



Episode 3: Equal Rights, Not Special Rights

Accompanying episode blurb.

Jenna Spinelle: One of my most vivid memories growing up was getting into an argument with a classmate. He was a boy, and we were in Home Ec. He refused to do the dishes after our cooking assignment because he called it women's work. Now, I'm typically a pretty calm person but I remember being absolutely furious. How could he think he was above this? Why didn't he see me as an equal? How was this my work and not his? So I yelled at him, and we both got kicked out of class. I guess that made us equals after all. We learn about fairness and equality from our earliest days, but in real life we know that fair is not always fair and equal is not always equal. And that's what I really wanted, to be treated as an equal. So many people know that feeling, being treated differently or having basic rights denied. That's one of the main reasons I have seen people organize around ballot initiatives. But initiatives are also used to suppress equality, and that's what we are talking about today. This is When the People Decide. I'm Jenna Spinelle. Ballot initiatives are often talked about as something only states use, but the battle for LGBTQ rights in Cincinnati, Ohio in the 1990s and early 2000s is an example of how initiatives are used at the city level. It's also a story of how ballot initiatives are a tool that anyone can use. When it comes to LGBTQ rights and visibility, it's really incredible how far we've come in such a short time.

News Clip: This morning the Supreme Court recognized that the constitution guarantees marriage equality. In doing so, they have reaffirmed that all Americans are entitled to the equal protection of the law. That all people should be treated equally regardless of who they are or who they love.

Spinelle: Marriage equality, RuPaul sweeping the Emmys, an openly gay player in the NFL, this is the world we live in now. But just a few decades ago, there was so much pain and heartbreak when it came to LGBTQ rights. Beyond discriminatory legislation, the federal government dragged its feet as the AIDS epidemic ravaged gay Americans, taking nearly 90,000 lives during the 1980s. Things started to change in the '90s. There was the promise of progress. Hundreds of thousands of people marched on Washington for lesbian, gay, and bisexual rights, Bill Clinton created a presidential advisory council on HIV/AIDS, and legal protections were popping up around the nation. Cincinnati was also moving forward. In 1992, the city council after years of organizing by the city's queer community enacted protection from discrimination for a variety of people, including

LGBTQ people. And in Ohio, Buck Harris chronicled it all on his weekly radio show, *The Gay '90s*.

Buck Harris: Tim from Lakewood, you're on.

Tim: Yeah. Hello.

Harris: Hi, Tim. How are you doing?

Tim: Billy Crystal, of course. I've been really good.

Harris: Billy Crystal.

Tim: Yeah. I just got out of hospital today and what a way to celebrate.

Harris: Oh my goodness. Well, I'm glad you're out of the hospital.

Tim: Yeah. It was nothing. I just charged home and I had to throw on the radio I says, *Gay '90s* is on, man. Come on.

Harris: Well, great.

Kimberly Dugan: ... was supposed to be *The Gay '90s*, and like all the T-shirts and all the flag waving *Gay '90s*.

Spinelle: This is Kim Dugan. She's a professor of sociology at Eastern Connecticut State University. Kim studies social movements, particularly within the LGBTQ community.

Dugan: It was going to be this heyday time period after people like Jerry Falwell and Pat Robertson had been really prominent in their anti-gay push in the '80s.

Spinelle: But there was still a lot of work to be done. Gay people still couldn't get married. They could be legally discriminated against in their jobs, in housing, and in healthcare. That had a lot to do with the influence the Christian right had at the time. And a new tool to turn its ideas about homosexuality into policy in cities and states. If you haven't already guessed by now, they used ballot initiatives. Kim described some of its messaging as fire and brimstone. Like legal protections are a sin because gay people are going to hell.

Dugan: They had thrown out a couple of test cases, Measure 9, in Oregon, and it failed. People were like, "Our neighbor is not going to... They're not doing anything that terrible."

Spinelle: A few states away in Colorado, the Christian right took a different approach. It started appealing to shared values, not religious ideals.

Dugan: They created an organization called Equal Rights, Not Special Rights, which was quite the sound bite, and they were very successful.

Spinelle: This approach worked. Colorado voters rolled back protections for LGBTQ people in 1992. But instead of targeting another state next, the Christian right went after counties and cities, including a city some people have called the most Southern city in the north, the City of Cincinnati. A city that outlawed adult stores in the 1980s. A city that had an active politically conservative population. Fertile ground for a growing anti-gay agenda. And despite the human rights legislation that had just been passed, a city whose LGBTQ community was still siloed.

Dugan: They were a small community, so how organized could they be? They didn't have the funding that the Equal Rights, Not Special Rights people had, that had an established conservative organization, CCV, that had churches as the infrastructure.

Spinelle: In 1992, CCV, or Citizens for Community Values, was one of the most active Christian right organizations in Cincinnati. Kim says it had a stronghold in organizing and getting results. Its new campaign, Equal Rights, Not Special Rights, was based on three major points. One, sexuality is a choice. Two, gay people are not economically disadvantaged. Three, they are not politically powerless either. Basically, gay people already had a lot of power, asking for things like protections from discrimination meant asking for something special.

Dugan: And who doesn't want to equal rights, and nobody thinks it's fair that anybody gets anything special.

Spinelle: When I talked with Kim, she told me about a video produced by the national Christian organization, Traditional Values Coalition, to promote its campaigns across the country, including in Cincinnati.

Campaign Clip: Special privileges for homosexuals would allow one more reason to file a lawsuit. One more way that a small business could find itself blackmailed politically or economically.

Spinelle: I've got to be honest, this video messed me up. Even the title, Gay Rights, Special Rights: Inside the Homosexual Agenda, was pretty jarring. I saw so many parallels to things we still hear about today. Things like the LGBTQ agenda taking over schools, and the disruption to "traditional" American values. It made me think, history doesn't repeat but it rhymes, a lot. Cincinnati Human Rights Ordinance in 1992 ignited CCV. It launched a ballot initiative campaign using the same playbook from Colorado. The initiative's goal was simple. Reverse the city's discrimination ban and update the city charter, which is basically the city's version of a constitution. The charter would say that special status and protections could not be granted on the basis of sexual orientation. One of the anchor points in CCV's campaign was arguing that those pushing for gay rights were doing so at the expense of the civil rights movement. They said that gay Americans wanted to be treated as a protected class just like African Americans did. Here is a clip featuring conservative commentator, Emmanuel McLittle.

Emmanuel McLittle...: Now homosexuals are using not only the language, but they are beginning to insist that the statutes, the laws, all of the advantages gained by civil rights leaders such as Martin Luther King, be now applied to homosexuals.

Spinelle: Buck Harris and his listeners discussed it all on The Gay '90s radio show.

Harris: From watching what I saw was they're really trying to especially rally the African American community to support this because they're really trying to drive a wedge between us and the African American community.

Spinelle: Of course, these kinds of wedge issue tactics completely ignore the intersectionality of being both black and queer, for example. At the same time CCV was moving in, the pro-LGBTQ campaign decided to double down on the civil rights rhetoric, using images of Hitler, the KKK, and Senator Joseph McCarthy on TV ads and billboards all over Cincinnati. Kim says the campaign was not doing itself any favors with this strategy.

Dugan: Now we would call that microaggression, like you have to drive by and see a picture of the Klan or Hitler every freaking day.

Spinelle: The strategy was not unanimous. While everyone was unified against the Christian right, there were different ideas about the best way to frame the campaign. Some organizers called it the elites versus the rank and file. There was a top-down power structure in the campaign, which meant that a lot of the most marginalized people, specifically Black queer Cincinnatians, were left out. All of which was illustrated by the campaign being led by a straight white woman.

Dugan: It was kind of like allyship. The ally can be the arbiter. They can be the one that can relate to the straight white foe. They can make the appeals like, look, we are all just the same. Let's be generous here with these rights and so forth.

Spinelle: I want to talk for a minute about the power of lawyers in these campaigns. On one hand, ballot initiatives are such grassroots movements. They rely on volunteers who are mission-driven and willing to go all out for their cause, but we are also talking about changing or passing laws. You need people with expertise in the language, how to move it through the system, and how to form arguments that appeal to the public.

Scott Knox: When you're right in the middle of it, you have a very biased viewpoint and what you think will work isn't necessarily the best thing because you're so passionate about the issues.

Spinelle: This is Scott Knox. He helped organize and fight to uphold protections in '93. He's also a lawyer in Cincinnati who's been representing the city's LGBTQ community for decades. Something he kind of stumbled into after law school in the mid '80s.

Knox: I didn't really know attorneys that did probate that were gay-friendly. So I started learning it and doing it myself mainly because I couldn't think of anyone else I could find to do it, and I wasn't comfortable saying, "Sorry, can't think of anyone." So I kind of drifted over to it out of necessity.

Spinelle: As I was researching Scott's background, I spent a lot of time on his website. And if you look up his site, which I definitely suggest you do, you'll see something that looks like it's from the dawn of the internet. I absolutely love it, and I think it says something about him. Scott hasn't had to worry about his website because people in Cincinnati know where to find him, and they have for the past 30 years. Professionally, the bulk of his work focused on discrimination cases. He took on cases where people were fired because they were gay or diagnosed with AIDS. He represented

Roger Asterino, who came forward with a discrimination case once the city enacted LGBTQ protections in 1992. Scott described him as a shy, reserved employee who preferred to keep his private life to himself.

Knox: It kind of surprised me that he agreed to be a named plaintiff. It was important, I think that's why he pushed through it. But that was kind of the whole thing that happened that made his discrimination case so heinous was he was so shy and private that someone harassing him openly about being gay was absolutely mortifying to him.

Spinelle: Roger was harassed repeatedly by one specific colleague.

Knox: If Roger was doing business talking to a co-worker or someone in a conference room, this other guy would go up so that the person Roger was talking to could see him. He would make like kissing faces, and point to the two of them like, "Oh, are you two going to kiss?" He would make loud comments that everyone could hear that Roger doesn't know if he's a boy or a girl. And you have to remember this is someone who is extremely private and did a great job but was shy and didn't want his personal life anywhere. And it just continued to the point that he was going to quit his job because he couldn't stand it anymore because he was being humiliated on a daily basis.

Spinelle: Roger declined to talk on the record saying even the memory was still too raw after 30 years. As the vote on rolling back LGBTQ protections came closer, there was no clear cut outcome. Nancy Minson, the straight white woman leading the pro-LGBTQ campaign, talked with Buck Harris on The Gay '90s the night before the election.

Nancy Minson: What we learned from the Colorado election is the polls aren't very accurate in Colorado. Our side was winning all the way through until they counted the votes. When you're dealing with a hate issue, people aren't going to be real frank with a stranger calling them on the telephone. So as far as I can tell, it's going to be very, very close.

Spinelle: Even if the polls were unclear, the spending between the two sides was definitely not.

Minson: They had four ads in the newspapers today alone.

Harris: Geez.

Minson: They have had ads in the newspapers every day, two times a day since last Wednesday, and Sunday, I think there were six different ads in the paper.

Harris: God.

Minson: We had enough to buy one full page ad today.

Spinelle: In November, 1993, Issue 3, the ballot initiative to strip LGBTQ people of protections, passed with approximately 62% of the votes. Here's Scott Knox again.

Knox: Universally, the people that said they voted to approve Issue 3 said, "Well, I don't mind gay people but they shouldn't get special rights." So I know that it was very effective. That message really resonated with people. It was emotionally dispiriting

because it feels like, "Wow, that's what my neighbors think of me. They think it's fine to discriminate against me, and they think, too bad if you're getting fired because you're gay." It's horribly dispiriting just emotionally to the community to think, "Wow, is that what my city really thinks of me?"

Spinelle: The pro-LGBTQ coalition had endorsements from the League of Women Voters and Cincinnati's major newspapers. In the end, none of it was enough to defeat the Christian right.

Spinelle: In 1994, Roger Asterino told the Chicago Tribune that the newly passed initiative pushed by CCV took away any of the ground he once had. He said his co-worker could go right back to that harassing behavior with no checks in place.

Minson: It's horrible. The thought of it is just so horrible, but we need to be able to deal with what are we going to do next.

Harris: We need to go to a news break rather quickly but I want...

Spinelle: Cincinnati's gay community was reeling after the ballot initiative passed, and they called Buck Harris to talk about it.

Gay 90s Caller: It's time that the politicians... Sending people to our annual dinner isn't going to be enough when we're fighting literally for our lives.

Spinelle: Roger eventually left the city, and others would follow. Some people no longer felt welcomed or safe.

Michael Chanak: There was a real loss of talent and a whole lot of memory that was lost in those timeframes, and I don't know that we ever recover from that.

Spinelle: This is Michael Chanak. He produced his own gay radio program in Cincinnati at the time, and he says there was a whole generation that left town. And this says nothing of all the people lost to AIDS at the same time. It was a one-two punch that erased the hope of the gay '90s continuing in the city. If Scott Knox was working behind the scenes, Michael was at the front. Literally in front of news cameras. That's how his co-workers at Procter & Gamble first found out he was gay, after footage of him at the 1986 pride parade surfaced, and he knew exactly what it was like to work without legal protections.

Chanak: There were things said and there were cartoons and stuff posted that were anti-gay, and I received some level of hate mail.

Spinelle: Michael moved to the big City of Cincinnati from a small town in Northeast Ohio in 1978. He adopted the nickname Mother Goose because, as he says, "There were too many gay Michaels in Cincinnati back then." He was even wearing a T-shirt with a goose on it when we talked.

Chanak: I think a lot of us felt that things were slowly getting better, and our generation, peace, love, rock and roll and all that sort of... We were going to change the world.

Spinelle: While some people were leaving the city, a cohort of attorneys, including Scott Knox, were rolling up their sleeves. That's because after a ballot initiative is voted on and passed by the people, there's not much you can do to reverse it, except appealing to the courts. That's something pro-LGBTQ lawyers got to work on right away. Their appeals went through district courts, and eventually all the way up to the US Supreme Courts. Ultimately though, the verdict was clear, the people's decision would stand. No protections were granted.

Chanak: The courts weren't going to help us. And I think people, as time went by, began to see that it wasn't going to be through the attorneys this thing was going to be resolved and in the end it wasn't.

Spinelle: But while those court battles continued in Cincinnati for the next five years, big changes were happening in the rest of the country.

Ellen DeGeneres...: Susan, I'm gay.

Will and Grace ...: Lord, look at these people. Just because they stopped being gay doesn't mean that they have to stop having taste.

Spinelle: For the first time, shows like Ellen, and Will and Grace put gay characters in the mainstream.

Sayre Reece: Whatever the year Ellen came out was, I remember we had a viewing party at the Fairness Campaign office in Louisville.

Spinelle: Sayre Reece grew up just over the border from Cincinnati in Kentucky.

Reece: My name is Sayre Reece. I'm the senior strategist at the National LGBTQ Task Force, and I use they/them/their pronouns.

Spinelle: Sarah was watching Ellen right along with Scott Knox, Michael Chanak and everyone else in Cincinnati.

Reece: And we picked out of a fish bowl the exact minute in the episode where she was going to come out, and I was the one who picked out the correct minute. So any time that there was positive reflection of LGBT people, and really LGB, maybe even L and G, it was a big deal.

Spinelle: Sayre was a senior in high school in 1993. They hadn't even come out yet as a queer person when this fight started, but soon enough they were organizing gay rights campaigns across the country with the task force. That's how Scott Knox first heard of Sayre.

Knox: One thing we decided early on was that we should not have the arrogance of thinking, "Hey, we'll just do this." We wanted to get help from an organization that had been through this a million times, and NGLTF certainly had, so we contacted them and asked them to come in and help with training to tell us how to do it right.

Reece: I think one of the things that is so rewarding about being a field organizer, moves from community to community, is it's our job to learn how to not be the person

who swoops in. We are there to support and help. And it means that if you do it right, you get to build real transformational relationships and not transactional relationships. And so Scott is an example of that for me. He opened his door so that I could have some place to live while I was in town.

Spinelle: In 2002, the campaign was brand new. So to save as much money as possible, Sayre moved into Scott's basement with their Chihuahua and a four-step plan to reverse Cincinnati's '93 initiative.

Reece: One was start early, two was build a big enough team, three was be clear and honest with voters, and four was talk one-on-one with voters.

Spinelle: Scott remembers how novel this approach was. It's one thing to come out to your family, friends, maybe even co-workers, but how about the whole city? Especially a city that just told you what they thought of you.

Reece: I mean, I think this is one of the things that makes the LGBT ballot measure campaigns a little different, is that we didn't try to build common ground. We were very clear about who we were.

Spinelle: If Sayre and their team could pass this initiative, restoring protections to LGBTQ people of Cincinnati, it could become a blueprint. One that showed that you did not need to compromise your identity to win. It wouldn't be easy. They remember how uncomfortable it was for people like Scott to share their stories. Pretty much coming out on people's doorsteps, dozens of times in one day. Scott said he couldn't have done it without the group trainings. A quick note, Sayre used she/her pronouns at the time they worked in Cincinnati.

Knox: It's difficult to force yourself to say the word gay. As a gay man it was difficult for me too because you feel like you're talking about sex with someone you don't know. And she had everybody chant gay, gay, gay, gay, gay, and said we have to get used to saying the word gay and you have to get used to saying it to strangers, because if you complete your time at someone's door and you never mention that Article 12 is a gay issue, if you just say it's a human rights issue, when they find out it's a gay issue, they are going to think you lied to them and they are going to ignore everything you said.

Spinelle: In 2002, there was a new push for racial justice following a police shooting of an unarmed black man. The LGBTQ community joined this coalition to broaden this call for justice. There was also pressure from the convention bureau as the city's reputation as a place of hate and discrimination was costing valuable conference revenue. Procter & Gamble also got involved. Michael Chanak was leading the effort to update the company's non-discrimination policy. The company saw updating its policy and getting involved in gay rights as a strategic way to recruit and retain talent.

Chanak: And they just came down too in a typical Procter way saying, "This is not good for business. This is not good for Cincinnati. This is where we are headquartered. And this is simply poison." So they put some money down. And another thing they did, which I never thought I'd see, was they sent out a letter to employees stating that. Advocating a position, at least internally. I don't know if it was known externally at that point but to me it was awesome. It was awesome.

Spinelle: By 2004, P&G donated a full-time employee to work on the repeal campaign. Michael says there were other surprising groups pushing people towards change, including progressive churches.

Chanak: Clifton United Methodist, Church of Our Savior, ChristChurch Cathedral. They have huge "gay" congregations, and are well supported.

Spinelle: Maybe the biggest difference though was a change in strategy. This time the organizing was more diverse and reflective of Cincinnati than the '93 movement.

Reece: The people who were bringing this forward and launching citizens resource fairness had the lived experience that siloing our identities and being vulnerable to be used as wedge issues in the campaign was not a winning strategy. So there were people there who understood that we needed a diverse campaign racially, ethnically, faith, politics, republican, dems, and independents, libertarians. So there were folks who lived that in their heart and in their gut and there were people who lived that in their head. So whether they were there to do it strategically or because it was the right thing to do, everyone understood that this had to be a campaign that reflected the diversity of Cincinnati in all the ways.

Spinelle: In November, 2004, Cincinnati voters went back to the voting booth. They faced the same question. Should there be legal protections for LGBTQ people? This time they affirmed equality. 54% to 46%. If you look up Cincinnati City charter today, which it should not surprise anyone that I did, you can still find the language of Equal Rights, Not Special Rights, but now in parentheses it says, repealed.

Reece: I'm going to tear up a little bit, but we would think about what the headline was going to be the day after election day, and what kids were going to see on that headline, and particularly queer kids. And so it was a big deal any time people came out publicly to say, we are restoring fairness in Cincinnati. Fairness is what we are working towards here.

Spinelle: The repeal was a big step forward for Cincinnati, but it was a win that was also decades in the making. It started in the late '70s when people like Michael Chanak moved and found a home in Cincinnati. It continued in the late '80s when people like Scott Knox moved into discrimination law. Gay folks had been doing the work of organizing for decades before this win. It was the foundation for this victory. Sayre would go on to battle with the Christian right on the issue of marriage equality in Kentucky and then California. They didn't win those campaigns but they did help mobilize 50,000 volunteers and 200,000 pro-LGBTQ voters. Although many of the wins for LGBTQ rights ultimately came through the courts, Cincinnati is an example of what happens when the people step up to overturn injustice on their own.

Knox: I think it's great to have the people weigh in. If there can be a campaign where they are educated enough to weigh in rationally the special rights argument. If you can counter that argument. I'm still, after all these years, very Pollyanna on people. Things like the 2004 campaign make me that way. That I still have a fundamental belief that people will do the right thing if they have the facts, if they know what the issue really is.

Spinelle: It was so amazing to hear Scott say he is Pollyanna, because so am I. I know America still has a long way to go on fairness and equality but I believe we have what it takes to get there, and ballot initiatives are one way to do it.

Spinelle: When the People Decide is reported and hosted by me, Jenna Spinelle. Paulina Velasco is managing producer. Jen Chien is executive editor. Jimmy Gutierrez contributed to the production of this episode. Additional editing support from Juleyka Lantigua. Cedric Wilson mixed this episode. Fact-checking by Mark Betancourt. You heard archival footage of The Gay '90s radio show from the Cleveland State University archives. Special thanks to Ken Schneck and the Ohio Lesbian Archives for helping connect me to the sources in this story. Find more episodes of When the People Decide on Apple Podcasts, Spotify, or wherever you listen to your favorite podcasts. I'm Jenna Spinelle, thanks for joining us.

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