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The twisted road from Amendment 2 to 'I do' | Cover Story | Colorado Springs

Chet Hardin

13-16 minutes

It was always just a matter of time.

That's the revelation that those of us, sitting here today, are free to reach. It was always just a matter of time that the opponents of equal rights for gays and lesbians would lose every court battle, and eventually, the battle in the state Legislature for civil unions.

Yet in looking back over the decades-long struggle that has come to define Colorado's treatment of its gay and lesbian citizens, one can't help but marvel at the persistence of both the advocates for — and to some extent, the opponents of — gay rights. Those on the side of inclusion must have, at times, felt like Sisyphus (or his stuffed-animal approximation on our cover this week).

What follows is hardly a comprehensive review of their efforts. But in tracing some of the LGBT struggles in Colorado, back to the campaign for Amendment 2, we hope to give a sense of how far up the mountain they've actually pushed their boulder.

In 2011, House Minority Leader Mark Waller, one of the six

Republicans who killed civil unions legislation that year, said this of civil-union supporters: "If they are on the right side of history, it'll come. It'll happen."

Two years later, ceremonies are expected statewide. May 1, 2013 is a banner day for gay couples across Colorado, who can now enjoy some of the same rights and responsibilities that their straight counterparts have long taken for granted.

May 1990

Focus on the Family founder Dr. James Dobson warns in a newsletter: "I am familiar with the widespread effort to redefine the family. It is motivated by homosexual activists and others who see the traditional family as a barrier to the social engineering they hope to accomplish." Within three months, with the help of a \$4 million El Pomar Foundation grant, he'll move his headquarters to Colorado Springs.

June 1990

Colorado for Family Values (CFV) is founded by political activists Tony Marco and Kevin Tebedo, the son of Colorado Springs-area state Sen. MaryAnne Tebedo. The stated goal of this new nonprofit, as quoted in the New York Times: to "stop gay activists before they trample on your freedoms."

Focus on the Family and Manitou Springs' Summit Ministries later join its advisory and executive boards.

December 1990

Gov. Roy Romer signs Executive Order No. D0035, which states, in part, that "in the State of Colorado we recognize the diversity in our pluralistic society and strive to bring an end to discrimination in any form." The message of the order is that discrimination is not to be tolerated in hiring practices — a protection extended to sexual orientation.

1991

Will Perkins, a Colorado Springs-based car dealer, goes political when the city's Human Relations Commission asks City Council to vote on an ordinance to ban discrimination of minorities. As Perkins later tells Westword, "The whole thrust of their ordinance was to achieve protected-class status for homosexual behavior." The ordinance is defeated, and the Council begins to dissolve the HRC. Perkins sets his sights at the state level by teaming up with CFV.

May 1992

Secretary of State Natalie Meyer informs the activists behind CFV that they have successfully collected 16,000 more signatures than needed to get the No Protected Status for Sexual Orientation Amendment, or Amendment 2, placed on the November ballot. The law prohibits "the state of Colorado and any of its political subdivisions from adopting or enforcing any law or policy which provides that homosexual, lesbian, or bisexual orientation, conduct, or relationships constitutes or entitles a person to claim any minority or protected status, quota preferences, or discrimination."

June 1992

In response to the certainty that Amendment 2 will be on the ballot, local residents Amy Divine and Doug Triggs start Citizens Project, a "group of volunteers who seek to prevent extremists from eliminating our fundamental freedoms."

November 1992

- By 53 percent to 47 percent, voters pass Amendment 2. Within days, Colorado is being called "The Hate State."
- Thousands of protesters take to the streets in Denver following the Amendment's passage. Gov. Romer and Denver Mayor

Wellington Webb, both opponents of the amendment, join the protest.

- Nine days after the elections, Richard Evans, eight other persons and multiple governmental entities file a lawsuit (*Evans v. Romer*) challenging the amendment on the grounds that it violates their rights as guaranteed under the 14th Amendment.
- Amendment 2 becomes part of a heated national discussion on gay rights. Barbra Streisand is the first celebrity to suggest a boycott of Colorado, which draws the support of other celebrities, such as Whoopi Goldberg and Joan Rivers

January 1993

Judge Jeffrey Bayless of Denver District Court issues a preliminary injunction prohibiting the enforcement of Amendment 2.

July 1993

The Supreme Court of Colorado upholds the injunction.

November 1993

PBS runs an hour-long special titled *The New Holy War*. In it, Bill Moyers travels to Colorado Springs to research Amendment 2 and the culture that would produce such a law. In one segment, Moyers interviews *Gazette Telegraph* editorial page editor Dan Griswold, who to that point has written more than 20 editorials in favor of the measure.

December 1993

In *Evans v. Romer*, Bayless rules Amendment 2 unconstitutional, stating that it violates "the fundamental right of an identifiable group to participate in the political process." The court imposes a permanent injunction. State Attorney General Gale Norton announces that she will appeal the decision

to the state Supreme Court.

January 1994

Tim Gill, the software magnate who built the multimillion-dollar, Denver-based Quark Inc., launches his LGBT-rights nonprofit, the Gill Foundation. He says inspiration comes from the December 1993 enactment of Don't Ask Don't Tell, as well as the battle surrounding Amendment 2.

October 1994

The Colorado Supreme Court upholds the lower's court's ruling that Amendment 2 is unconstitutional. Romer and Norton say they will appeal to the United States Supreme Court

September 1995

The Family Research Institute, a nonprofit dedicated to generating "empirical research on issues that threaten the traditional family, particularly homosexuality, AIDS, sexual social policy, and drug abuse," moves to Colorado Springs from Washington, D.C.

November 1995

Tebedo leaves his position as director of CFV to pursue a future in the burgeoning "Patriot Movement."

1996

The Gill Foundation establishes the Gay & Lesbian Fund for Colorado, choosing Colorado Springs for its headquarters.

May 1996

In a 6-to-3 ruling, the U.S. Supreme Court upholds the state Supreme Court's ruling in what's now known as *Romer v. Evans*. Before finding the law violative of the 14th Amendment, the majority states, "Laws of the kind now before us raise the

inevitable inference that the disadvantage imposed is born of animosity toward the class of persons affected."

May 1997

Responding to allegations of abuse within city hall, Colorado Springs Mayor Mary Lou Makepeace and Councilors establish a zero-tolerance policy for discrimination. The policy states that "no person shall be discriminated against because of race, gender, color, national origin or ancestry, age, religious convictions, veteran status, disability, political beliefs, or other non job-related criteria." This policy is seen as an extension of support to gays and lesbians.

January 1999

Colorado Springs School District 11 becomes embroiled in controversy after Palmer High School principal Jay Engeln denies a request by students to recognize a Gay-Straight Alliance club.

July 2000

Civil unions become available in Vermont. While Hawaii and California have previously offered some legal protections to same-sex couples, Vermont is the first state to allow civil unions with all the legal rights and responsibilities of marriage.

2002

Colorado Springs City Manager Lorne Kramer adds money to the city's budget to cover the health-care benefits of same-sex partners of city employees. The budget is accepted by a majority of the City Council

March 2002

Arsonists attack the Pikes Peak Gay and Lesbian Community Center, or Pride Center, behind the old Hide and Seek bar on

Colorado Avenue. The center is homeless for a while, before moving to a location on East Bijou Street. No one is ever charged.

April 2003

A newly elected slate of Colorado Springs City Councilors vote to rescind benefits for same-sex partners of city employees.

December 2003

With the help of an American Civil Liberties Union attorney, seven Palmer High students file a federal lawsuit against their school for its continued refusal to recognize the GSA.

July 2004

Dozens of gay and lesbian couples are symbolically married in Colorado Springs' Acacia Park.

2004

Despite having signed it just a year before, Colorado Springs Mayor Lionel Rivera refuses to sign the mayoral proclamation for the local gay pride event, PrideFest. "I believe marriage should be between a man and a woman. I think my position on the issue reflects the majority of people in Colorado Springs," Rivera says. No mayor has signed a proclamation since, though some Councilors have.

May 2005

Gov. Bill Owens chooses not to sign HR 1014, but allows it to become law, extending Colorado's Hate Crimes protection to cover sexual orientation.

November 2005

After spending more than a quarter-million dollars fighting it, District 11 settles with the ACLU and the Palmer plaintiffs,

allowing the GSA to exist as an official school club.

December 2005

The Coloradans for Fairness and Equality Action Fund is incorporated with the Secretary of State's Office, and will lead the call for the state Legislature to put Referendum I to the voters in

November 2006

It would create domestic partnerships for gay couples, extending them many of the same rights as married couples.

May 2006

- The Colorado Legislature passes HB 1344, or the Domestic Partnership Benefits and Responsibilities Act. This places Referendum I on the November ballot.
- Will Perkins re-emerges to support Amendment 43, which would define marriage as a union between one man and one woman, on the November ballot.
- Colorado Family Action is formed with the support and direction of Focus on the Family. CFA is intended to manage the campaign to oppose Referendum I, as well as to champion Amendment 43

November 2006

Colorado voters deal a one-two punch to gay rights: Not only do they vote down Referendum I, 52 to 47 percent, they vote to enact Amendment 43, 55 to 45 percent.

July 2007

Gov. Bill Ritter issues a proclamation in support of Colorado Springs' PrideFest. It's the first time the governor's office has issued such a proclamation.

April 2009

State lawmakers approve a Designated Beneficiaries Agreement, providing some rights that same-sex partners have long sought, such as making end-of-life decisions.

November 2009

The nonprofit One Colorado is incorporated with the state. The aim of this organization is to secure and protect "equality and opportunity for lesbian, gay, bisexual, and transgender (LGBT) Coloradans and their families."

June 2010

Led by Jan Martin, City Council votes to bring back the Human Relations Commission

February 2011

On Valentine's Day, Denver Democratic Sen. Pat Steadman sponsors SB 172, which would institute civil unions in Colorado.

April 2011

By a 6-to-5 vote, Republicans kill Steadman's civil-unions bill in the House Judiciary Committee. Colorado Springs representatives Bob Gardner, Mark Waller and Mark Barker all vote against.

January 2012

Once again, Steadman introduces legislation to recognize civil unions in Colorado. This time around, the bill is titled Senate Bill 2.

May 2012

- In the final day of the legislative session, Republican leaders in the House, including Colorado Springs' Amy Stephens, let more than 30 bills die on the floor. One is SB 2, which had the support

of five Republicans — enough to get it passed. Supporters in the chamber chant, "Shame on you!"

- Gov. John Hickenlooper orders a rare special session so the Legislature can deal with dozens of bills that had been allowed to die. Civil unions once again fail to pass.

November 2012

In a historic electoral sweep, Colorado Democrats take control of the House and the Senate. Colorado Springs Democrat John Morse is appointed Senate president.

January 2013

- The Rev. Nori Rost, openly gay leader of Colorado Springs' All Souls Unitarian Universalist Church, is invited to give the invocation at the opening of the state legislative session.
- Steadman and Rep. Mark Ferrandino introduce Senate Bill 11, which would authorize civil unions.

February 2013

The Colorado state Senate passes SB 11, sending it to the House.

March 2013

The Colorado state House passes civil unions, which Gov. John Hickenlooper signs into law. At the signing ceremony, Steadman reflects on the importance of the event. "With this signature," Steadman says, "Gov. Hickenlooper will make sure that, for once and for all, LGBT Coloradans are not strangers to our laws."

May 2013

On the first of the month, gay and lesbian couples are able to apply for unions.

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