

Inside the Belly of the Beast

THE RISE AND FALL OF COLORADO'S AMENDMENT 2

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The night after voters passed Colorado's Amendment 2, gays and lesbians and their supporters poured into the streets. They were shocked, outraged, in disbelief. How could this be? What had happened to their beautiful, seemingly tolerant state of Colorado?

It was 1992, the year that Bill Clinton won the presidency, with the help of the majority of Coloradans. A majority of the voters had also adopted a constitutional amendment legalizing discrimination against gays and lesbians. Two days after the election, the single image that monopolized the front page of the *Rocky Mountain News* in Colorado was a grim-looking Gov. Roy Romer, marching, alongside Denver Mayor Wellington Webb and a phalanx of Amendment 2 opponents, to the state capitol, brandishing "No on 2" campaign signs. Overnight, a movement was born.

Twenty years have passed since the passage of Colorado's Amendment 2, the first state in the country that tried to ban gays and lesbians from seeking legal protections as a class.

Amendment 2 was ultimately ruled unconstitutional by the United States Supreme Court—but not before Colorado had been the target of a national boycott, struck with the moniker "The Hate State" and engaged in several years' worth of culture clashes between the hard Right and the LGBT community and their supporters.

After the 1992 election, proponents and opponents alike reported they were stunned that Amendment 2 had passed at all—and with a decisive 53.4 % majority of the voters. Its passage alone was a major victory for conservative Christian groups trying to counter what they deemed was a "militant homosexual agenda" that they warned was sweeping the nation.

Denver District Court Judge Jeffrey Bayless immediately stayed Amendment 2, until it could be reviewed by the Colorado Supreme Court. At the time, many legal observers opined that ultimately Amendment 2 would be ruled unconstitutional, pointing out that you cannot deny groups of people from seeking legal recourse and protections.

But it would take months of introspection and years of activism to reverse the damage done to the collective psyche of the state's LGBT community. The winning tactics of Amendment 2 organizers, which were exposed more than a year later, detailed a cauldron of deceit, fear-mongering and righteous conservative Christian morality that had been brewed in Colorado Springs, the state's second largest city.

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The Changing Face of Colorado Springs

Colorado Springs is 70 miles south of Denver and in the shadow of Pikes Peak, the mountain that was the inspiration of Katharine Lee Bates' anthem, *America the Beautiful*. Home to the Air Force Academy, Fort Carson army base and the North American Aerospace Command (NORAD), Colorado Springs has long been Republican-dominated in its politics.

But the political tenor of the city, while conservative, was one of a classically Western "live and let live" tradition. The community took a decidedly hard right turn when economic hard times gave the city a beating in the late 1980s.

Reeling from the military defense contract bust and the Savings and Loan scandal of the late 1980s, economic development leaders turned to religious

nonprofits as a socially and environmentally clean industry. They began courting Christian evangelical groups to relocate their headquarters to the Springs and, by the early 1990s, the city became home base to more than 65 national and international Christian organizations.

Among them was Focus on the Family, a Christian media empire that relocated from Arcadia, California in 1991 with the help of a \$4 million grant from a powerful Colorado Springs foundation. At the time, Focus on the Family was not recognized in the mainstream for its overt political activities. Rather, its founder and CEO James Dobson, a child psychologist, was better known for his daily radio broadcasts, which then largely focused on childrearing and other family-related topics. His programs were broadcast on Christian radio stations around the world.

Beginning in the early 1990s, Dobson began to emerge as a conservative political powerhouse and kingmaker. His ministry was to play a key—albeit under-the-radar—role in convincing Colorado voters to pass Amendment 2.

At about the same time that Focus on the Family and other evangelical groups were relocating to Colorado Springs, the city's Human Relations Commission made a recommendation to the mayor and city council that the

city adopt a Human Rights Ordinance prohibiting discrimination on the basis of race, gender, and ethnicity. The commission recommended that sexual orientation be included in the list of identified classifications.

When they learned of the proposed ordinance, a group of opponents formed to battle what they perceived as an attempt to force acceptance of gays and lesbians and their alleged “agenda.” Over a period of months, the organization—Colorado for Family Values—successfully shot down the proposed ordinance.

Buoyed by success, Colorado for Family Values organizers decided to build on their momentum, specifically to take the battle to the state level via a ballot initiative that was to become Amendment 2. In their crosshairs were human rights ordinances that were already in place in Denver, Boulder, and Aspen—all of which included protecting people based on sexual orientation. They wanted to remove those ordinances and ensure that no other municipi-

pality could ever adopt similar measures.

After they successfully passed Amendment 2, Colorado for Family Values' hoped to take their winning show on the road, and replicate efforts in cities and states across the country.

“The Colorado Model”

It is easier in Colorado than in most other states for citizens to amend the constitution. Sponsors need only to collect a small number of signatures from registered voters, and once the measure is approved by the Secretary of State, the proposed initiative makes the ballot. A simple majority is all that is required to pass an amendment.

Internal documents that were produced by Colorado for Family Values after Amendment 2 passed detailed their winning strategies in Colorado—and provided step-by-step recommendations for how to successfully replicate anti-gay legislation elsewhere. Called “*The Colorado Model*,” the how-to training packet was obtained by the author of this report.

According to *The Colorado Model*, in the early stage of the statewide campaign, Colorado for Family Values—led by Colorado Springs residents Kevin Tebedo and Tony Marco—was struggling along with little money and a low profile. They credited the convergence of three “miracles,” a folksy point man serving as the campaign's public face, and a good marketing strategy for their eventual win.

The documents give top credit for Amendment 2's success (Miracle #1) to Focus on the Family. For the campaign, Dobson's Christian media empire produced and distributed public service announcements (PSAs) recruiting volunteers to circulate petitions to get Amendment 2 placed on the ballot.

In what Colorado for Family Values termed Miracle #2, Christian radio stations across the state actually aired the PSAs. Requests for ballots began to pour into the Colorado Springs headquarters of Colorado for Family Values.

Miracle #3: Bill McCartney, then the football coach at the University of Colorado/ Boulder, jumped in on the action. At a press conference in February, 1992, McCartney—wearing a CU Buffs T-shirt and surrounded by cameras—called homosexuality an “abomination of God.”

Amid the resulting pandemonium, university officials rebuked McCartney, the highest paid state employee in Colorado, for airing his non-football-related opinions on the taxpayers' time. (A bumper sticker was born: “Focus On Your Own Damn Family.”)

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But McCartney, who was listed as an “advisor” to Colorado for Family Values and went on to found the men’s Christian ministry Promise Keepers, instantly became a celebrity for the Right. And his name lent credibility to the campaign. Colorado for Family Values reported that following McCartney’s press conference, signed petitions for Amendment 2 began to flood into their office.

About the same time, former U.S. Senator Bill Armstrong, considered by many the godfather of Republican politics in Colorado, agreed to write an Amendment 2 campaign fundraising letter that was sent to 90,000 potential donors.

The long letter was filled with shocking claims, including that “militant gays” were attempting forced acceptance of their “lifestyle” onto moral Americans. Homosexuals, the former senator warned, reject traditional morals, family, and religion. Further, he asserted that homosexuals were unconcerned with their promiscuous behavior, which he claimed forced taxpayers to incur enormous health costs. Already, Armstrong warned, “militant gay activists” were forcing teachers to train children as early as kindergarten that homosexuality is “a normal, healthy lifestyle.”

“What will happen if gays achieve ‘ethnic’ status and special rights?” Armstrong wrote. “Quite simply Colorado citizens of all kinds will be deprived of their civil rights. You’ll lose your freedom of speech and conscience to object to homosexual behavior. Your church or business may be forced to hire gays. If you are a landlord, you will be compelled to rent to gays, regardless of your moral convictions. If you are a day care owner you will be forced to employ homosexuals and lesbians....”

“What can you and I do to stop them?” Armstrong asked. Specifically, he wanted \$400,000 to help fuel the campaign to pass Amendment 2.

Like McCartney’s statement, Armstrong’s letter drew instant and widespread criticism in the mainstream, and public condemnation for his prejudicial and irresponsible claims. News stories detailed Armstrong’s utterances as “tragic, hurtful, painful.” (Another bumper sticker was born: “Hate Is Not a Family Value.”)

As part of its campaign, Colorado for Family Values also opted to use and distribute the graphic and offensive “research” that had been conducted by Dr. Paul Cameron, the chairman of the Family Research Institute, then based in Washington, D.C. Cameron is the author of a booklet titled, “Medical Consequences of What Homosexuals Do,” in which

he claims gays and lesbians are unhealthy, perverted and die, often violently, at a young age. Here is just one short section that the “scientist” calls “The Biological Swapmeet”:

The typical sexual practices of homosexuals are a medical horror story—imagine exchanging saliva, feces, semen and/or blood with dozens of different men each year. Imagine drinking urine, ingesting feces and experiencing rectal trauma on a regular basis. Often these encounters occur while the participants are drunk, high, and/or in an orgy setting. Further, many of them occur in extremely unsanitary places (bathrooms, dirty peep shows), or, because homosexuals travel so frequently, in other parts of the world.

While promoting such outrageous stereotypes, Colorado for Family Values counterbalanced their campaign by adopting a folksy, grandfatherly spokesman named Will Perkins, who proved to be an effective public face of the campaign. Perkins, the owner of a Colorado Springs car dealership, was in his mid-60s, exuded an “aw-shucks” persona and was quoted saying he was involved in the campaign for his “grandchildren.”

“Will’s personality is an amiable, jovial, self-deprecating person who is impossible not to like and impossible to perceive as ‘hateful,’” according to *The Colorado Model*. “He’s also an excellent salesman, in the best sense of the word. As such, he personifies an uncanny recreation of Ronald Reagan’s rhetorical attributes.”

Finally, a week before the election, Colorado for Family Values distributed 750,000 tabloid “newspapers” to homes across the state. The 8-page document carried the headline, “Equal rights—not special rights! Stop special class status for homosexuality. Vote Yes on Amendment 2.”*

* Editor’s Note: The Right’s erroneous claim that LGBT people wanted “ethnic status” and “special rights” introduced coded references to race and affirmative action into the campaign. This frame proved successful for organizers in this and many other battles with LGBT activists, in part because support for affirmative action was being eroded by conservative campaigns.

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In the final count, 54.3 percent of the voters in Colorado did just that.

The Long Legal Battle

After Colorado for Family Values' stunning victory, the state's LGBT community, joined by supporters, jumped into action. What followed was a 3 ½-year legal battle.

Within a month after the election, opponents filed suit. Richard Evans, a gay man from Denver, signed on as the lead plaintiff in *Evans v. Romer*. Evans joined eight other gay and lesbian plaintiffs, a straight man with AIDS and the Colorado cities of Denver, Boulder and Aspen.

Ironically, the named defendant was Roy Romer. Although the then-governor of Colorado was a staunch opponent of Amendment 2, he represented the people of Colorado, and so his name appeared on the lawsuit.

On January 15, 1993, Denver District Court Jeffrey Bayless ordered a temporary injunction preventing Amendment 2 from taking effect. Eleven months later, the judge declared the measure unconstitutional, a violation of the 14th Amendment. The Equal Protection Clause grants people a fundamental right to participate equally in the political process, and prohibits the "fencing out" of

an identifiable class of people. The judge, however, stopped short of identifying gays and lesbians as a group that warranted classification.

It was clear to legal observers on both sides that the case was headed to the U.S. Supreme Court. By the time the case was argued before the high court on October 10, 1995, numerous high profile attorneys and organizations were working hard to overturn Amendment 2, including Lambda Legal, the Colorado Legal Initiatives Project, the American Civil Liberties Union, and the Colorado Civil Rights Commission. Attorneys from the cities of Denver and Boulder, and attorneys Greg Eurich and Jean Dubofsky, a former Colorado Supreme Court justice, played major roles in developing legal strategies to take down Amendment 2.

On May 20, 1996, the U.S. Supreme Court, on a 6-3 ruling, declared Amendment 2 unconstitutional.

Writing the majority opinion, Justice Anthony Kennedy rejected the argument that Amendment 2

blocked gay people from seeking "special rights." "Its sheer breadth is so discontinuous with the reasons offered for it that the amendment seems inexplicable by anything but animus toward the class that it affects; it lacks a rational relationship to legitimate state interests," Justice Kennedy wrote.

And: "[Amendment 2] is at once too narrow and too broad. It identifies persons by a single trait and then denies them protection across the board. The resulting disqualification of a class of persons from the right to seek specific protection from the law is unprecedented in our jurisprudence."

Fighting Back

From the perspective of Colorado's LGBT community and supporters, the passage of Amendment 2 was a massive wake-up call. Many gays and lesbians, who had never before been politically active, were spurred into action.

In an era that was pre-internet, pre-YouTube, and pre-social media, activists' efforts were undertaken the old fashioned way, including coming out to their families, to their employers, and declaring their orientation at public events.

As LGBT activism emerged, reported crimes against gays and lesbians spiked statewide. And the tragic suicide of Marty Booker, two days after the election, became its own call to action. Suffering from AIDS, Booker, 26, overdosed. His suicide note cited Amendment 2 as the reason.

"I refuse to live in a state where a few people can, at will, make my life a living hell," Booker wrote. "Thanks to [Colorado for Family Values], hell was delivered to my very front door!"

Indeed, nowhere was the culture war so intense than in Colorado Springs, the birthplace of Amendment 2. If Colorado was the "Hate State," then Colorado Springs must be the "Belly of the Beast"—or, take your pick from the other options: "The Most Bigoted City in America," "The Fundamentalist Capitol of the World," "The Vatican of the Religious Right."

In Colorado Springs, "Ground Zero," a gay and lesbian rights advocacy and support group, formed and began aggressive outreach to the community, including monitoring anti-gay activities in the region and sponsoring community forums. It published a monthly newspaper and responded to media inquiries from all over the world from reporters who wanted to know what it was like for gays living at "ground zero."

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In 1995 the organization's leader, Frank Whitworth, was honored with a national Stonewall Award for his lifelong contributions to the quality of life of lesbians and gays.

"We largely encouraged visibility by gays and lesbians in the community," Whitworth recounted of the days and years post-Amendment 2, in a 1999 news story in the Denver alternative newsweekly *Westword*. "You could hardly go anywhere that we weren't there." Gays and lesbians involved themselves in non-gay organizations around town, he said, "so they could see we'd always been there."

Similarly, Parents and Friends of Lesbians and Gays (PFLAG) and the Southern Colorado AIDS Project stepped up their public advocacy and profiles in Colorado Springs.

Amendment 2 inspired Tim Gill, the wealthy founder of Quark, Inc., to begin speaking out publicly as a gay man. He founded the Gill Foundation and its project, the Gay & Lesbian Fund for Colorado, and continues to be one of the preeminent funders of progressive campaigns and political candidates in the nation.

To date, the Gill Foundation has invested more than \$178 million to programs with a commitment to equality for all.

According to the Gill Foundation, "In 1993, [Tim Gill] pledged \$1 million to raise awareness in Colorado about the effects of discrimination. In 1994, he established the Gill Foundation to secure equal opportunity for all Americans, regardless of sexual orientation and gender expression.... The goal of our work is straightforward: we want to create an America in which all people are treated equally and respectfully."

Citizens Project, a grassroots organization that had formed in 1992 to counter the growing influence of hard Right conservatives in Colorado Springs, spoke in strong opposition to Amendment 2. After the amendment passed, the group expanded its efforts to promote pluralism and the separation of church and state—including state-sanctioned targeting of gays and lesbians for discrimination. (And yes, the group created a bumper sticker that proved wildly popular among Colorado progressives for several years: "Celebrate Diversity.")



Bill McCartney, popular coach of the University of Colorado football team, called homosexuality an "abomination."

Post Amendment 2, Colorado Springs leaders found themselves living in a fishbowl. Any missteps became the headline of tomorrow. Colorado Springs Mayor Bob Isaac, who had ruled the city with an iron hand for nearly two decades, was widely criticized when, threatened by a boycott, he was asked to mend fences to convince the National Bar Association to hold its annual convention at the city's 5-star

Broadmoor hotel. Organizers asked him to extend an olive branch to gay and lesbian members of the Bar. "Do you mean I have to invite the queers?" Isaac asked. (The lawyers' group opted to meet elsewhere.)

In August, 1993, the *Colorado Springs Independent* launched its first edition. The passage of Amendment 2 was no coincidence in the creation of the alt-weekly newspaper. At the time, the only general circulation newspaper in the region was the arch-conservative *Gazette-Telegraph*, which had published no fewer than 14 editorials in support of Amendment 2 during the course of the campaign. Founders of the *Colorado Springs Independent* believed that the community deserved to have an alternative voice to counter the libertarian, conservative perspectives that were promoted by the city's daily.

Hitting Colorado Where it Hurts

Statewide, gays and lesbians and their supporters formed advocacy groups similar to that of Ground Zero—including the Common Decency Coalition and Equality Colorado—to foster grassroots education and organization, and work to repeal Amendment 2.

These groups joined national efforts to hit Colorado where it counted. Shortly after the election, a national economic boycott of the state was organized. Seven months later, Colorado Boycott director Terry Schleder offered a sobering update on the boycott, and a clear message to other states where anti-gay activists were considering similar proposals.

"As of June 1993, more than 60 companies have canceled conventions or meetings in Colorado, and

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more than 110 groups have called for a boycott of Colorado to protest Amendment 2,” Schleder wrote.

Some 20 U.S. municipalities have severed ties with Colorado because of the anti-gay initiative. New York City has divested its stock holdings in any Colorado companies, and canceled a contract for new municipal buses. Ziff-Davis Publishing had planned to relocate their operations to Colorado; in the wake of Amendment 2, they reconsidered, costing the state \$1 billion in revenue over a five-year period had they chosen to operate in the state.

Municipalities that signed on to the boycott of Colorado included Atlanta, Chicago, New York, Los Angeles, Seattle, Austin, Texas, Detroit, Baltimore, Minneapolis, Boston, Philadelphia and Madison, Wisconsin.

After the U.S. Supreme Court ruling struck down Amendment 2 as unconstitutional, Colorado did not magically emerge as an LGBT-tolerant and welcoming place.

Groups that participated in the boycott included the American Civil Liberties Union, including several state affiliates, the Southern Christian Leadership Conference, the American Friends Service Committee, the American Jewish Congress and numerous gay and lesbian service and support groups. Barbra Streisand

became an outspoken boycotter, as did Whoopi Goldberg, Jonathan Demme, Madonna, Joan Rivers, Nora Ephron, and the Kennedy family.

“Boycott Colorado, Inc. stands prepared to fight the battle over Amendment 2 until its eventual repeal,” noted Schleder in June, 1993. “We are unwilling to support a state that sees fit to deny civil rights and protections to any of its citizens. We are dedicated to promoting the effectiveness of the boycott nationally to prevent the spread of any ‘Amendment 2-style’ initiatives that may be attempted in other states.”

The boycott lasted another six months until Judge Bayless’ December 1993 ruling prompted its cancellation.

Ultimately, it Boils Down to the “Loudest Voices”

At about the same time that Schleder was reporting on the success of the national boycott, the sponsors of Amendment 2—having vaulted into

national prominence—hosted a national conference to teach anti-gay activists how to replicate their winning techniques for similar anti-gay legislation in other states.

Their “Colorado Model” conference, held April 30-May 1, 1993 in Colorado Springs, drew representatives from 45 states who were interested in launching similar campaigns in cities and states across the country to fight what they continued to call the “Militant Homosexual Agenda.”

Indeed, Colorado for Family Values had emerged as a national force, joining the ranks of Pat Robertson’s Christian Coalition, James Dobson’s Focus on the Family, Phyllis Schlafly’s Eagle Forum and Lou Sheldon’s Traditional Values Coalition.

During the conference, Colorado for Family Values executive director Kevin Tebedo summed it up: “Ultimately it’s going to boil down to whose voices are the loudest.”

That year voters in the City of Cincinnati adopted a measure restricting gays and lesbians from seeking protected rights status; a reported 70% of the money that paid for that campaign came from Colorado for Family Values.

In the year after Amendment 2 passed, People for the American Way identified 132 anti-gay state or local battles that were being waged across the country. Efforts were underway in nine states for anti-gay ballot initiatives, including in Arizona, California, Florida, Idaho, Maine, Michigan, Nebraska, New Mexico, New York, Oregon, Rhode Island, Washington, and West Virginia. Roughly half the states in the country had witnessed legislative battles over gay rights issues, from education to civil rights to marriage to sodomy.

After the U.S. Supreme Court ruling struck down Amendment 2 as unconstitutional, Colorado did not magically emerge as an LGBT-tolerant and welcoming place. In Colorado Springs, gay rights, including same-sex benefits and same-sex unions, continues to be an issue that is sure to draw controversy today. But all of the gay-friendly groups and support organizations that formed post-Amendment 2 to battle discrimination are still at work, making inroads whenever possible.

And, Colorado for Family Values—along with its “model” of legalized discrimination against lesbians and gays—ultimately found itself relegated to the dustbin of history.

Questions for Discussion

1. Of the six or more arguments used in Senator Armstrong's 1992 direct mail letter, how many are still being used today?
2. Why do you think the Colorado Model (direct mail fundraising, respected leadership endorsements, door to door canvassing, and statewide literature drop) successful?
3. Ground Zero organized a visibility campaign for LGBT people in Colorado Springs. How successful do you think such campaigns can be?
4. What are the pros and cons of a national boycott of an entire state?
5. What are your "take-away" lessons from this case study?