



SENATOR ALLAN SPEAR

and the

Minnesota Human Rights Act



Joshua Preston

When Allan H. Spear retired in 2001 from the Minnesota Senate after 28 years in office, he began to write the story of his life—from his Indiana boyhood to a career in academics and politics that saw him emerge as a nationally celebrated gay rights icon. As much a statement of principles as a memoir, the manuscript was a testament to Spear's belief in the incrementalist nature of public policy and how, for social movements in particular, progress can be frustrating, slow, and full of compromise—but forward-moving nonetheless. Spear was in the midst of writing when, following heart surgery, he died on October 11, 2008, at age 71.

Two years later, the University of Minnesota Press published Spear's 410-page, incomplete manuscript, titled *Crossing the Barriers: The Autobiography of Allan H. Spear*. Unfortunately, Spear's book ends in 1983, well before what he saw as his proudest legislative achievement, amending Minnesota's Human Rights Act in 1993 to prohibit discrimination in housing, employment, public accommodations, and public services based on actual or perceived sexual orientation for lesbian, gay, bisexual, and transgender (LGBT) people. Minnesota became the eighth state to provide such protections for gays and lesbians and the first to extend the same rights to transgender individuals.¹

Passing a nondiscrimination bill did not come easily. First introduced in 1973, the bill failed eight times

in 20 years before being signed into law. As Spear and his colleagues discovered over the course of their multi-decade campaign, it takes more than a passion for a cause to create change: it takes electoral politics and no small amount of grassroots organizing. What follows takes up where *Crossing the Barriers* ends, focusing on the lead-up to what was, until the 2013 legalization of same-sex marriage, the largest stride LGBT Minnesotans made to be accepted as full, equal members of society.

Allan Spear joined the University of Minnesota history faculty in 1964. Coming of age in the social turmoil of the 1960s, Spear believed in taking the best lessons from the classroom and applying them to the real world. He made no secret of his support for the civil rights and antiwar movements, writing extensively on both and actively supporting the presidential campaigns of senators Eugene McCarthy in 1968 and George McGovern in 1972. He ran for office himself: for state house in 1968, a race he lost, and for state senate in 1972, when for the first time,

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Sen. Allan Spear presiding at a Judiciary Committee hearing, sometime between 1987 and 1990.

not only could 18-year-olds vote, but redistricting placed the east and west banks of the university campus into one senate district instead of two. Counting on student turnout to boost his final vote tally, Spear ran an unapologetically progressive campaign, and though he was still closeted at the time, promised his supporters that one of his top priorities would be to ban discrimination against gays and lesbians. In November, he won 53 percent of the vote, pulling an upset victory over a popular city council member, John Cairns.

Spear's promise to amend the Human Rights Act to prohibit discrimination in housing, employment, and other areas for LGBT people was no small gesture, and for him and his supporters it must have seemed a political impossibility. In the early 1970s the gay rights movement was still in its infancy, and many people viewed homosexuality as a choice and perversion rather than a natural sexual orientation and identity. Because of this widespread attitude, laws banning discrimination based on race, religion, sex, and other characteristics did not extend to the LGBT community. If an employer or landlord opposed someone's sexual orientation, that person could be harassed, fired, or denied service without legal recourse. Consequently, many gays and lesbians were inhibited from publicly coming out. When Spear entered the legislature in the 1973 session, he and Minneapolis gay rights activist Steve Endean (whom Spear first met while

courting the support of the DFL Gay Caucus) knew they faced an uphill battle, one they thought would require at least a few years of lobbying.²

Yet of his own volition, Democratic-Farmer-Labor (DFL) Senate Majority Leader Nick Coleman sought to add nondiscrimination protections for those of a "homosexual orientation" to a bill that updated various aspects of the state human rights law, an act that "stunned" Spear and Endean. They watched as the senate passed with little fanfare a gay rights measure, making it the first legislative body in the country ever to do so. In the house, the state's own Human Rights Department quietly lobbied against Coleman's language, and consequently it was removed in the final version of the bill passed by both chambers. Spear later reflected that he was "ashamed" for watching the debate from the sidelines and not participating, but he "did not see how [he] could do so without coming out."³

Spear did come out as a gay man a year later in an interview with the *Minneapolis Star*, encouraged by Endean and inspired by the example of the openly gay Massachusetts state



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representative Elaine Noble. Just as important, though, he wanted to be in control of his coming out, worried that as more and more people knew he was gay, opponents might try to take advantage of this information. Spear's announcement made national headlines, and though some of his senate colleagues were uneasy, others were supportive. Yet as cathartic as it was, Spear feared being labeled a single-issue "gay senator," and so asked Coleman to serve as chief author when the nondiscrimination bill was reintroduced during the 1975 session. In spite of Spear and Endean's behind-the-scenes support, the bill failed. Spear and Endean's political pragmatism clashed with activists on the left, some of whom accused Spear of being a "sellout" and hypocrite for promoting a bill that excluded transgender individuals. Legislative support dissipated as activists disrupted committee hearings, held press conferences in the men's bathroom, and threatened hunger strikes while chained to capitol railings. Curiously, in the house, Minneapolis Independent-Republican (IR) Rep. Arne Carlson took note of the "sell-out" charge and introduced an all-inclusive alternative. When Carlson's bill failed on the house floor, Coleman retracted his own.⁴

Although he was a product of the 1960s counterculture, pragmatism guided Spear on gay rights. Progress came in increments, he reasoned, and success came only "by winning a place at the table, electing gay people to office, changing the laws, and gaining acceptance for gay rights as a legitimate civil rights movement." This approach meant taking baby steps, winning rights for some groups first, then building upon those victories. Distancing himself from the left's obsession with direct action, which he deemed to be "street theater," Spear advocated for a more tempered approach, focused on long-term movement building. He had seen the success of this approach firsthand in 1974 when he and Endean cofounded the Minnesota Committee for Gay Rights (MCGR), which successfully lobbied the Minneapolis and St. Paul city councils to pass their own nondiscrimination ordinances.⁵

The nondiscrimination bill was reintroduced in 1977 with the support of the MCGR's team of professional lobbyists, this time with Spear serving as its chief author. Framed as a "moderate measure" unrelated to broader issues like marriage equality and adoption rights, the bill had behind it the support of Governor Rudy Perpich and the League of Women Voters, even the Minnesota Council of Churches. Spear reassured colleagues that, contrary to what his opponents suggested, his bill was not an endorsement of homosexuality but "an affirmation of the premise



Spear was praised by colleagues of both political parties for his fairness and sharp mind. He was the first non-lawyer to chair the senate Judiciary Committee.



Visit the digital edition to view footage of Spear's landmark 1993 speech on the floor of the Minnesota senate.

that all people have the right to education, housing, and employment that is based on their qualifications and not their private lives.”⁶

Spear and Endean tried to work out of the media spotlight in order to, as Endean said, “keep the kooks [on both sides] away.” Still, they were met by an antigay movement that sought not only to obstruct gay rights but to turn back the few advances that had been made. The singer Anita Bryant was making national headlines with her “Save Our Children” campaign, which promoted a Christian fundamentalist agenda in Florida’s Miami-Dade County, centered on repealing that county’s nondiscrimination ordinance. This antigay fervor spread to Minnesota. Voters began receiving phone calls from pastors telling them to protest Spear’s bill, which became one of the most lobbied-against of that session, pushing away supporters and leading others to question whether discrimination was even a problem. Retracting his bill, Spear gave his “bitterest” speech, lambasting the “bigots” and Christians who, by not showing love for their neighbors, “distorted and cheapened the message of Christianity.” As for his colleagues who supported the bill in spirit but were silent, he reminded them that “[t]he bottom line in this job is having the courage to and having the guts to stand up for what you believe in.” Leaving the senate floor, Spear broke down into tears, feeling betrayed by both the state and his own colleagues.⁷

The opposition Spear faced that year foreshadowed the rise of the religious right and its impact on the fledgling gay rights movement. Bryant’s campaign succeeded in Florida, and thereafter spread to Wichita, Kansas; Eugene, Oregon; and St. Paul. In each city public referendums in 1978 repealed nondiscrimination ordinances. In light of these defeats, Spear turned his attention to consumer protection and prison reform as chair of the Commerce Committee’s Subcommittee on Consumer Protection and Economic Development and as a member of the Judiciary Committee. Heartbroken, Endean left Minnesota to join the Gay Rights National Lobby in Washington, DC, and later founded the Human Rights Campaign.

As the religious right became a dominant force in national politics, there were signs of hope for LGBT Minnesotans. In 1980, Minneapolis voters elected Karen Clark to the state house of representatives, the first open lesbian elected to office in Minnesota. Besides being an important progressive voice in the house, Clark brought to the movement a whole new energy. She possessed a talent for coalition-building that Spear did not, and had her own set of personal connections. For



State Rep. Karen Clark, 1991-92 session.

example, she convinced the MCGR to change its name to the more-inclusive Minnesota Committee for Gay and Lesbian Rights (MCGLR), fostering a political alliance between the two communities that saw themselves as separate and distinct.⁸

In 1983, Spear and Clark were inspired by an unexpected victory in Wisconsin, which the year before had become the first state to protect the rights of gays and lesbians through legislative means. The Minnesota legislators reintroduced the gay rights bill under the banner of the Lobby '83 campaign. Garnering the support of 25 organizations (including the Minnesota Public Interest Research Group and Minnesota Nurses Association), Lobby '83 stressed that times were changing, and the state ought to follow the lead of Minnesota-based corporations Honeywell, General Mills, and the Pillsbury Company, each of which had enacted nondiscrimination policies. Opponents countered with warnings of hiring quotas, and groups like the Greater Minneapolis Association of Evangelicals framed the issue as one of “Homosexual Privilege.” Some heterosexual business owners wrote to Spear saying the bill actually helped them. One wrote that it would “make sure that I keep my eyes open, and that I disregard any unfounded prejudices that I may have when I hire a new employee.” Still, facing the highly organized opposition,

As national public opinion shifted in favor of gay and lesbian nondiscrimination laws, state lawmakers remained uncertain that such discrimination even occurred.

Spear and Clark knew the votes were not there and pulled back, lest a failed floor-vote “set a dangerous precedent which would be used to defeat the bill in the future.”⁹

Activists encouraged Spear and Clark to try again in the next two legislative sessions, if only to “keep the issue of our rights in the public eye.” But during the 1980s it was not discrimination but the HIV/AIDS crisis that gripped the community, killing tens of thousands of gay men and invigorating opponents who saw the disease as a form of divine punishment. In Minnesota, organizations such as the MCGLR reduced their focus on gay civil rights. Newer groups, such as Gay and Lesbian Community Action Council (GLCAC) and Minnesota AIDS Project (MAP), focused more on health care and state support for AIDS victims than gay rights. As Spear noted later, for all of its tragedy, the AIDS crisis was “a unifying cultural focus” that “established homosexuality as a legitimate topic.”¹⁰

As national public opinion shifted in favor of gay and lesbian nondiscrimination laws, state lawmakers remained uncertain that such discrimination even occurred. With critics writing off personal stories as anecdotal, Spear and Clark lobbied for a governor’s task force to document the problem. In theory, faced with a report outlining the daily struggles of thousands of Minnesotans, opponents—or even lukewarm supporters—could no longer hide behind the charge that gay rights was about special privileges or the endorsement of a lifestyle. In 1990, Governor Perpich appointed the Governor’s Task Force on Gay and Lesbian Minnesotans to travel the state and hold hearings with local officials, community leaders, and others. Working with no staff or budget and paying its costs out of pocket, the task force found cases of discrimination everywhere. Collecting testimonies of harassment and violence for its report, chairwoman Geraldine Sell years later acknowledged the abuse she and committee members faced through the process, “much of it based on deep religious principles, by persons who firmly believe that they are doing God’s will.” As the hate mail came in, she wished opponents

could know the pain and terror that young men and women communicated to us, having been taught that homosexuality is evil and dooms one for all eternity, but

that suicide does also. There was not a single person . . . who said to us, ‘I have chosen to be gay,’ but there were many who wrote to say they dared not come forward.¹¹

After more than 40 meetings and 10 months of work, in March 1991 the task force released its official report, recommending that gays and lesbians be included in the state’s Human Rights Act. Additionally, it recommended the state repeal its sodomy laws and fund training for those working in law enforcement, education, health care, and human services. At the press conference announcing their findings, Spear said the report “very clearly documents that this is a serious problem, that there is widespread discrimination, and that people outside of Minneapolis and St. Paul . . . are desperately in need of [legal protection against discrimination].” It was “urgent” the legislature act. What happened next divided the LGBT community, not unlike what occurred in 1975, when there was disagreement over which groups to include in the bill and how best to pass it.¹²

A little more than two weeks after the report’s release, Clark, with Spear’s encouragement, reintroduced their bill in the house. Onlookers worried the pair was acting hastily, with the former chair of GLCAC, Julia Classen, arguing there was no groundwork done to rally statewide support for passage. Even with an endorsement from newly elected Governor Arne Carlson, the house Judiciary Committee shut the bill down, 13 to 11. Afterward, Clark echoed activists’ concerns, saying that her colleagues who voted against it did so because they felt their “districts need to be more enlightened on the issue before they can vote with us.”¹³

When the dust settled, the vice chair of the governor’s task force, Leo Treadway, wrote a four-page letter to Spear expressing his disappointment—not just that the bill failed, but how quickly everything transpired. The fact that it was introduced that session, he said, hit him and others “like a bolt from the blue” when they knew successful passage would take at least two years of organizing. Though Treadway helped where he could, he and others felt “taken for granted” and then “used, patronized, and scolded” when voicing their concerns—such

as the bill's exclusion of transgender individuals. In all, the experience made him reconsider whether to keep "viewing you and Karen as our wise leaders who always know best."¹⁴

But 1991 was not without victories. The previous summer, the St. Paul city council reinstated the nondiscrimination ordinance it had repealed in 1978. This action mobilized in opposition some of the same groups that led the repeal campaign 12 years earlier. One was Citizens Alert for Morality, which quickly gathered the needed signatures for another public referendum. In light of reports from the National Gay and Lesbian Task Force that found violence against the LGBT community increasing, Spear and others feared repeal would send "a message of approval to bashers and bigots that open season can continue on lesbians and gay men." But a new generation of activists working together under the name Campaign 90s stepped forward to save the ordinance. Drawing on the momentum in St. Paul, GLCAC founded the grassroots campaign that proved instrumental in passing a statewide gay rights bill: It's Time, Minnesota.¹⁵

Focused on the upcoming elections, It's Time sought to elect pro-gay legislators and build a coalition of support around Spear and Clark's bill. At its peak, It's Time listed more than 60 supporting groups and gained the endorsements of many religious organizations, even gaining support of the Minnesota Catholic Conference. In the 1992 elections, the DFL Party retained control of both houses. This event, combined with a supportive governor, meant the 1993 legislative session looked to be the best chance yet to pass a statewide nondiscrimination bill. Scott Dibble, an It's Time organizer, said, "We knew it was our time; we were galvanized; we could just taste it." Though the bill had already been introduced seven times, by 1993 the political landscape had changed. U.S. Senator Paul Wellstone (D) made his phone bank lists available to the campaign, and, as Dibble recalled, hundreds of volunteers called blindly with no idea whether the person on the other end was conservative or liberal. Volunteer callers openly used the words "gay" and "lesbian." Dibble recalled many "had never heard those words spoken

In 1991, the Gay and Lesbian Community Action Council (GLCAC) founded It's Time, Minnesota, a grassroots campaign that proved instrumental in passing a statewide gay rights bill.

out loud, much less [from] someone on the phone calling them up and saying, 'We would really like you to call your state legislators.'"¹⁶

With It's Time focused on lobbying, it was time for the gay community to come together and decide how the 1993 bill would be different from its predecessors. Beyond banning discrimination in housing, employment, and education, the list expanded to include public accommodations, public service, and access to credit. (Exemptions were later written into the bill, for religious organizations and others.) Most importantly, the 1993 bill expanded protections not only to gays and lesbians, but also to transgender individuals. Clark fully supported this inclusion, but Spear was initially cautious. Spear still believed, as he did in the 1970s, that if protections were extended first to gays and lesbians it would be easier to later reopen the issue and add protections for others. It was revolution by piecemeal, yes, but to reach for too much at once, he thought, doomed the bill's chance for passage. What Spear did not yet understand was that while such calculations made sense decades earlier, the window had widened—and, as Treadway hinted, in order to have the full support of the community, the bill needed to support the entire LGBT community.

To find the right language for the bill, Clark and members of the LGBT community held meetings where attendees worked side by side to draft "what was a totally inclusive law, which we all embraced, and [which] didn't have the words 'lesbian, gay, bisexual, transgender.'" Instead, "It talked about 'sexual orientation or perceived sexual orientation.' Both." This vagueness was purposeful, Clark noted. "The words 'gay' and 'lesbian' were still hard for a lot of legislators to say in those days." By covering everyone, the bill's language steered the debate from any



one group. Indeed, the subject of transgender individuals came up only “minimally” during the public debate. Spear went through a learning process, but when he finally understood, Clark said, “he became one of the strongest supporters of the inclusionary language.”¹⁷

In the 20 years since his election, Spear had proven himself to be more than just a “gay senator.” Praised by colleagues of both parties for his fairness and sharp mind—he was the first non-lawyer to chair the senate’s Judiciary Committee—Spear achieved a milestone when, in January 1993, he was elected president of the senate. Coinciding with growing momentum for a gay rights bill, Spear’s election to the leadership post was a fitting reminder how far both he and the LGBT movement had come. That session, for the eighth (and, as it turned out, final) time, Spear introduced a bill amending the state Human Rights Act (SF 444), while Clark did the same in the house (HF 585). As both bills moved forward, It’s Time increased its efforts, mailing legislators newspaper clippings, talking points, and scripts to use when answering constituent mail. The group also hosted lobby days where supporters from around the state traveled to the capitol to share their personal stories. Public opinion

was shifting, organizers knew, and by taking these many actions, It’s Time demonstrated that rather than being an outside movement they represented people from all around the state.¹⁸

On the right, It’s Time was matched by Traditional Values of Minnesota and the Minnesota Family Council, who, some speculated, hoped to use the issue as a way to rally the IR Party’s religious base for 1994. Opponents’ arguments against the bill had not changed, and with the push and pull from both sides, many legislators worried about their reelection. It was so intense, Clark recalled, that sympathetic but politically vulnerable colleagues came to her office in tears begging for forgiveness and her permission to vote no. “Those were hard conversations,” she said later, but she refused to give her permission.¹⁹

On March 1, 1993, the bill overcame its easiest hurdle when the senate Judiciary Committee passed it on a bipartisan 9-to-1 vote. The house was expected to be tougher than the senate, so when Clark’s bill came before the house Judiciary Committee on March 5, 300 activists from both sides filled the room and halls. In one moving testimony, Nancy Biele, violence prevention planner of the Minnesota Department of Public Safety, reaffirmed the need for the protections. Not only was discrimination occurring, but because victims feared the consequences of



Lawn sign hand-assembled by Spear’s campaign volunteers and employees in 1982.

“I’ve been told by many people that oppose this bill that sexual orientation should not be included in the human rights law because it is a choice. Well, let me tell you, I’m a fifty-five-year-old gay man and I’m not just going through a phase!”

reporting it this created an environment where “no one is held accountable” for their violence and abuse. Biele then shared the stories of several victims, including a lesbian who was stalked and raped by a male colleague but chose not to report it since it could lead to her sexual orientation being revealed, and then possibly being fired from her job. Watching the testimonies from within the crowd, It’s Time co-chair Alexa Bradley was proud that finally gays and lesbians were “not alone in calling for our basic civil rights and the recognition of our human dignity.” When the vote came, the bill passed once again on party lines, 16 to 6.²⁰

Two weeks later, on March 18, SF 444 was taken up by the full senate. As the debate went back and forth, it was eventually time for President of the Senate Spear to make his remarks. Stating as he had many times before that the bill said nothing of “special privileges,” he reminded his peers that “human rights laws merely recognize that in an imperfect society some groups have faced discrimination and some categories have been the basis for unfair discrimination.” Spear repeated the findings of the task force—that this discrimination was real and ruining lives—then began to speak personally:

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

After discussing how he came to terms with his sexuality, Spear concluded, “I’ve been working on this bill for twenty years, so it’s not exactly a new issue. It’s going to be resolved, and the time to resolve it is now. It’s time, Minnesota.”²¹

In response, IR Sen. Linda Runbeck chastised Spear and her colleagues for “being obedient to the school of political correctness” and “too lacking in boldness to say something is wrong here.” If the bill passed, she insisted, the state would head toward “revolutionary and irreversible social change” and the “trashing of religious beliefs about matters of sexuality, relationships and families.” DFL Sen. Florian Chmielewski was only slightly less dramatic in his remarks, saying it was wrong to extend rights to those whose behavior was “an insult to any decency.”²²

The biggest surprise in the debate was a last-minute speech by IR Senate Minority Leader Dean Johnson, a Lutheran pastor from western Minnesota, who announced he would vote yes. Though claiming not to understand the “gay lifestyle,” as he listened to arguments against the bill, he said he realized that they were the same ones used against Lincoln and Humphrey when they stood up for civil rights. It would be easy for him to vote no, he said, but “we were elected to lead, to do what is right and to do what is just, and to seek justice.” Just as important to his conversion, he added, was a colleague in the National Guard whose career as a mental health counselor was at risk because of her sexual orientation, which he saw as irrelevant to her abilities. When the vote came shortly after Johnson’s speech, SF 444 passed 37 to 30, with five IRs voting in favor and thirteen DFLers opposed.²³

Johnson later told the media he had no regrets, saying he had “chosen to avoid this fight for a long time” but “couldn’t avoid it anymore.” Witnessing firsthand the animosity directed toward gays and lesbians, he said he was “disgusted” with his party’s evolving agenda, adding “The IR Party of today is not the IR Party I joined. . . . I’ve been a quiet dissident for years.” The Kandiyohi County IR Party censured Johnson because of his stand, even as he claimed receiving 10 times as many letters of support than opposition. Using a popular talking point, he emphasized to his critics that his “was a vote to end discrimination” and “not an endorsement of a lifestyle.”²⁴

The same day SF 444 was debated in the senate, HF 585 was debated in the house. With the diligent lobbying



Sen. Dean Johnson speaking on the floor of the Senate. The Independent-Republican senate minority leader was later censured by the Kandiyohi County IR Party for his support of the 1993 bill.

of It's Time, Clark rallied support of undecided IR representatives, including future governor Tim Pawlenty. The bill passed 78 to 55. When the chamber emptied, Spear was there to greet Clark, joking, "Would anyone question our sexual orientation if we hugged?" Joining them was Spear's old friend and colleague Steve Endean, returning home to witness the end of a campaign he helped start 20 years earlier. Though there were small differences between the house and senate bills to be sorted out in conference committee, the heavy lifting was done. Two weeks later, on April 2, 1993, with no fanfare or ceremony, Governor Carlson signed the bill, saying it was merely "the right thing to do."²⁵

It had taken 20 years, but finally, it was done. On April 2, 1993, Minnesota became the eighth state to ban discrimination based on sexual orientation, and the first to extend those same protections to transgender individuals.

When reporters asked Spear in the days following passage what made 1993 different from the decades leading up to it, he cited several key factors. Foremost was "changes in public opinion that registered with legislators," such as the failure of the 1991 St. Paul referendum and the passage of similar laws in

"We were elected to lead, to do what is right and to do what is just, and to seek justice."

other states. But as he and Clark learned firsthand, change required more than just the right timing. Momentum had to be harnessed and channeled to affect policy. Therefore, much was owed to the work of It's Time, Minnesota, which he called "the best organized effort that we've ever had" since it rallied "a far broader base of support than had ever existed before, including a lot of mainstream labor, religious and business organizations."²⁶

Even as national groups like Endean's Human Rights Campaign looked to Minnesota as a case study for other states, unbeknownst to many activists, the window for gay rights legislation was closing. With the right organizing around Newt Gingrich's "Contract with America" for the 1994 elections, the IR Party (and Republican Party nationally) became more conservative, alienating its moderate members. In Minnesota, Governor Carlson was booed off the stage in several cities including Forest Lake, his hometown. "I was disappointed when nobody came to my rescue," Carlson recalled. "When Hubert Humphrey went to the national convention in 1948 and made his famous civil rights speech, the Democrats hailed that. He came home a hero. My party strung me up, threw me out, and nobody came to my rescue." At the IR Party state convention, activists stood and turned their backs to the governor, endorsing instead the conservative former state representative Allen Quist. Although Carlson defeated Quist in his party's primary, the conservative faction's influence was evident when Carlson replaced on his ticket his pro-gay rights lieutenant governor, Joanel Dyrstad, with IR Rep. Joanne Benson, who voted against the 1993 Human Rights Act.²⁷

In November, Carlson won handily as part of a conservative national wave, later called the Republican Revolution. With Republicans winning across the country and taking control of the U.S. House of Representatives, there was little doubt what this meant for gay rights. "Disturbed" as he watched the swearing-in ceremonies taking place in Washington, DC, Spear faced the "sad reality" that the gay community now had "daunting challenges in the years ahead." In Minnesota, even though the DFL retained control of the legislature and the state had a governor sympathetic to gay rights, there was no hope for anything



Metro/State news

They know whereof they legislate

A gay-rights bill was passed Thursday by the Minnesota Senate and now only needs Gov. Arne Carlson's signature to become law. Carlson has said he will sign it.

The bill passed without debate on a 37-30 vote, identical to a preliminary Senate vote last week. The House gave the bill final passage Wednesday with a 77-53 vote.

The bill would add "sexual orientation" to the state Human Rights Act, protecting gays and lesbians from discrimination in housing, employment, education, public accommodations and other areas.

It contains exceptions for youth and religious organizations and for the rental of owner-occupied duplexes.

The two chief sponsors of the bill are Rep. Karen Clark, DFL-Minneapolis, and Sen. Allan Spear, DFL-Minneapolis, who are the only two openly gay members of the Legislature.

In interviews this week with Star Tribune reporter Donna Halvorsen, they talked about the significance of the legislation:

**Sen. Allan Spear,
DFL-Minneapolis**

Age: 55
Occupation: University of Minnesota history professor
Term: Seventh

Q. When did you come out, and what prompted you to do it?

A. I came out in December of 1974. I gave an interview to Deborah Howell, who was then city editor of the Minneapolis Star, and it was a story that was on the front page. The reason I did it was that already a lot of people knew that I was gay. I had become more involved in gay-related issues, and I felt I needed to be out front about it. I didn't want to live in a twilight zone where some people knew and where some people knew but pretended that they didn't know. I wanted it to be something that was open.

Q. What was the reaction of your family and friends?

A. Some of them, of course, knew before the story appeared, but generally it was very supportive.

Q. What was the reaction of your constituents and fellow legislators?

A. I assume that those who were appalled



Staff Photo by Bruce Bisping

Sen. Allan Spear and Rep. Karen Clark are the chief sponsors of gay-rights legislation that passed both state houses this week. It needs only the signature of Gov. Arne Carlson to become law. Carlson has said he will sign the bill.

about it didn't talk to me about it. There were many people, however, who said supportive things, and I saw no evidence that my ability to function in the Legislature was inhibited. Of course, I was a first-term legislator at the time. I wasn't in a position of great influence of power, so it would have been hard to see that power

diminishing since there wasn't a whole lot of it there. But, of course, it didn't prevent me from moving into influential positions as the years went on.

Q. It wasn't harder to make your mark as a legislator?

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**Rep. Karen Clark,
DFL-Minneapolis**

Age: 47
Occupation: Full-time legislator
Term: Seventh

Q. When did you come out, and what prompted you to do it?

A. It's been about 20 years now. I came out to myself first of all. I guess I came out as many people did. I fell in love with a woman and tried to understand what that meant. As I came to understand what that meant, it was a gradual process of coming out.

Q. What was the reaction of your family and friends?

A. I'm very close to my family. . . . [My parents] live in a very small, rural community. I knew that they would not have anyone to talk to about this other than me, so I took 10 days' vacation and went home. My mom and I went out and had a picnic. My dad and I sat down and had a talk. . . . Practically the first words out of each of their mouths was, "Well, you know I still love you." We got into discussions, you know, like what does this mean and did I do something wrong? I had to tell them, "No, you did something right. You raised

Clark continued on page 5B

Carlson signs gay-rights bill into law

By Donna Halvorsen
Staff Writer

Gov. Arne Carlson signed into law Friday a bill that makes it illegal to discriminate against gays and lesbians in employment, housing and other areas.

The law, which will take effect Aug. 1, adds to the state Human Rights Act a provision against discrimination based on sexual orientation. The act already prohibits discrimination based on race, sex, age, disability and several other factors.

Minnesota follows seven other states and the cities of Minneapolis and St. Paul in extending civil rights to gays and lesbians.

The Independent-Republican governor signed the bill without fanfare yesterday, delivering a one-sentence statement to the news media afterward.

He said he intended to sign the bill not "because I enjoy enormous popularity on the issue" but because it is "the right thing to do."

His support for gay rights has rankled conservative members of his party and could hurt him if he seeks IR

State is 8th to ban discrimination based on sexual orientation

endorsement for a second term next year, state party Chairman Bob Weinholzer said yesterday.

The state has estimated that 85 complaints a year will be filed under the law, increasing the caseload of the Human Rights Department by about 5 percent. A total of 1,441 complaints was filed last year.

If allegations are found to be valid but cannot be resolved through negotiation, they are turned over to the attorney general's office for legal action.

If gays and lesbians follow the experience of other groups, their complaints will largely be about discrimination in employment, which accounts for 75 percent of the complaints filed with the department.

The bill was fiercely fought, primarily by conservative religious groups, and the final votes against it were stronger than its proponents had expected: 78-53 in the House and 37-30 in the Senate. The House last voted

on the bill in 1975, the Senate in 1977.

Sen. Allan Spear and Rep. Karen Clark, Minneapolis DFLers who sponsored the bill, attributed the victory to changing times, a strong campaign by an organization called It's Time Minnesota, the pro-gay-rights stance of the Clinton administration and the support of an IR governor.

Clark also credited new suburban legislators, who she said were "in tune" with the issue.

Advocates amassed widespread support from mainstream churches, labor unions and business organizations.

Senate Minority Leader Dean Johnson, IR-Willmar, who made an impassioned speech in favor of the bill on the floor of the Senate before that body's first vote, was censured for his vote by the IR party in Kandiyohi County at its county convention Saturday.

Since the censure vote, Johnson said, he has received 10 supportive letters and phone calls to every one in opposition. "My vote was a vote to end discrimination," he said. "It was not an endorsement of a lifestyle."

Opponents of the bill said it would discriminate against heterosexuals, promote unhealthy lifestyles, undermine family values and sanction pedophilia, pornography and harassment by gays.

Although proponents said the bill would simply extend basic civil rights to gays and lesbians, they agreed to add wording specifying that it would not allow the teaching of homosexuality in schools, the recognition of same-sex marriages or affirmative action quotas.

Exemptions added in the House would allow gays and lesbians to be discriminated against in employment, housing and use of facilities if those things are connected to religious organizations or church-run schools; as employees and volunteers of organizations such as Girl Scouts, Boy Scouts and Big Brothers that provide friends, counselors or role models to youth; and in the rental of owner-occupied duplexes and rooms in single-family homes.

on the scale of the 1993 Human Rights Act. In fact, when President Bill Clinton later signed the Defense of Marriage Act (1996), Minnesota passed its own version, legally defining marriage as between one man and one woman. But for a new generation of activists coming out of It's Time, Minnesota and the GLCAC (later OutFront Minnesota)—including Scott Dibble, who succeeded Spear in the senate—there was a lesson in the 20-year campaign for gay rights: it may take awhile, but electoral politics coupled with grassroots organizing works.²⁸

When Spear retired in 2001, the movement for gay rights was on the defensive. In the years between his

retirement and death in 2008, the movement had few landmark victories to point to. The movement was, however, on the verge of a tipping point. In 2012, voters rejected a ballot measure to constitutionally ban same-sex marriage, the next year legalized it, and thereafter strengthened anti-bullying laws. Though Spear did not live to see these achievements, they were a direct extension of his historic role in the 20-year road to the 1993 Human Rights Act. Because of this achievement, in 2007 the Minnesota Historical Society recognized Spear as one of the 150 people who shaped the state, the only state legislator so honored.²⁹ □

Notes

1. Because Spear's autobiography is unfinished, a short afterword was included by the historian and former state senator John Milton, who was given the unenviable task of condensing the last 20 years of Spear's life into 25 pages, with only nine dedicated to the 1993 Human Rights Act. "Proudest legislative achievement" from Karen L. Boothe, "Minnesota's Spear Calls It A Day," *The Advocate*, July 4, 2000, 16.

2. Allan Spear, *Crossing the Barriers: The Autobiography of Allan H. Spear* (Minneapolis: University of Minnesota Press, 2010), 274–78.

3. John Milton, *For the Good of the Order: Nick Coleman and the High Tide of Liberal Politics in Minnesota, 1971–1981* (St. Paul: Ramsey County Historical Society Press, 2012), 430–31; Spear, *Crossing the Barriers*, 274–77.

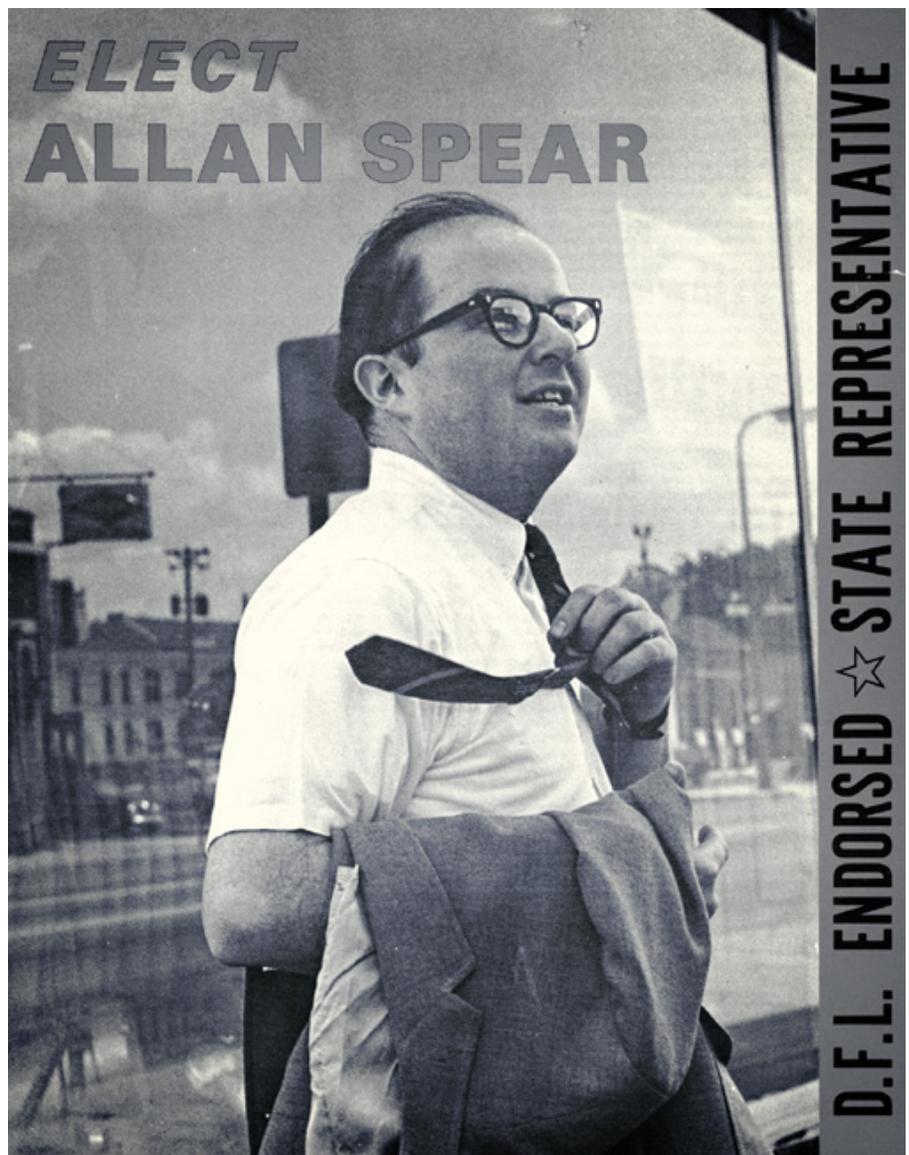
4. Spear stressed that he did not "want to be typecast as a gay legislator. I'm a legislator with concerns in a variety of areas, who also happens to be gay." Quoted in Wayne R. Dynes and Stephen Donaldson, *Homosexuality and Government, Politics, and Prisons* (London: Routledge, 1992), 227. Regarding activists on the left: Allan Spear to David Madsen, Feb. 26, 1976; Tim Campbell to Allan Spear, Feb. 3, 1975; "Hunger Strike News," Apr. 1975—all Box 9, Allan H. Spear Legislative Records, Minnesota Historical Society (MNHS), St. Paul (hereafter, Spear Legislative Records). "A Moderate Gay Rights Bill," *Minneapolis Tribune*, Apr. 21, 1975, 4A; "Protestors Jeopardize Rights Bill," *Minneapolis Star*, Apr. 19, 1975. Arne Carlson in discussion with the author, June 5, 2014.

5. Spear, *Crossing the Barriers*, 281–98.

6. Spear, *Crossing the Barriers*, 337.

7. Cathy C. Kennedy, "Discrimination: A Gay Fights Back," *Red Wing Republican Eagle*, May 19, 1977; "How Gays Lost in the Senate," *Metropolis*, May 17, 1977; Allan Spear, "Spear Says Time for Gay Rights Has Come," *QUAERE*, June 1977; Spear, *Crossing the Barriers*, 339–40; Steve Brandt, "Spear: 'Bigots Win'; Gay-Rights Bill Falters," *Minneapolis Tribune*, May 6, 1977, 4A.

8. Karen Clark in discussion with the author, June 14, 2014.



Flyer from Spear's first, and unsuccessful, run for office in 1968. Four years later he was elected to the state senate, where he eventually served for 28 years. PHOTO FROM MINNESOTA 150: THE PEOPLE, PLACES, AND THINGS THAT SHAPE OUR STATE, BY KATE ROBERTS (MNHS PRESS).

9. "Gay and Lesbian Rights is Not Just a Gay & Lesbian Issue," handout from the Minnesota Committee for Gay and Lesbian Rights, 1983, Box 9, Spear Legislative Records. On quotas: Quintin Alfors to Allan Spear, Apr. 27, 1983, Box 9, Spear Legislative Records. On "unfounded prejudices," Gregory White to Allan Spear, Apr. 15, 1983, Box 9, Spear Legislative Records. Allan Spear and Karen Clark to Supporters, June 30, 1983, Box 4, Allan Spear Papers, Jean-Nickolaus Tretter Collection in Gay, Lesbian, Bisexual and Transgender Studies, University of Minnesota Libraries, Minneapolis, hereafter Allan Spear Papers.

Several religious organizations and leaders wrote to Spear endorsing the bill, including the Minnesota Conference of the United Church of Christ and the Urban Affairs Commission of the Archdiocese of Saint Paul and Minneapolis.

10. Jeffrey L. Strand and Robert Halfhill to Allan Spear, Feb. 16, 1985, Box 9, Spear Legislative Records; John Milton, "Afterword," in Spear, *Crossing the Barriers*, 414.

11. On national public opinion, see Randy Shilts, "The Gay Movement's Tough Political Challenge," *San Francisco Chronicle*, May 11, 1984. Allan Spear to Jeffrey L. Huntington, July 1988, Box 1, Allan Spear Papers; Donna Halvorsen, "House Panel Approves Gay Rights Measure," *Star Tribune*, Mar. 6, 1993; Geraldine Sell to Allan Spear, Mar. 29, 1993, Box 9, Spear Legislative Records.

12. "Report of the Governor's Task Force on Lesbian and Gay Minnesotans," Mar. 22, 1991, Box 1, Minnesota, Governor's Task Force on Lesbian and Gay Minnesotans, Records, MNHS; Ed Stych, "Carlson Backs Gay, Lesbian Anti-Bias Bill," *St. Paul Pioneer Press*, Mar. 23, 1991; "Governor's Task Force Endorses Gay Rights Bill," Governor's Task Force on Lesbian and Gay Minnesotans, press release, Mar. 22, 1991, Box 9, Spear Legislative Records.

13. David Anger, "Chances Lffy for State Gay

Rights Legislation," *Twin Cities Reader*, Apr. 3, 1991; Eric Stults, "Rights Bill Defeated in Committee," *Equal Time*, Apr. 26, 1991, 1.

14. Leo Treadway to Allan Spear, May 5, 1991, Box 9, Spear Legislative Records.

15. "Don't Bash Carlson for Backing Equal Rights," *Star Tribune*, Sept. 28, 1991, 12A; Allan Spear to DFL Supporters, 1991, Box 15, Spear Legislative Records.

16. Scott Dibble, "Memories of Making History!" 1993; "Endorsements," handout from It's Time Minnesota, 1993—both Box 3, Allan Spear Papers; Scott Dibble in discussion with the author, May 31, 2014.

17. Karen Clark in discussion with the author, June 14, 2014; Milton, "Afterword," 419.

18. Chris Bull, "Political Spearhead," *The Advocate*, Feb. 1993, 48–49; Donna Halvorsen, "Legislators Besieged by Lobbyists on Both Sides of Gay Rights Bill," *Star Tribune*, Mar. 11, 1993; "Time Line," handout from It's Time Minnesota, 1993, Box 9, Spear Legislative Records.

19. Dennis J. McGrath, "Battle Is Brewing Over Gay Rights," *Star Tribune*, Dec. 1, 1992; Karen Clark in discussion with the author, June 14, 2014.

20. Jack B. Coffman, "Gay Rights Bill Clears House Hurdle," *St. Paul Pioneer Press*, Mar. 6, 1993; Nancy Biele, "Testimony to the Judiciary Committee of the House of Representatives," Mar. 5, 1993, Box 9, Spear Legislative Records; Alexa Bradley to Supporters, Mar. 5, 1993, Box 3, Allan Spear Papers.

21. Milton, "Afterword," 420–22.

22. Donna Halvorsen, "Legislature Votes for Gay-Rights Bill," *Star Tribune*, Mar. 19, 1993, 8A.

23. David Southgate, "Johnson Breaks from IR Ranks with Senate Speech," *Equal Time*, Mar. 1993.

24. Jim Klobuchar, "A 'Quiet Dissident' Among IR Senators is Quiet No More," *Star Tribune*, Mar. 19, 1993, 3B. Even though a "quiet dissident," Johnson remained the IR senate minority leader

until he resigned the position in 1997. In 2000 he switched parties and served as the DFL senate majority leader from 2004 to 2007. Donna Halvorsen, "Carlson Signs Gay-Rights Bill into Law," *Star Tribune*, Apr. 3, 1993, 2B.

25. "Verbatim," *Star Tribune*, Mar. 29, 1993; Gary Peterson, "Steven Edean's Passionate Activism Comes Full Circle," *Equal Time*, Apr. 9, 1993, 1; Halvorsen, "Carlson Signs Gay-Rights Bill." While running for governor in 2002, Rep. Pawlenty said this was the only vote he ever "regretted." Kevin Diaz, "Pawlenty Running Nationally to The Right, But Which Right?" *Star Tribune*, Aug. 23, 2010, <http://www.startribune.com/pawlenty-running-nationally-to-the-right-but-which-right/101204709/>.

26. David Southgate, "Governor Expected to Sign Legislation Within Two Weeks," *Equal Time*, Mar. 1993.

27. Arne Carlson in discussion with the author, June 5, 2014.

28. Allan Spear to supporters from the LGBT community, Jan. 6, 1995, Box 9, Spear Legislative Records; Scott Dibble, "Speech at Allan Spear's Retirement Reception," June 6, 2000, Box 1, Allan Spear Papers; Scott Dibble in discussion with the author, May 31, 2014.

29. Donald P. Haider-Markel, *Out and Running: Gay and Lesbian Candidates, Elections, and Policy Representation* (Washington, DC: Georgetown University Press, 2010): 102–3. The exhibit "Minnesota 150" opened at the Minnesota History Center in fall 2007; Kate Roberts, *Minnesota 150: The People, Places, and Things that Shape Our State* (St. Paul: Minnesota Historical Society Press, 2007), 161.

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