would frequently target areas where Gay men were known to congregate and stage raids and mass arrests at Gay bars on charges of loitering, public lewdness, or sodomy. Arrested men often had their names and photos published in newspapers and faced public ridicule and even the loss of jobs and homes.

Even with these challenges, the Gay rights movement had gotten a toehold, and other groups began to spring up alongside the *Mattachine Society*. In 1952, *One, Inc* was formed with the mission to õbring to light the lack of civil rights protections for the homosexual and to bring

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<sup>9</sup> Hay, Harry, Will Rosco, ed. *Radically Gay; Gay Liberation in the Words of its Founder*. Boston, MA. Beacon Press. 1996, p. 79

homosexuals and heterosexuals together in closer communication.ö<sup>10</sup> Lesbians in San Francisco organized the *Daughters of Bilitis* in the mid-50s as a social group offering an alternative to Gay bars. As the broader civil rights movement began to shape the American culture in the mid-60s, the *Society for Individual Rights (SIR)* was formed in San Francisco. The founding of *SIR* reflected a new radicalism in social politics and its official magazine, *Vector*, documented öthe struggles between the homophile establishment and the new Gay liberation movement.ö<sup>11</sup>

It was from these organizations and the personal empowerment they nurtured that the öStonewall Revolutionö sprung. On June 27, 1969, a police raid of the Stonewall Inn, a New York Gay bar, sparked a riot. Police harassment of owners, employees, and patrons of Gay bars was common at the time and bar operators were frequently cited for minor infractions or harassed for not paying bribes to the police. Cross-dressers and patrons without identification were arrested and taken to jail. But on that night, as customers drowned their sorrows over the death of entertainer and Gay icon Judy Garland, something changed. They were no longer willing to accept abuse from the police and when police raided the Stonewall Inn that night and tried to arrest some of the patrons, the Gays had finally had enough and, led by a handful of drag queens, fought back and a riot broke out. People on the streets watching the arrests began jeering at the police who were loading drag queens into a paddy wagon. Amid a volley of flying beer bottles, the police were chased back into the bar from which they had just ejected customers. Windows were smashed, the door of the bar was beaten in with a parking meter, and the front of the building was set ablaze. The raiding police called for additional backup and, in an ironic twist, had to be rescued from the smoldering building by the New York City Fire Department!<sup>12</sup>

Several days of unrest followed and, in what has been described as öthe hairpin drop heard around the world,ö a new homosexual radicalism erupted with hundreds of protestors taking to the streets in impromptu protest marches. Gone were the days of Gays and Lesbians meekly asking for social acceptance. As many of their elders looked on with horror, a new generation of proud homosexuals took to the streets

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<sup>10</sup> Witt, et al, p. 199

<sup>11</sup> Witt, et al, p. 200

<sup>12</sup> Witt, et al, pp. 213-14

shouting "Gay Power!" and "Gay is good!" An article in *Esquire Magazine* quoted a young man who typified the realities of the new Gay power movement:

"We don't want acceptance, goddamn it! We want respect! Demand it! We're through hiding in dark bars behind Mafia doormen. We're going to go where straights go and do anything with each other they do, and if they don't like it, well fuck them!...Be proud of who you are, man! And if it takes riots or even guns to show them what we are, well, that's the only language the pigs understand."<sup>13</sup>

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<sup>13</sup> Miller, p. 368

## Chapter 3: Early GLBT Battles in Minnesota

In the years after the riots at the Stonewall Inn, Gay activism flourished in cities around the world. Gay rights activists founded new organizations and began holding annual marches and rallies to commemorate the New York riots. There was newfound activism in Minnesota as well where several high profile Gay rights cases were fought out in the state and federal courts. The legal battle for recognition of Gay rights was championed by the *Minnesota Civil Liberties Union*\*, led by its President, and later Executive Director, Dr. Matthew Stark.<sup>14</sup> In 1970, the *MCLU* sued the *University of Minnesota* on behalf of James McConnell, after the *University* refused to hire him because he was openly Gay and was attempting to marry another man, Jack Baker. Though they were able to secure a temporary injunction against the *University*, the case, ultimately, was lost when the Eighth Circuit Court of Appeals ruled that McConnell's appointment would not be consistent with the best interest of the *University*.<sup>14</sup>

The *MCLU* also directly litigated the first-ever Gay marriage case in the United States in 1971. McConnell and Jack Baker sued for the right to marry each other after being denied a marriage license by the Clerk of Hennepin County, Minnesota.<sup>15</sup> Their case claimed the denial was an unfair abridgement of their Fourteenth Amendment right to equal protection under the United States Constitution and intrusion into their right to privacy without a legitimate reason for the government to do so. Matt Stark, then a member of the *American Civil Liberties Union (ACLU)* Board of Directors, attended a meeting of the *ACLU's* Executive Committee, urging the organization to join the case and lend

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\* The *MCLU* is now called the *American Civil Liberties Union of Minnesota*. All of its booklets, legal case records, minutes, annual reports, letters, and miscellaneous materials are on file at the *Minnesota Historical Society* in St. Paul, Minnesota.

<sup>14</sup> *McConnell v. Board of Regents*, 451 F.2d 193, Court file No. 20583, R. Michael Wetherbee, *MCLU* Staff Attorney; Lynn Castner, Stephen Goldfarb and John Goetz, *MCLU* Volunteer Attorneys

<sup>15</sup> *Baker v. Nelson*, 409 U.S. 810, Court file No. 71-1027 and 191 N.W. 2d 185, Court file No. 43009, R. Michael Wetherbee, *MCLU* Staff Attorney; Lynn Castner, *MCLU* Volunteer Attorney

its prestige and greater financial resources to the legal battle, but the *ACLU* declined to get involved. Baker, McConnell, and the *MCLU* lost the case in Hennepin County District Court and again lost on appeal to the Minnesota Supreme Court. Unfortunately, but perhaps not surprisingly, the final appeal of this early and significant case was lost when the U.S. Supreme Court declined to hear the case in October of 1972, saying it believed that only state laws were in question and that there was no substantial legal issue based on the U.S. Constitution.

In 2004, Norman Dorsen, who was General Counsel to the *ACLU* at the time of litigation and who served as the organization's President from 1976 until 1991, acknowledged in a letter to Stark that, when the Gay rights issues first arose, "there was little or no enthusiasm for the issue." Dorsen appreciated the *MCLU*'s prodding on the issue, saying, "You and your affiliate were ahead of your time, and I am glad that soon thereafter the *ACLU* became a determined advocate of Gay rights." (See Appendix, page 52 for a copy of Dorsen's letter to Stark.)

The *MCLU*'s growing expertise in Gay rights litigation helped it score a victory when it represented Jack Baker in a dispute before the *Minnesota Board of Law Examiners*.<sup>16</sup> The case hinged on whether Baker could be denied admission to the State Bar Association due to questions regarding his "moral qualifications," specifically, his attempt to marry James McConnell (McConnell's legal name is James Michael McConnell. His name appears differently in the various cases that were filed). In an appearance before the *Board* with *MCLU* staff attorney, R. Michael Wetherbee, Baker testified that he had complied with all applicable laws and faced no legal consequences as a result of his actions. In December of 1972, the *Board* sent Baker a letter stating, "The *Minnesota Board of Law Examiners* has concluded that it will make no objection to your application, which will be processed in due course." Baker was eventually allowed to take the Bar exam, which he passed, and he was licensed as a lawyer in Minnesota.

It is interesting to note that Wetherbee was the first openly Gay attorney to be hired in any of the *American Civil Liberties Union* affiliates. He

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<sup>16</sup>*Baker v. Minnesota Board of Law Examiners*, R. Michael Wetherbee, *MCLU* Staff Attorney (Because this was only an administrative hearing before the *Board*, there is no legal case number recorded. *MCLU* records refer to the case as C-10972)

was hired as the *MCLU*'s legal counsel in 1970 by Matt Stark to replace Lynn Castner who had recently retired.<sup>17</sup>

In addition to the Baker/McConnell cases, the *MCLU* was a pioneer in pursuing other issues of Gay rights in Minnesota, though the legal outcomes were decidedly mixed in advancing legal recognition of the rights of Gay men and Lesbians.

- In 1973, the *MCLU* won a case against *Northwestern Bell Telephone Company* for its refusal to hire Gay men.<sup>18</sup>
- In 1978, the *MCLU* lost a case against the *U.S. Army* in which the Army refused an Army Reserve commission to an honorably discharged soldier who had undergone a sex change.<sup>19</sup>
- Also in 1978, Jack Baker was the volunteer attorney when the *MCLU* filed an amicus brief with the Minnesota Supreme Court in a case against the *Big Brothers* organization for revealing information about a volunteer's sexual orientation to the families of clients. The Court rejected the *MCLU*'s arguments and allowed the *Big Brothers* organization to continue inquiring about sexual orientation and revealing that information to clients.<sup>20</sup>

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<sup>17</sup> Hanson, Dan C., *History of the Minnesota Gay and Lesbian Legal Assistance (MnGALLA)*, Golden Valley, MN, Friends of the Bill of Rights Foundation, 2009, p. 2

<sup>18</sup> *Schmitz v. Northwestern Bell*, United States District Court, District of Minnesota, Fourth Division, Case file Civ. 4-73-481, R. Michael Wetherbee, *MCLU* Staff Attorney

<sup>19</sup> *Jane Doe v. Department of the Army*, 510 F.Supp 900, Court file No. 3-79-184, Louise Miller O'Neill, *MCLU* Volunteer Attorney

<sup>20</sup> *Big Brothers v. Johnson*, 284 N.W.2d 823, Court file No. 48950, Patsy Reinard, *MCLU* Staff Attorney; Jack Baker, *MCLU* Volunteer Attorney

- Another *MCLU* case which was lost before the *Minnesota Supreme Court* involved dozens of men who had been arrested and ticketed for indecent conduct, specifically, engaging in consensual sex in a private bathhouse.<sup>21</sup> The *MCLU* argued in a brief submitted to the Court that Minneapolis ordinances against “indecent conduct” and “disorderly houses” violated privacy and free expression rights, and punished people for merely being present where consensual sex was taking place. Ultimately, the *Minnesota Supreme Court* denied the plaintiff’s petition, upholding the Minneapolis ordinances.<sup>22</sup>

Though the *MCLU*’s record of legal victories in Gay rights cases was, at the time, spotty at best, its history shows an unflagging support for Gay and Lesbian civil rights that was far ahead of even the national civil liberties community. On November 18, 2005, that record was recognized by Matt Coles, who had been the ACLU’s Lesbian and Gay Rights (LGBT) Project Director since 1995, who wrote, “The Minnesota Civil Liberties Union was certainly a leader on LGBT rights at the ACLU. The folks there recognized that LGBT rights were an important civil liberties issue well before the national ACLU, or many other affiliates did.”

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<sup>21</sup> *Minneapolis v. Victor*, Jeff Keyes and Robin Newman, *MCLU* Volunteer Attorneys. Though exhaustive searches were made of legal records at the *Minnesota Civil Liberties Union*, the *Tretter Collection* at the *University of Minnesota’s Special Collections and Rare Books Office*, and the *Minnesota Historical Society*, and interviews conducted with Jeff Keyes formerly with Reinhardt and Anderson, the attorney who directly litigated the case, and Teresa Nelson of the *MCLU*, records of the case, including the file number, could not be located. *MCLU* records refer to the case as C-0180, denoting the first civil case to be taken in 1980 by the *MCLU*.

<sup>22</sup> Stark, Matthew and William Roath, *Minnesota Civil Liberties Union, Gay and Lesbian Rights*, Booklet, 1992, p. 5

## Chapter 4: GLBT Activism and Reactions

Beginning in the early 1970s, *Gay Pride* marches were held in Minneapolis with GLBT people streaming through downtown and holding rallies in Loring Park, on the south edge of downtown. Activists and political hopefuls trying to garner the support of Gay men and Lesbians punctuated the marches and rallies with speeches. Political activism by GLBT people began to pay off in the form of new Gay rights ordinances that were passed by the City Council of Minneapolis on March 29, 1974, and by the St. Paul City Council on July 16, 1974. The ordinances were milestones, making the Twin Cities among the first cities in the United States to guarantee Gay rights at the local level.

But the ordinances created a firestorm of controversy and eventually attracted the attention of anti-Gay activist Anita Bryant. She was a moderately famous entertainer and former *Miss America* beauty pageant contestant who was well known in American homes because of her job as a television spokesperson for Florida Orange Juice. She was also known for actively challenging Gay rights around the country through her *Save Our Children* campaign. Bryant began her anti-Gay campaign in 1977, after commissioners in Dade County, Florida, passed an ordinance prohibiting discrimination on the basis of sexual orientation. With the assistance of the anti-Gay religious leader, the Reverend Jerry Falwell, Bryant's organization forced the repeal of the Dade County ordinance with a public vote that went more than 2 to 1 against Gay rights.

There was an immediate backlash as outrage over anti-Gay discrimination spread through the Gay and Lesbian community. Gay bars across the country refused to sell cocktails made with Florida orange juice. Gay activists argued for a boycott of all Florida citrus products. Still, Bryant pressed on in her fight against Gay rights, announcing that her organization would *target* the Gay rights ordinance in St. Paul for repeal. Minnesota GLBT activists fought back, announcing the creation of the *Target City Coalition* to counter Bryant's foray into Minnesota politics. The *Target City Coalition* was a loosely organized group that engaged in direct action and street theater, dedicated to deliver public humiliation to anti-Gay campaigners. Among other actions, members

created what they called the *öpie fileö*, a list of public figures targeted for the group's wrath. Anita Bryant was the most famous person targeted and drew the most attention for the *Coalition* when it attacked her. On October 14, 1977, allegedly in cooperation with a reporter from Minneapolis television station WCCO, Minnesota Gay activist Thom Higgins threw a pie in Bryant's face while she was conducting television interviews in Des Moines, Iowa. Clips of the pie throwing were played on news programs across the country and are still available via the Internet. Also that year, 22-year-old Gay activist Patrick Schwartz threw a pie in the face of Catholic Archbishop John R. Roach in protest of Roach's role in lobbying against Gay rights at the Minnesota State Legislature. News coverage of the incidents gave Higgins and Schwartz instant nationwide notoriety and showed the public that Gay activists were no longer willing to meekly sit back while anti-Gay campaigners worked to strip them of their rights.<sup>23</sup> Despite, or perhaps because of its tactics, the *Coalition* was ultimately unsuccessful in its attempt to defend the St. Paul ordinance. In April 1978, a public vote in St. Paul defeated the Gay rights ordinance by a 2 to 1 margin. The ordinance in Minneapolis was spared a similar rebuke from voters because the Minneapolis City Charter did not allow for citizens to call for a referendum on legislation enacted by the City Council.<sup>24</sup>

Anita Bryant's strident activism was not without cost. She eventually lost her job as pitchwoman for Florida Orange Juice when the Florida Citrus Commission allowed her contract to lapse because of the Gay-organized boycott and the negative publicity she generated for their products.

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<sup>23</sup> See <http://www.may-18-1970.org/Quest-42.html> for details

<sup>24</sup> Hanson, pp. 2-3

## Chapter 5: Taking on City Hall

Gay Pride events in the Twin Cities have been coordinated since its inception by the *Gay Pride Committee*. Throughout its history, the *Committee* has seen numerous changes in leadership and organizational structure. *Roberts Rules of Order* governs today's meetings and members are voted into their positions through formal elections. Much time is spent ensuring gender balance and consensus in decision-making. In 1980, the process was much less formal. According to people who were part of the organization at the time, whoever showed up and was willing to do the work could claim leadership of the organization and make decisions based on what they wanted the *Pride* celebration to be like.

Tom Burke moved to Minneapolis in 1975 and soon got involved with Gay organizing. After watching the *Pride* festivities unfold for several years, he decided he wanted to step in and make some changes. He and his friend Brad Golden felt that the dry, political nature of the event was driving people away. "One of the first things we did when we took it over," he said in a 2003 interview with the author,\* "was to change it from a march and a rally to a parade and a festival because we wanted people to think this was going to be fun. We made a bunch of changes almost immediately. We thought that marches and rallies scared people off. *Gay Pride* in its own way is sort of a "coming out" celebration. For many people, it's the first Gay thing they ever do."

A graduate of Georgetown University in 1968 (classmate Bill Clinton would later become President of the United States), Burke later attended Stanford University Law School after being drafted into the U.S. Army and serving in the Vietnam War. When he completed his law degree in 1973, Burke moved to Buffalo, New York, where he worked for the *Attica Brothers Legal Defense*, part of a class-action lawsuit for the nearly 1,300 Attica Prison inmates in New York state who were beaten and tortured by prison guards after a 1971 prison uprising.

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\* All quotes herein are taken from interviews with the author unless otherwise noted.

Brad Golden's background in civil rights wasn't nearly as high profile as Burke's. Golden was steeped in the culture of small town Minnesota. He was born in 1956 in Virginia, Minnesota, and grew up in Robbinsdale, a first-tier suburb of Minneapolis. In 1981, he was living near Loring Park, in the center of Minneapolis, and working in an art gallery. He said in a 2009 interview that claiming the leadership of the *Gay Pride* organization was easy, but it was the work that was hard. "There was no one else willing to do it. It was a struggle to get anyone involved. There weren't that many people who were all that 'out' and there weren't many people willing to do the work." Burke and Golden simply said that they were in charge and began doing the work to put on the *Gay Pride* events.

Not only were many people unwilling to do the work, but, Golden said, there were also political forces actively trying to slow down their efforts in gaining visibility and expanding Gay rights. "There was the DFL-controlled establishment and then there was us. The establishment and the bar crowd thought we were doing something wrong, hindering Gay progress somehow." The attitude was, Golden said in a 2003 interview, a product of "internalized homophobia. It exists in all of us to one extent or another. Guys today (in 2003) haven't been allowed to learn it."

He recalls trying to raise money for the Pride events in 1981 through button sales and the reaction that he got from some people in the Gay community. "I went into the *Happy Hour* (bar at the *Gay Nineties*) to sell these stupid little two dollar buttons, and one guy spit in my face and said, 'You're doing more harm than good here. Why don't you just move back to San Francisco?'" It was, Golden says, quite a shock to hear comments like that since he was born and raised in small-town Minnesota.

Burke said, "Our philosophy was that putting on *Gay Pride* was inherently political at that point," for both organizers of the event as well as for attendees. It was clear that, as with other political issues, maintaining the traditions of the *Gay Pride* events during a time of seismic shifts in the political landscape was going to be a challenge. While Burke and Golden were taking over the cultural festivities and delivering a political message, they were, up to that point, largely able to avoid stepping directly into daily political fights. Those who did so ran the risk of incurring the wrath of established political leaders, both Gay and straight. As Burke and Golden began making plans to hold a block

party, they found out that Gay political leaders, both out and those still in the closet, would oppose their push to claim their Constitutional rights.



Minneapolis *Gay Pride* festivities were funded through sales of buttons like this in the 70s and 80s. Eventually the sale of buttons was halted as the organization began getting corporate sponsorships.

Jack Baker, who had figured prominently in previous Gay rights cases, was the Corporate Counsel for the *Target City Coalition* and worked closely with the *Gay Pride Committee*. In a 2008 interview, he castigated the leaders of the DFL party and the champions of the early Gay movement in Minnesota whom he says abandoned their idealism and became part of the mainstream political system. Baker reserved particular ire for MN State Senator Allan Spear who in 1974 became one of the first openly Gay elected public officials in the U.S. Baker claims Spear was hiding in the closet (at the time). He was an officer of some sort in the DFL. He was proclaiming that he was the leader of the Gay people and that we were supposed to obey him. And you know, we laughed at that. That was just silly. How could somebody who's hiding in the closet be the leader of the Gay people?

Tim Campbell, who published the Gay newspaper *The GLC Voice* in Minneapolis from 1979 until 1992, says there were closeted politicians who were pulling the strings from behind the scenes and that is what led to the animosity between Baker and Spear. "Part of the dispute over 'closetry' and other issues is that Spear and his cohort offered what we called half a (Gay rights) bill, where we would be covered for housing and employment but not in public accommodations." In a 2010 interview, Campbell said, "The fear was that coverage of a full Gay rights law would lead to a case where it would cover Gay marriage so that's where the issues dovetail."

Jack Baker was pushing for rapid changes both in *Pride* festivities and in the law. He grew frustrated with political leaders who "insisted that we go slow and negotiate. It was kind of like the go-slow crowd that, even today, are still talking and going slow. Our position has always been [that] we want full equality for Gays and we're not going to negotiate on that issue. And the DFL kept wanting to negotiate. They wanted to be the ones who decided how much equality (they would give us). And we said 'no, absolutely not. You're not going to decide that. We will. If it's in the Constitution, it's ours, and we don't need you to negotiate that. Either it is or it isn't.'"

Tim Campbell shared Jack Baker's dissatisfaction with the pace of change and the motivations of elected officials. "Our allies in politics would have gone along with Jack Baker if there hadn't been closeted Gays saying it was too radical." So, in a sense, Allan Spear was in a position to frustrate and thwart advances in Gay rights." Campbell says that even the "out" politicians such as Spear were "carrying water for those people (who were still in the closet) who claimed to have greater wisdom because they were already in power. If they had overcome that, we would have had a good model for Gay rights laws throughout the country."

With that undercurrent of homophobia simmering through Minnesota politics, in May of 1980, the *Gay Pride Committee* formally applied to the City of Minneapolis for a Block Party permit to close Hennepin Avenue between 4<sup>th</sup> and 5<sup>th</sup> streets, set up a stage and have music and entertainment in much the same way that had been done for other events put on by members of the straight community. The City Council, on June 4, 1980, citing traffic issues at the busy intersection, refused to

grant the permit. With little to no time to mount a challenge to the City Council's ruling, the annual Pride Celebration was held in Loring Park, without a Block Party that year. However, the City Council was mistaken if it thought the issue was settled.

Tom Burke recalls when the decision was made to press on with the fight against the City. He says the *Gay Pride Committee* knew they were going to have a legal fight over having a Block Party on Hennepin Avenue and the whole thing became spectacle, receiving a lot of media attention and driving emotions on both sides of the issue. "It always seemed like a very Gay thing to do," Burke says, "to have a lawsuit over your right to have a party in the streets. It was the perfect thing and nobody, other than the politicians, thought that they should be turning us down."

The Minneapolis City Council may not have anticipated that the *Gay Pride Committee* was serious enough about the Block Party issue to bring a legal challenge, but now the fight was on. The *Gay Pride Committee*, as clients of *MCLU*, prepared to file a federal lawsuit.

For *MCLU* Executive Director Matthew Stark, the issue of the City Council's refusal to allow Gays to have a Block Party on Hennepin Avenue was a clear violation of the *Gay Pride Committee's* Constitutional rights. While the power brokers in the Democratic Farmer Labor (DFL) political machine warned the Gay activists to back off, Stark and the *MCLU* remained firm in their support. "The *MCLU* was the only non-Gay organization that was strongly supportive," Stark recalled in a 2008 interview.

Stark had a long history of civil rights activism in Minnesota. Beginning in 1958, Stark was a volunteer for the *MCLU*. From 1967 until 1987 he served on the Board of Directors for the organization, serving from 1967 to 1973 as President and then as Executive Director beginning in 1973. Throughout those years Stark collected a file of newspaper clippings about numerous closings of Hennepin Avenue. Some of the closings were for political demonstrations at the height of the civil rights movement, but others were for commercial or entertainment purposes. "The City had allowed the street to be closed numerous times for commercial purposes," said Stark. "Typically, courts have said that political speech has a much higher priority than commercial speech," he

explained. His clipping file cited numerous instances where Hennepin Avenue had been closed for non-political events such as movie premieres and even for a world-record tap dancing exposition.<sup>25</sup> It was that file that proved to be valuable as the *Gay Pride Committee* prepared to fight for their Block Party permit.

After having its application denied by the City Council in the spring of 1980, the *Pride Committee* applied again in August of that year for a Block Party permit for the Gay Pride festivities in June of 1981. With Jack Baker serving as legal counsel for the *Gay Pride Committee*, negotiations and City Council meetings followed throughout the fall of 1980. But the *Committee* was unable to make any headway against the strong political sentiments at City Hall among members of the *Downtown Council*, an association of Minneapolis business leaders who also produced the annual *Aquatennial* civic celebration, which included a parade and a block party on Hennepin Avenue. After several months of delays while the application was shuttled through various City committees, the full City Council once again voted on the application, formally denying it by a 12-1 vote on November 26, 1980.

Brad Golden recalls that 6<sup>th</sup> Ward Council member (and Roman Catholic nun) Jackie Slater was one of the City leaders who opposed the Block Party. "It still boggles my mind. She said she thought people would attack us. She said she was doing it for our own protection." But Golden knew that the law was clear and that Slater and the other opponents on the City Council would eventually lose. "There wasn't any doubt in my mind that we would win. It was clear that she was breaking the law and it was obvious discrimination against Gays."

Jack Baker was in frequent meetings with City leaders, but says the City Council never understood that the committee was aiming for more than just permission for a Block Party, they wanted something much bigger — equality, and recognition that Gays enjoy the same Constitutional rights as everyone else. "The Council was periodically letting their friends use Hennepin Avenue for a Block Party and you had to be part of the chosen few. And we said no, we want an ordinance that makes it very clear who can (use Hennepin Avenue) and who cannot. You've let some other

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<sup>25</sup> "Gay group sues to use street for celebration," *Minneapolis Tribune*, 19 April, 1981, p. 8C

people, then you've got to let us. That's what the fight was all about. We weren't just trying to hold a Block Party for the sake of holding a Block Party. We were trying to negotiate an ordinance that made it very clear that Gays are just as equal as anybody else.ö But, Baker said, it was made clear by the City Council and the *Downtown Council* that Gay rights were not a priority.

The *MCLU* was following the case closely. After its Board of Directors voted to take the case, *MCLU* Executive Director Matt Stark recruited volunteer attorney Jonathan Adams to litigate the suit.\* Basing the case on the *Gay Pride Committee's* desire for free speech and equal protection under U.S. Legal Code and the First and Fourteenth Amendments to the U.S. Constitution (See Appendix, page 53), attorney Adams, on behalf of *Gay Pride Committee* co-chairs Tom Burke and Brad Golden, filed a complaint in U.S. District Court on April 17, 1981. The complaint was peppered with citations of previous street closings and pointed out inconsistencies in the City's application of its ordinances regulating parades and block parties. It also noted that the City Council had previously authorized closing streets through what it called a "Special Council Permit," an instrument which had no legal basis in City ordinances or the City charter.<sup>26</sup> The legal filing included a brief history of Gay activism in Minneapolis and detailed prior Minneapolis Gay Pride celebrations. The suit sought a judgment that the City's actions were unconstitutional and asked the Court to force the City to allow the Block Party to take place.

City Council members admitted that other closings of Hennepin Avenue had taken place, but contended that some were mistakes that they did not want to see repeated. Eighth Ward Alderman Mark Kaplan also objected to closing off Hennepin Avenue because of the proximity of three Gay bars, including the *Gay Nineties*. "It's not good City policy to enhance the business of liquor establishments by closing the street."<sup>27</sup>

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\* As with all other *MCLU* cases that are not handled by staff attorneys, this case was litigated by a volunteer who received no reimbursement for his efforts.

<sup>26</sup> United States District Court, District of Minnesota, Fourth Division, Case file Civ. 4-81-208, 17 April 1981

<sup>27</sup> "Gay group sues to use street for celebration," *Minneapolis Tribune*, 19 April, 1981, p. 8C

# Gay group sues to use street for celebration

Minneapolis Tribune, 18 April 1981

In its Answer to the Federal Court Complaint, the City Council, through City Attorney Les Karjala, attempted to frame the argument as one of logistics and traffic control rather than overt discrimination. The City Attorney denied each and every allegation, matter and thing contained in said Complaint.ö He also argued that Burke, Golden, and the *Gay Pride Committee* did not have standing to bring the suit, and alleged that the Federal Court didn't have jurisdiction over the case.

Karjala also gathered support from the Minneapolis Police Department, and the Minneapolis City Traffic Engineer, David R. Koski, supported his case. Koski said in an affidavit that more than 6,000 vehicles used the street on a typical Friday night. He acknowledged that, though he consistently argued against closing Hennepin Avenue for public events, prior closures *had* occurred. öPresumably the City as a whole derived some benefit from the attendant publicity,ö Koski said.

Even with logistical issues forming the basis of the City's case, eventually, some members of the City Council recognized the possible ramifications of the suit. Quoted in the *Gaily Planet*, a Gay newspaper published by Tom Burke, 7<sup>th</sup> Ward Alderwoman Parker Trostel, who opposed issuing the permit, said, öThis is a political issue, not a traffic issue.ö<sup>28</sup> Meanwhile Alice Rainville, the Council president, was quoted widely as saying she didn't want the Block Party to be held in downtown for fear it would öturn Minneapolis into the San Francisco of the wheat belt.ö Clearly, homophobia, buried under a layer of öMinnesota Nice,ö was playing some role in the denial of the permit. Robert Halfhill, who was treasurer for the *Gay Pride Committee* at the time, summed up the

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<sup>28</sup> öCommittee rejects block party; Gay Pride files complaintö, *Gaily Planet*, 26 November 1980, p. 11

level of anxiety the Council apparently felt about the issue: "You'd think we were asking them to overthrow capitalism!"

## Fraser vetoes block-party ban

Minneapolis Tribune, 12 February 1982

Dennis Schulstad, who spent 22 years as a member of the City Council representing the City's 12<sup>th</sup> Ward, said in a 2008 interview that his opposition to issuing the Block Party permit was based on a broader opposition to acknowledging rights for any minority group. "My feeling, and I was clearly in the minority, was that I was opposed to *Affirmative Action*. I have no problem with Gay rights, but I didn't see any more reason to have a Gay Pride Day than a Heterosexual Pride Day. It wasn't so much an issue of Gay Pride, but *any* organization would have been denied (the permit)." In all likelihood, we probably would have said "No." But, he conceded, publicity about the case was driving the issue from both sides. "None of these events would happen if there wasn't media attention." He also acknowledged, "From a strict policy point of view, if you're going to close the streets for one organization you have to do it for others. There have to be rules set out that apply to all."

## Chapter 6: The Court Favors Gay Rights

Looking back at *Gay Pride v. the City of Minneapolis*, Jonathan Adams, the MCLU volunteer attorney who took the case to court, said in a 2008 interview that the Council members unwittingly worked themselves into a corner. He said the Minneapolis City Council hadn't understood the legal issues back when they had streets closed off for all sorts of other things. They do things just ad hoc. If the City Council had sat down twenty years before that case and said "here are the criteria we're going to use in deciding whether we'll let someone close off the street for some kind of celebration or protest or something," that probably would have passed Constitutional muster. But they never did that. They just kind of reacted saying, "Yeah this is a good idea. No we don't like this." And that's basically what the Constitution forbids—deciding who can use the streets for things based on whether you like their ideas or not. For Adams, the case was a chance to get his feet wet in front of a federal judge with a relatively high profile civil rights case. Just 26 years old at the time, Adams was a freshly minted lawyer, having obtained his law degree from *New York University* in 1979.

It was a case I believed in, but it wasn't like I had gone out to seek this particular case. It was one of general First Amendment issues. Adams knew case law supported a ruling favorable to the *Gay Pride Committee*, but he also feared there might be truth in the aphorism "You can't fight City Hall." But after working with Tom Burke and Brad Golden to compile the legal complaint, Adams was confident in the strength of the case.

The (United States) Supreme Court had decided quite awhile ago that if you're going to restrict the use of streets for First Amendment activity, you've got to use the least restrictive alternatives," Adams said. "And in this case the City had let people close the streets for all kinds of things—movie premieres, tap dancing and everything, which really undercut their argument that there is an overwhelming necessity to keep the traffic flowing." Adams said Federal District Court Judge Miles Lord made his opinion clear early on. "It looked like he basically made his mind up after reading the briefs. Once he had gone through all that, there wasn't a whole lot of question."

Judge Lord received his law degree from the *University of Minnesota* in 1948. His career as a public servant began in earnest in 1951 when President Harry S. Truman appointed him Assistant U.S. Attorney. He served in that capacity until 1955 when he was elected Attorney General of the State of Minnesota. He was appointed U.S. Attorney for the Minnesota District by President John F. Kennedy in 1961 and was elevated to the Federal bench by President Lyndon B. Johnson in 1966. Lord had earned the wrath of conservatives for a series of rulings he made against corporate interests in the 1970s. In a ruling against the *Reserve Mining Corporation*, which was dumping mining waste into Lake Superior, Lord wrote “This court cannot honor profit over human life.” In another case, Lord held the executives of the *A.H. Robins Company* personally liable for injuries to women who used the *Dalkon Shield* intrauterine device. That ruling led to a hearing before a judicial review panel that ultimately decided that Lord had not overstepped his bounds as a Judge.

In a 2008 interview, Judge Lord said, “I never considered myself an activist. It was never hard for me to make decisions when I felt something was right and fair.” Clearly, volunteer attorney Adams and the *MCLU* had landed in a favorable courtroom. His previous rulings had established Judge Lord as an advocate for the relatively powerless public against corporate and governmental interests. He explained his seeming advocacy for citizens against institutional power this way: “I’ve had my taste of that kind of thing. Steeped in, you might say, the resentment of power. I’ve had my share of looking at power and privilege, and it made me sick.”

Throughout May of 1981, attorneys for both sides scrambled to file affidavits and get their opinions before Judge Lord. When attorneys for the two sides met before him, Judge Lord attempted to smooth the issue over, offering a stipulation\* between the parties rather than an official court order to encourage a compromise between the *Gay Pride Committee* and the City. But, if Gay Pride organizers wanted to dance in the streets, they had to wait. The City had a lot of resources and was not

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\* A stipulation is an agreement between the parties to a suit that is designed to simplify and shorten litigation and save costs.

interested in ceding control of City streets to a federal judge. The City Council rejected the terms of the stipulation, insisting on a formal judgment from the bench.

# Council rejects ruling on use of street by gays

Minneapolis Tribune, Saturday, 23 May, 1981

Dennis Schulstad, the Minneapolis 12<sup>th</sup> Ward Alderman, denied the City's history saying that Judge Lord "doesn't care about the precedent he's setting. We've never closed Hennepin Avenue in the past and now we'll have to in the future." Other Council members echoed Schulstad's fear. Tony Scallon, Alderman for the 9<sup>th</sup> Ward, warned, "We'll get (requests for) permit after permit. We have to make it clear that we intend never to close Hennepin Avenue for any group so long as we have the one-way (street) system."<sup>29</sup>

A battle erupted between Mayor Don Fraser and the Council members who opposed the *Gay Pride* Block Party plan and had enough votes to force an appeal of Judge Lord's stipulation. Fraser vetoed the appeal, citing the expense involved. But Council members were ready to fight to maintain control over the City's streets and voted to override the veto, sending the case back to Judge Lord.

On June 16, 1981, Judge Lord issued a stinging rebuke to the City. In his formal ruling he wrote, "It can only be concluded that if the City's action was not discriminatory on its face, then it used a method that was so open to abuse as to be un-Constitutional. This method was so lacking in control as to preclude the even-handed administration of justice." Citing the competing interests of keeping roads clear for traffic versus preserving Constitutional freedoms, Judge Lord came down firmly on the side of free speech rights. "Certainly," he wrote, "the general public interest in preventing governmental contravention of Constitutional freedoms is far more important than a transient interest in maintaining

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<sup>29</sup> "Council rejects ruling on use of street by Gays," *Minneapolis Tribune*, 23 May, 1981, p. 6A, 11A

the free flow of traffic on Hennepin Avenue.ö With the legal questions tipping in favor of the *Gay Pride Committee*, Judge Lord öordered that the City of Minneapolis shall issue the Block Party Permit to plaintiffs allowing for the closure of Hennepin Avenue between Fourth and Fifth Streets from 8:00-9:00 p.m. on June 26, 1981.ö<sup>30</sup>

Infuriated, the City Council quickly voted to appeal Judge Lord's ruling to the Eighth U.S. Circuit Court of Appeals in St. Paul. Mayor Don Fraser warned the Council against the appeal and issued another veto. With tempers flaring over the issue, the Council once again overrode the Mayor, asking the Court of Appeals for relief from Judge Lord's order. But the Appeals Court rejected the City's arguments. Citing the relatively minor inconvenience the City might face, the Federal Appeals Court said that the City failed to prove öirreparable injury of any substance.ö<sup>31</sup>

## City loses appeal; gay group can use Hennepin for party

Minneapolis Tribune, 20 June, 1981

Even after losing twice in Judge Lord's courtroom and also losing its appeal to the Eighth Circuit Court of Appeals, the City Council still had some discussion about advancing the case to the U.S. Supreme Court. While opponents of the Block Party recognized that Judge Lord's ruling guaranteed that the Party would indeed take place, they held out the possibility of further appeals. 13<sup>th</sup> Ward Alderwoman Charlee Hoyt voted against the appeal and seemed resigned to the fact that the *Gay Pride* Block Party would go on. öFor the short term we have no way to

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<sup>30</sup> Lord, Miles. *Gay Pride Committee, et. al. vs. The City of Minneapolis, et. al.. Order. Civ. 4-81-208*. United States District Court, District of Minnesota, Fourth Division. 16 June 1981, p. 5

<sup>31</sup> öCity loses appeal; Gay group can use Hennepin for partyö, *Minneapolis Tribune*, 20 June, 1981, p. 6A

fight it. After the block party we could go ahead and appeal, but I don't know.

Judge Lord said in 2008 that the case was not difficult to decide, but he was surprised at the political fight it created. "It was so easy for me to decide this. I didn't have to do a whole lot of legal thought. It was obvious that they did it for everybody else but not for these guys." Brad Golden said in 2009 that he understood City leaders might not have easily accepted the ruling, but that he didn't think Judge Lord was taking any risks by granting the permit. "I think he was following the law. It was a First Amendment issue basically. There had been so many cases supporting what we wanted to do. I think it may have been unpopular, but I think he just did the right thing."

Mayor Don Fraser was in the middle of his first two-year term when the *Gay Pride* Block Party case was being litigated. He had plenty of past political experience, having served in the Minnesota Senate for eight years and as the 5<sup>th</sup> District U.S. Representative in Congress from 1963 until 1979. Still, he was surprised by the vehemence felt by some members of the City Council and was surprised that they would override his veto to pursue the case in court. "I just thought it was the wrong thing to do." In a 2008 interview, he said, "To keep fighting this meant they were alienating some political support." Fraser suspects that some Council members may have been playing to anti-Gay prejudices among voters rather than acting on their own feelings on the issue. But, he said, continuing the fight could prove to be politically risky. "Political issues didn't run all in one direction and for them to look like they were die-hard opponents I don't think served their interests," he said. "They may have felt that, having taken the steps they did, they insulated themselves from people in the electorate who did feel strongly about the issue."

It was that kind of political understanding that formed Fraser's opinion that the Council should move on and let the issue drop. In a 2008 interview he said, "You know, if the City Council had succeeded in blocking this...I think it might have slowed down the public's acquiescence or acceptance. It would have been sad to have the Council position prevail. It might have encouraged people who led the opposition to remain even more active."

## Chapter 7: Let the Party Begin!

Armed with a Federal Court Order that was only valid for Friday, June 26, 1981, and backed by a Federal Appeals Court that wouldn't allow the City to stand in the way of free speech, *Gay Pride* organizers frantically began planning for the Block Party. "Our first reaction when Lord ruled was panic, because we didn't know what we were going to do," said Tom Burke in 2003. "Suddenly we had a Block Party we were going to have to put on. There had never been a thought, really, that we were going to win this thing." With an unknown number, possibly hundreds or even thousands of attendees expected, *Gay Pride Committee* organizers wondered whether they could pull together the resources for the event. Brad Golden recalls that there was discussion of postponing the Block Party until the following year. "We had to completely modify our plans. Jack (Baker) was insistent that we do it or we'd lose all credibility." Ultimately, the group recognized the importance of pushing on with the event.

With limited time to coordinate all the details, planning kicked into high gear. A truck was rented for a stage, a band and drag entertainers were hired, and speeches were written. Clocklike precision was going to be necessary since Judge Lord's ruling only gave organizers a one-hour time slot in which to hold the Party. "We had to figure out a way to set up and tear down a Block Party in one hour," says Burke. But Burke remained thankful, despite Judge Lord's somewhat limited ruling in favor of the *Gay Pride Committee*; "Miles Lord was the only Judge who would have given us that court order."

Not everyone in the Gay community was thrilled about the Block Party or the legal battle that dominated the headlines that year. Anti-Gay discrimination was still rampant at the time and police harassment and raids of bathhouses and bars were common. In that atmosphere of fear and repression, many Gay people felt that keeping a low profile was the best way to advance their agenda. Brad Golden said that even the *DFL* leadership, which consistently courted support and money from Gay constituents, looked at themselves as the "establishment," and then there was us, "the radical element that was pushing for too-rapid change."

Jack Baker claimed in a 2008 interview that after the *Gay Pride Committee* won in Federal Court and while they were furiously planning for the Block Party, there was a behind-the-scenes whisper campaign by *DFL* leaders to sabotage the event. "The hardcore Democrats passed the word," advising people not to show up to the Block Party. "The word was 'don't go to the *Gay Pride* (events).' The Democrats would make that very clear that this isn't part of the official *DFL*."

Even with limited time for planning and scarce financial resources, the Party went off, more or less, without a hitch. Claude Peck, who later became the fine arts editor at the *Minneapolis Star Tribune*, recalls driving a truck loaded with band equipment and the band, *Urban Gorillas*, from a parking lot and into its place on Hennepin Avenue. An extension cord was quickly produced and plugged in inside the *Gay Nineties* to power the sound system.

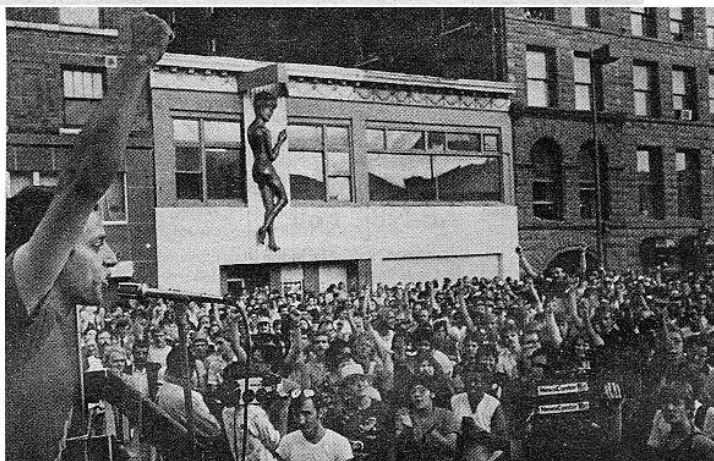
"I don't particularly remember what happened," Tom Burke told the author. "Something happened for an hour with the drag queens and the band and speeches and then unplug and Hennepin Avenue is free to traffic again."

While Burke's memory has faded, Brad Golden still says, "It was the most exhilarating moment of my life. It was such an amazing buildup to it," he said in a phone conversation from his home in Los Angeles. "When I took the stage I couldn't believe the audience reaction. I had everything written down on a 3x5 card and when I got up on the stage the crowd just erupted; they wouldn't stop. My little 5 minute speech took 15 minutes. That, to me, was just amazing."

The major local Gay newspaper of the time, the *GLC Voice*, (edited and published in Minneapolis by Tim Campbell from 1979 until 1992), reported in its July 1, 1981, issue that nearly 3,000 people attended the party to listen to music, be entertained by drag queen "Miss Bette" and hear speeches from Brad Golden and the *MCLU*'s Matt Stark. The *Voice* quoted Stark as saying "The *DFL* was not there for you on this issue. *Common Cause* was not there. The *Minnesota Council of Churches* was not there fighting for you on this issue. And the *Catholic Conference* was not there." Stressing the long-term support shown on Gay rights issues,

Stark cheered, "The *MCLU* *was* there for you." The audience reaction was "thunderous" according to the *Voice*.<sup>32</sup>

## Nearly 3000 Jam Block Party Not even a hint of violence



*GLC Voice*, 1 July, 1981. Photo by Mark Peterson.

Stark vividly recalls the evening. "It was exciting. I mean no question about it. There were thousands of people and the street was packed. The Block Party was one of the most significant events in my life as the Executive Director of the *MCLU*." Stark, the keynote speaker for the evening, recognized and publicly congratulated *MCLU* volunteer attorney Jonathan Adams and had hundreds of *MCLU* membership envelopes distributed to the crowd. He recalled that dozens of attendees did, in fact, join the *MCLU*, recognizing the organization as an ally of the Gay rights movement.

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<sup>32</sup> "Nearly 3000 Jam Block Party. Not Even a Hint of Violence", *GLC Voice*, 1 July 1981, p. 1



Don Nelson entertaining at the first Gay Pride Block Party as Miss Bette. + *GLC Voice*, 1 July, 1981. Photo by Mark Peterson.

Jack Baker acknowledged the excitement of the evening, but recalled the news coverage focusing on what he called the "circus aspect" of the event. "Well the newsies made it into a thing. They came and they did what they usually do. They zeroed in on the drag queens. So, you know, that's what you saw on the TV that night. But that was it. You always have the drag queens. I've always thought that no matter what people say, the drag queens are the saviors of the Gay community. The drag queens are the ones who actually lead the charge. So I've never been embarrassed by the drag queens and I always thought they were campy. It was fun. It was a lot of work. For just an hour it seemed kind of silly to do the whole thing but we got a fairly decent crowd, you know, and a lot of onlookers who came."

The *Minneapolis Tribune* coverage of the event focused on the more prurient aspects of the evening, making reference to cross-dressers, men in leather, and an apparently drugged man with a baseball bat. Staff writer Joe Kimball employed a mocking tone throughout the *Tribune's* front-page article, saying, "The night belonged to the Gay and the gawkers." Deputy Police Chief Leonard Brucciani said, "I didn't figure

there would be any troubleö in the estimated crowd of 2,500. öIf there was it would have come from the outside, but there was nothing.ö<sup>33</sup>

For Brad Golden, all the work and the legal fight paid off in an interaction he had with one man as the Block Party drew to a close. öAfterwards this man came up to me and he was clearly old enough to have been my grandfather. And he said he just wanted to say -thank you.øHe was married and had kids and said he always knew he was Gay. He said, -Thank you for giving me the courage to say that. Iøm going to go home and tell my wife and kids where I was tonight. I donøt know how theyøll react, but I have to do it for myself and for everyone else who canøt do that.ø I saw him every year at *Pride* events,ö Golden recalled. öIf nothing else, it made a huge differenceö to that one man.

# Gays, straights flock to Gay Pride block party

Minneapolis Tribune, 27 June, 1981

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<sup>33</sup> öGays, straights flock to Gay Pride block partyö, *Minneapolis Tribune*, June 27, 1981, p. 1A, 7A

## Chapter 8: Establishing a Block Party Tradition

As the sun set on Friday, June 26, 1981, the crowds drifted away and organizers began the cleanup from the first-ever *Minneapolis Gay Pride Block Party*. Reveling in the success of the *Party*, organizers began working on plans to make it an annual feature of *Gay Pride* festivities. With barely time to catch their breath, in July of 1981, less than a month after the inaugural event, the *Gay Pride Committee* applied for a permit to hold the *Party* again the following year. The City Council was not nearly as enthusiastic. Still seething from their loss in Judge Lord's court, in February of 1982, more than six months after the application was made, the Council denied the permit for a second *Party* to be held in June of 1982. Instead, the City Council adopted a new ordinance that would ban *all* Block Parties in the downtown area except on Nicollet Mall. Jack Baker was in frequent negotiations with the *Downtown Council* and said, "The argument they gave (in favor of the new ordinance) was that they needed to have the flexibility for events that are for the City as a whole, and we didn't qualify."

Mayor Fraser couldn't ignore the recent beating the City had taken in court and he wasn't about to bend to the will of the conservatives on the City Council. "I don't recall that there was a lot of back and forth, give and take." Calling the new block party ordinance too restrictive, Fraser once again exercised his veto.<sup>34</sup>

12<sup>th</sup> Ward City Council member Dennis Schulstad was one of the leading voices opposing the 1981 *Gay Pride* Block Party and voted to override the Mayor's veto. He said the Council was looking at a broader agenda when it voted to oppose the Mayor and the Courts. "I don't know that that vote and that veto was strictly about *Gay Pride*," he recalled. Saying that there were wider implications for additional groups to request the streets, he stated, "in all likelihood we probably would have said no." But quotes in the local media at the time paint a different picture. In the

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<sup>34</sup> "Fraser vetoes block-party ban," *Minneapolis Tribune*, 12 February 1982, p. B1

*Minneapolis Star and Tribune*\*, Schulstad narrowly defined his opposition, saying, “I don’t hate Gays, but I disagree with what they believe in. They have a right to be heard” just don’t close our streets. They can demonstrate to their hearts content in the parks and on the (Nicollet) Mall.”

## **MCLU takes city to court over block party ban**

Minneapolis Star and Tribune, 8 April 1982

His colleague, Council member Tony Scallon, sounded a much more dire tone. In an interview with the *Star and Tribune*, Scallon warned, “If Matt Stark wins, one person could close a residential street and read pornographic literature for hours” as long as he didn’t read too loud and disturb the peace.”

Forced by the intransigence of some members of the City Council, the *Gay Pride Committee* found itself headed back to court. With the continued backing of the *MCLU*, the *Committee* once again filed suit against the City in April of 1982. This time they sought not only the Block Party permit, but also an injunction that would guarantee the right to hold Block Parties until the City could develop a “constitutionally acceptable” ordinance regulating such gatherings.<sup>35</sup>

On May 20, 1982, Judge Lord issued another Opinion and Order in the case, once again castigating the Minneapolis City Council for denying citizens their rights “under the guise of regulation.” Employing lofty

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\* The *Minneapolis Star* and the *Minneapolis Tribune* shared common ownership, but were operated as separate morning and evening newspapers. Operations for the two papers were combined on April 5, 1982, and began publishing as the *Minneapolis Star and Tribune*. The name was formally shortened to the *Star Tribune* on August 31, 1987.

<sup>35</sup> “MCLU takes city to court over block party ban”, *Minneapolis Star and Tribune*, 8 April 1982, p. 1C

language in defense of First Amendment rights, Judge Lord came down firmly on the side of the *Gay Pride Committee*. "Our society condemns punishment of dissidents not because we may agree with the dissident view but because we support the right of an individual to speak as he wishes." It is the unpopular cause that needs protections, again not because we agree with it, but because our society, our Constitution, demands the opportunity to espouse it; but a restriction on what may be stated in public is a restriction on all of society.<sup>36</sup> Judge Lord's ruling rejected the City's argument that Block Parties were permitted on Nicollet Mall, a parallel commercial and pedestrian street one block to the east of Hennepin Avenue where the *Gay Pride Committee* wanted to hold the event. "One is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place. While the availability of alternative channels of communication may be a relevant factor in determining the propriety of government restriction on commercial speech, it has no relevance to restrictions placed upon non-commercial speech in public forums." Judge Lord ordered the City to allow the Block Party to take place on Hennepin Avenue and guaranteed a one-hour time slot for the event between 8 and 9 p.m. on June 18, 1982. The Court also urged the City to "enact a narrowly drawn street-use ordinance" so that the court would not, once again, be "compelled by the Constitution, as it is now, to impose standards for City government."<sup>37</sup>

After producing the Block Party in 1981, the *Gay Pride Committee* had the experience necessary to pull off another celebration without much fuss. They weren't under as tight a deadline as they had been in the previous year and planning for the 1982 Block Party proceeded smoothly. On June 18, 1982, thousands of people attended the Block Party and there was little of the trouble that had been predicted and worried about by the City Council.

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<sup>36</sup> Lord, Miles. *Gay Pride Committee, et. al. vs. The City of Minneapolis, et. al., Opinion and Order. Civ. 4-81-208.* United States District Court, District of Minnesota, Fourth Division. May 20, 1982, p. 3

<sup>37</sup> *Ibid.*, p. 10

# Judge again orders city to allow Gay Pride to stage block party

Minneapolis Star and Tribune, 22 May 1982

Even after Judge Lord's reasoned and impassioned defense of Constitutional rights, Alderman Tony Scallon remained outraged. "The federal courts are in control of the streets," he claimed.<sup>38</sup> Scallon's outrage notwithstanding, following the City's second foray into Judge Lord's Court, attitudes on the Council about Gay rights began to shift. Seeing the number of attendees at the *Gay Pride* Block Parties and other *Gay Pride* events at Loring Park, some Council members sensed that anti-Gay activism was a political dead end and began to moderate their stances. The membership of the Council changed as well, following the November, 1982, elections, gaining some members who actively courted the Gay vote during their campaigns.

After two years of losing legal battles and with a shift in political will, the Council voted not to appeal Judge Lord's latest ruling and agreed to begin considering changes to the Block Party ordinance that would be acceptable to the Council, the *Gay Pride Committee* and the courts.<sup>39</sup> In December of 1982, a new ordinance was adopted allowing any group to receive a permit to block off downtown streets during non-rush hours as long as the group carried the proper insurance, placed barriers in the streets, and paid the proper bonds and fees to the City.<sup>40</sup> The *Gay Pride Committee* continued to hold Block Parties on Hennepin Avenue for several years after its legal victories over the City. In 1983, the entertainment included the rock band *Loud Fast Rules*, which rose to

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<sup>38</sup> "Judge again orders city to allow Gay Pride to stage block party," *Minneapolis Star and Tribune*, 22 May, 1982, p. 7C

<sup>39</sup> "Council won't appeal block-party ruling," *Minneapolis Star and Tribune*, 12 June 1982, p. 8A.

<sup>40</sup> "Mayor signs new block party ordinance," *Equal Time*, 12 January 1983, p. 1.

international fame shortly after that under the name *Soul Asylum*. Eventually the Gay bars on Hennepin Avenue took over production of the event.

Tom Burke remembered, in a 2009 interview, his reaction to the City Council's decision to end the fight. "We actually hoped that the City would appeal it to the (United States) Supreme Court. I wanted to know what (U.S. Supreme Court Chief Justice) Warren Burger thought about our little party. In the end it didn't matter if we won or lost, it was the fight that was important." Burke also said that the ramifications of the fight went beyond what played out in the media. "Psychologically it had a big impact. All the people stuck around downtown just to see what would happen (at the first Block Party). It also had a political impact. The support for Gay rights in Minneapolis had always been a backdoor thing—backdoor deals with *DFL* politicians—and this case made it clear that the people on the City Council were a bunch of hypocrites. We established the legal principle that we had a right to use Hennepin Avenue just like everyone else did. So it was a huge success. I think it really galvanized the Gay community too."

The *Gay Pride Committee* was obviously overjoyed that their case had gotten so much attention and that they had beaten City Hall, preserving the right of people to express themselves in the streets. In September of 1982, *Pride Committee* Coordinator, Michael Williston, wrote to Matt Stark and volunteer attorney Jonathan Adams at the *MCLU*, "We thank you from the bottom of our hearts for persevering in the development of a comprehensive street use ordinance for the City of Minneapolis." (See Appendix, page 54)

Judge Lord continued to feel that the City never should have pursued the case since the facts and the issues were so clearly in favor of the *Gay Pride Committee*. In a 2008 interview, he stood by his reasoning in the case, saying, "You have a right of personal freedom. Sometimes it isn't even a personal decision, it's just the way things are."

Brad Golden understands that part of his bravado in taking on the City over the Gay rights issue may have been driven by youthful naïveté. "I was brought up to believe in fairness and always doing the right thing and not discriminating." But, Golden said, cultural changes, largely driven by "out" Gay people in the media industry have led to broad

acceptance of Gay rights in American society. Those changes have created a new dynamic at the most personal level. "Things have changed a lot," he said, "mostly by (Gay) individuals sitting down and talking with members of their family" and gathering support from the people who know them best.

## Chapter 9: Pride Goes Mainstream

Attitudes toward basic Gay rights have changed dramatically over the years, gaining popular support through a broad swath of the American public. Direct political action and lobbying that were unthinkable in the 1950s became commonplace thirty years later. By the early 1980s, elected officials in many cities were ready to accept that Gay and Lesbian people should have the same rights as the broader community. Alice Rainville, who was the Minneapolis City Council president during the legal wrangling over the Minneapolis block party ordinance, said in a 2003 telephone interview, "There was an evolving culture at the time. Every city had their own experience with it." While she recalled making the comment about Minneapolis turning into "the San Francisco of the wheat belt," her attitude later mellowed. "Like many things, time heals and gets people more familiar with each other," she said. As evidence of how Minneapolis has learned to accept its Gay citizens she pointed to the makeup of the Minneapolis City Council, which by 2008 included three openly Gay members out of a total membership of 13.

Dennis Schulstad has tempered his rhetoric, but in a 2008 interview he maintained his opposition to recognition of Gay rights. "I'm getting older and more mild, but my reasons are there—there's no need for it." He admits, though, that the reasons given by City Hall for denying the permit may have invited the legal challenge. "Politics isn't always perfect," he said. "We as politicians weren't always consistent."

*GLC Voice* publisher Tim Campbell says "Politicians are still dragging their feet," but in 2010 there isn't as much need for a radical Gay rights movement. "We won. What legislators do and say doesn't make a hill of beans of difference. We've won, so whatever happens later is small potatoes compared with the strides made by the early Gay activists. But today's *Pride* festivities are far from ideal, according to Campbell. "We're being corrupted, like Christmas, with the commercialization of Gay Pride celebrations—they're no longer as meaningful."

"Boring!" That's the verdict from Tom Burke who laments that today's *Gay Pride* events have lost their edge. "It's turned into a crashing bore today that nobody pays any attention to. And it's not just true here. These

debates are going on in San Francisco and New York over the exact same issue<sup>41</sup> that it<sup>s</sup> become this big marketing thing with all these corporate things and nobody pays any attention to what<sup>s</sup> (happening) on the stage. It<sup>s</sup> no longer political at all, even though you have these politicians all over the place to get your vote. Being political is about becoming involved and doing something and that<sup>s</sup> really not what it<sup>s</sup> about any longer.<sup>42</sup>

Brad Golden concurs. In a 2009 interview, he lamented that the fighting spirit of the early Gay rights movement is now gone. *“Pride has become this celebratory party and the politics are just gone. That<sup>s</sup> completely opposite of where it came from. Gays are political. As long as there is discrimination it is political.”* But Golden is no longer in the middle of the Gay rights battle, himself. *“I had my fill,”* he says. *“The pioneers take the arrows.”* But Golden sees that early activism around Gay rights makes it easier for today<sup>s</sup> Gay rights supporters to gain traction in the political marketplace. *“One of the biggest changes I see is the attitude of Gay people. I think the difference is that political action has gone mainstream.”* He cites organizations such as the *Gay and Lesbian Alliance Against Defamation (GLAAD)*<sup>41</sup> and the *Human Rights Campaign (HRC)*<sup>42</sup> as evidence that the political gains of the past aren<sup>t</sup> being squandered. *“Every time something big happens GLAAD is right on top of it,”* he says. *“Things are going to naturally change. Gay politics has moved from people<sup>s</sup> homes into major offices and boardrooms. It<sup>s</sup> grown up.”* While overt marketing by corporations remains a perennial complaint about *Gay Pride* celebrations, Brad Golden seems resigned to having the corporate pitches alongside the drag queens and politicians stumping for support. *“There<sup>s</sup> room for everything,”* he said in 2003. That doesn<sup>t</sup> mean he<sup>s</sup> satisfied with the current state of Gay rights recognition or that he thinks Gay people can say the fight for Gay rights is won. *“I<sup>d</sup> like to see some guerilla actions,”* he said. *“It<sup>s</sup> all good. It<sup>s</sup> just that people need to get it done.”*

Jack Baker is no fan of the current offerings at *Gay Pride* festivals. *“They put on Gay Pride and they have a lot of (corporate) sponsors, so there is money involved and they don<sup>t</sup> want to lose the money,”* he says.

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<sup>41</sup> <http://www.glaad.org>

<sup>42</sup> <http://www.hrc.org>

“The intent was that it would serve a purpose and that it would be the rallying cry. Well, it got co-opted and it’s not the rallying cry anymore.” But Baker understands the incremental nature of changes to society and holds out hope that a slow cultural revolution is still happening. “My view is that we set in motion a series of events that would change the entire world, and it’s just a matter of time for it to happen.”

But Golden warns against complacency, pointing to supposed leaders within the Gay community who continue to advocate against rocking the boat with demands for full equality. “The idea of taking crumbs rather than a whole piece of the pie is just ridiculous. There isn’t separate but equal—there’s only equal! Our worst enemies usually are right in our community. They don’t see it at the time. We were considered radical (in 1981) but now it’s mainstream—it’s where everybody’s at.”

Organizers of today’s *Gay Pride Festival* in Minneapolis point out those mainstream qualities in their press releases and fundraising material. They also acknowledge the past accomplishments that led to the success of today’s Pride events. In 2008 they selected Matt Stark, former President and Executive Director Emeritus of the *Minnesota Civil Liberties Union* to be the Grand Marshal of the *Twin Cities Pride Festival*, citing his “significant, positive impact on the Twin Cities GLBT community.”\*

On June 29, 2008, Dr. Stark was cheered by a crowd of 125,000 people lining Hennepin Avenue for the *Ashley Rukes GLBT Pride Parade* (The parade is named in honor of former Pride Parade Director Ashley Rukes) and, according to Festival organizers, more than 450,000 people attended the 2008 *Gay Pride Festival* in Loring Park.\* “It was overwhelming,” Stark said. “I felt like I was up on a cloud! It shows the great influence that the *Gay and Lesbian Pride* event has in the Upper Midwest.” But, he says, more work remains to be done. “It ought to be used more vigorously. There should be chosen themes by the *Gay Pride Festival* committee to enhance political action by the community.”

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\* Dr. Stark was nominated to be the Parade Grand Marshal by the author. (See Appendix, page 55 for a copy of the news release announcing his appointment.)

## Epilogue: Calling Prejudice by its Name

With a new generation at the helm of the *Pride* festivities— a generation that grew up with Gay characters on television and has never known a world without AIDS— the struggles of the past may seem quaint and dated. But in many ways the legal battle that played out in Minneapolis was based on previous civil rights battles, reflective of its time and a harbinger of the future. Likewise, Gay rights victories in the future will be based on the numerous legal battles fought by Gay activists like Jack Baker, Brad Golden and Tom Burke with the support of allies like the *MCLU* and Matt Stark.

History shows that many of the great successes and disappointments over civil rights have come, not through the legislature, but through the judiciary. And those rulings would not have been possible if activists hadn't brought their cases forward, sometimes against a tide of popular sentiment. Tom Burke says it is only with continued willingness to fight that the battles over the future of Gay rights will be won. "It wasn't the lawsuit really that changed things," he says. "It was that we were willing to have a fight over our right to have a party."

Burke sees reason to hope for more change when it comes to advancing Gay rights by posing radical challenge to institutionalized power. "We, the folks that were raising the ruckus, were in the minority back then," he said to the author. Burke notes that attitudes have changed, in part, because of activism by him and others like him, but that the things they were fighting for have, today, become commonplace. "We were the 'lunatic fringe' And I think that that attitude remains because so much else has become conventional."

Brad Golden is still amazed at the advances made in Gay rights and the part that he played in advancing the cause. "We were just a small group of people who thought we could make some changes and we did it with just about no money. It's truly amazing what people can do by getting up and speaking their minds and calling prejudice by its name."

# **Appendix**



**New York University**

*A private university in the public service*

School of Law  
Faculty of Law  
40 Washington Square South  
New York, NY 10012-1099

Norman Dorsen  
Frederick I. and Grace A. Stokes Professor of Law  
Counselor to the President of New York University  
Tel: 212-998-6233  
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norman.dorsen@nyu.edu

November 1, 2004

Matthew Stark  
444 Penn Ave. South  
Minneapolis, MN 55405

Dear Matt:

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

Best wishes.

Sincerely,

**First Amendment to the United States Constitution.**  
**Ratified December 15, 1791**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; **or abridging the freedom of speech**, or of the press; **or the right of the people peaceably to assemble**, and to petition the Government for a redress of grievances.

**Fourteenth Amendment to the United States Constitution.**  
**Ratified July 9, 1868.**

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. **No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

*Letter from Michael Williston of the Twin Cities Gay Pride Committee, thanking Matt Stark, Jonathan Adams and the MCLU for their efforts:*

## *the* GAY PRIDE COMMITTEE

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September 1, 1982

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

Dear Matt:

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

Sincerely yours,  
FOR THE COMMITTEE

A handwritten signature in cursive script that reads "Michael Williston".

Michael Williston,  
Coordinator of Gay Pride, 81/82

*Press release from Twin Cities Pride announcing the appointment of Matt Stark as 2008 Pride Festival Grand Marshal:*



# Pride . Press Release

PO Box 2104, Loop Station • Minneapolis • Minnesota • 55402

Contact: Christopher Taykalo, Public Relations Director  
Office: (612) 305-6909  
E-Mail: [pr@tcpride.org](mailto:pr@tcpride.org)  
Web: [tcpride.org](http://tcpride.org)

Date: January 11, 2008

## **Dr. Matthew Stark Named 2008 Grand Marshal for Twin Cities Pride Festival**

MINNEAPOLIS, MN - Twin Cities Pride is pleased to announce that it has selected Dr. Matthew (Matt) Stark to be the 2008 Grand Marshal for the Twin Cities Pride Festival. The Grand Marshal is someone who has made a significant, positive impact on the Twin Cities GLBT community.

Dr. Stark is a tireless defender of civil rights and equal protection for all people who has a long history of support for the GLBT community in Minnesota and across the country.

As the Executive Director of the Minnesota Civil Liberties Union (1973 - 1987), Matt Stark was an early supporter of GLBT rights in Minnesota. He was instrumental in bringing GLBT rights cases to court, including the first Gay Marriage case in the United States (Baker v. Nelson, 1971). Under Dr. Stark, the MCLU also brought the case that guaranteed the right of gay men and lesbians the right to hold a block party in Minneapolis (Gay Pride vs. City of Minneapolis, 1980), and for several years in the early history of Twin Cities Pride he was the first non-GLBT person to speak publicly at the Pride Festival on behalf of GLBT rights.

"The Minnesota Civil Liberties Union was certainly a leader on GLBT rights at the ACLU. The folks there recognized that GLBT rights were an important civil liberties issue well before the national ACLU, or other affiliates did," said Matt Coles, Director, ACLU Lesbian and Gay Rights Project.

Other prominent GLBT cases in which Dr. Stark was involved include: whether a gay man could be denied the right to take the bar exam and be allowed to practice law

in Minnesota; whether public utilities could refuse to hire gay men and lesbians based on their sexual orientation; whether the Minneapolis School Board could prohibit gay and lesbian speakers in public elementary schools; whether Minneapolis Public School administrators could censor a Gay Pride advertisement in a high school newspaper; challenging a probate court decision denying a lesbian guardianship of or visitation rights to her incapacitated partner; and whether custody of a minor child could be denied to a birth parent solely on account of her sexual orientation.

Matt Stark was instrumental in the founding of Quatrefoil Library, and in lobbying at the State and National levels for the passage of equal rights laws for GLBT people. During his retirement, he has initiated a major project of publishing documented histories about the local GLBT community.

All four of this year's Pride Award recipients, including Grand Marshal Dr. Matthew Stark, will be honored at the annual Grand Marshal's Ball, which will be held on Saturday, May 3, 2008 at INSERT LOCATION HERE. Tickets for the Ball will go on sale in March on Pride's website, [tpride.org](http://tpride.org) for \$75. The event will feature a brief awards ceremony, silent auction, full dinner, and entertainment.

Celebrating its 36<sup>th</sup> year in 2008, Twin Cities Pride, the organizer of the Twin Cities Gay-Lesbian-Bisexual-Transgender (GLBT) Pride Celebration, began in 1972 with a small group of activists meeting for a picnic in Minneapolis' Loring Park and a short march down Nicollet Mall. Over the intervening years, the Twin Cities Pride Celebration has grown to be the largest GLBT Pride Celebration in the region and 3<sup>rd</sup> largest in the United States, with an estimated combined attendance of nearly 450,000 people at six events. Twin Cities Pride is a 501(c)3 nonprofit organization.

It is the mission of Twin Cities Pride to commemorate and celebrate our diverse heritage, inspire the achievement of equality and challenge discrimination.

## Jason Smith biography

Jason Smith was born on February 14, 1963 in La Crosse, Wisconsin. After graduating from La Crosse Central High School in 1981, he attended Western Wisconsin Technical College, receiving an A.A.S. Degree in Visual Communication in 1984.

He worked as a video director at a television station in La Crosse and as a news producer at stations in Medford, Oregon and Green Bay, Wisconsin, where he was among the recipients of the *Jules Bergman Award for Excellence in Medical Reporting* for the documentary, *Transplant: The Gift of Life*, in 1988.

In 1990 he became a founding member of the *St. Croix Falls Festival Theatre* in St. Croix Falls, Wisconsin, stage managing and designing dozens of productions and also serving on the organization's board of directors until 1997. Life in the theatre also took him to the *Pirate Playhouse* in Sanibel, Florida and the *Lyric Stage* in Boston, Massachusetts as stage manager.

Combining his knowledge of live television production with the creative aspects of theatre, he began working on corporate events as a video director, stage manager, and producer. In 2003, he founded Escena Productions, LLC, providing production and technical support for events worldwide.

In 2005, he and a group of fellow motorcycle enthusiasts formed *Twin City Riders*, Minnesota's largest GLBT inclusive motorcycle riders club, which regularly takes part in *Gay Pride* parades in Minneapolis and Superior, Wisconsin. In 2011, he was appointed to the Human Rights Commission in Crystal, MN.

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**“Our society condemns punishment of dissidents not because we may agree with the dissident view but because we support the right of an individual to speak as he wishes...It is the unpopular cause that needs protections, again not because we agree with it, but because our society, our Constitution, demands the opportunity to espouse it; but a restriction on what may be stated in public is a restriction on all of society.”**

***--Judge Miles Lord***

**“The federal courts are in control of the streets!”**

***--Alderman Tony Scallon***