

PROPOSITION ONE

Introduction

Surrounded on the Idaho Statehouse steps by 50 gay rights supporters who hissed and chanted “shame” and “go home,” Oregon anti-gay activist Lon Mabon announced the formation of the Idaho Citizen’s Alliance (ICA) and a “Stop Special Rights” political action committee intended to head off gay rights measures which they don’t believe are civil rights on January 14, 1993.

In addition to contributing to the campaigns of candidates for governor and the Legislature, Mabon planned to spend over \$500,000 to put a tough anti-gay initiative on Idaho’s 1994 ballot.

When asked about the ICA’s proposed initiative, Idaho Human Rights Commission executive director Marilyn Shuler stated, “We feel it’s destructive. We are fearful this will promote and give a license to others to hate.”¹

Human rights advocates weren’t the only group worried about the negative impacts of Proposition One. Those involved with Idaho’s third largest industry, Tourism, worried that those who travel to Idaho might just stay home if the initiative passed. Ketchum-Sun Valley Chamber of Commerce Director Wendy Jaquet said, “Tourism is the No. 3 industry in the state, and this would be a step backward. It would send a message that we don’t tolerate diversity, and, in the ‘90’s, that won’t fly.”²

The Boise Convention and Visitor’s Bureau also voiced their concern that the initiative would hurt Idaho’s \$1.5 billion travel industry. Executive Director Bobbie Patterson maintained that, “You’re vulnerable, period, by passing that type of legislation.

¹ Idaho Statesman, 1/14/93, Idaho group pushes for anti-gay law

² Idaho Statesman, 1/13/93, Idaho resorts worry about anti-gay proposals

There was grave concern in Oregon. They felt very strongly they would see loss of business.”³ Colorado’s State Division of Tourism administrator Carl Wilgus indicated that Colorado had lost \$7 million in business do to the passage of Colorado’s anti-gay initiative.

Mabon responded to economic critiques of his initiative in claiming that, “Some of these liberal groups are, by the end of the decade, going to find it very hard to go any place for a vacation (that has not approved) pro-family legislation.”⁴

The Monday after Mabon’s announcement, Governor Cecil Andrus and Attorney General Larry EchoHawk publicly decried the proposed initiative in the Capitol rotunda during the annual Martin Luther King, Jr. Human Rights Week March. Andrus maintained, “No matter how it is packaged, it amounts to the same kind of intolerance and hatred that Idaho has rejected before and will reject again.” Attorney General EchoHawk echoed Andrus in saying, “We have nothing to fear from those who are different, but we have much to lose by embracing hate.”

The Governor and Attorney General were not the only ones publicly denouncing the anti-gay initiative. In response to Proposition Once, Idaho’s America Civil Liberties Union (ACLU) circulated a one-sentence amendment taken from Montana’s Constitution that read: The right to individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest. Bruce Bistline, Idaho ACLU legislative coordinator, commented that, “It would create a

³ Idaho Statesman, 1/14/93, Gay law may hit tourism, 15C.

⁴ Idaho Statesman, 1/14/93, Gay law may hit tourism, 15C.

foundation for saying that any statute on private matters is unconstitutional discrimination.”⁵

Reaction from the Legislature to the ACLU’s proposed amendment varied. House Speaker Mike Simpson, R-Blackfoot, said that he would support the amendment if it looked as though the initiatives success was likely. “I am really afraid if we run in and put a constitutional amendment on the ballot that we’re going to start momentum on the other side,” Simpson said.⁶ Others, such as Senate Minority Leader Mary Lou Reed, D-Coeur d’Alene, felt that a more aggressive stance should be made, and that supporting the initiative would be a good place to start.

Walton and the ICA faced increasing religious opposition to their initiative as well. Clergy from three different denominations quickly responded the initiative with a signed statement and publicly urged Idahoans not to sign the ICA petition. “It’s clearly a violation of the constitutional right to equal protection under the law,” said Rev. John Thornton, a bishop with the Episcopal Diocese of Idaho.⁷ “It’s a case where one group of citizens is declared less than human.”

In response to Walton’s stance that homosexuality is a behavior, Eastern District superintendent of the United Methodist Church, Deborah Pitney, said, “I also do not agree that homosexuality is a behavior; I believe it’s an orientation. It’s the way that someone is born.”

In addition to Pitney and Thorton, Rev. Tom Tucker, minister at the First United Methodist Church; Samuel Adams, associate executive presbyter for the Presbyterian

⁵ Idaho Statesman, 1/20/93, ACLU proposes amendment for gay privacy, 1C.

⁶ The Idaho Statesman, 1/23/93, Simpson may back privacy measure, 1C.

⁷ The Idaho Statesman, 1/30/93, Clergy: gays will suffer, 1C

Church and Bishop William Dew, representative for the Oregon/Idaho Conference of the United Methodist Church signed the statement denouncing Proposition One.

The next day, Lon Mabon announced the formation of the Citizen's Alliance of Washington, claiming that the groups agenda would be bigger than the gay rights issue, pushing family values by supporting politicians that promote limits to welfare, protecting the right to bear arms and reverse environmental extremism in land-use controls.

Protestors greeted their first organizational meeting in a Vancouver church.

From Oregon to Idaho

The roots of the ICA can be traced back to the political unrest in Oregon during the mid 1980's. Republican senator Bob Packwood was considered a dissenter by his congressional colleagues because of his moderate to liberal views concerning women's issues, specifically abortion. In 1981 and 1982, Packwood led senate opposition to the recriminalization of abortion. Consequently, national anti-abortion leaders promised to punish Packwood during the next election campaign (Lunch, 1995).

Religious conservatives recruited Joe Lutz, an energetic Baptist Minister, to run in opposition to Packwood. Lutz and his campaign staff (including the soon to be OCA chair, Lon Mabon) created the Oregon Citizens Alliance (OCA). This new political body was an attempt to strengthen both Lutz's campaign, as well as the Christian Right in Oregon (Lunch, 1995).

The OCA, however, had a much larger agenda than simply electing a minister to office. "The Oregon Citizens Alliance arose in the late 1980's with the specific mission of fighting gay civil rights" (Diamond, 1995, p. 297).

Leading the OCA, Mabon reacted to an executive order made by Oregon's

Democratic Governor, Neil Goldschmidt, which prohibited the discrimination in state government of individuals based on their sexual orientation. The OCA responded with an initiative directed at overturning the Governor's order, claiming that the law provided “special rights” to homosexuals. “Asked what he meant by special rights, Mabon claimed that homosexuals have a ‘political agenda,’ including establishment of ‘minority status,’ which he as a Christian was bound to oppose” (Lunch, 1995, p. 232). The initiative passed with 53% of the vote. However, the statute that resulted from the vote was considered unconstitutional, and consequently overturned, in 1993 by the state supreme court.

Regardless of the OCA’s failure to eliminate sexual orientation protection in state employment and its failed Measure 9 in 1992 which was a far-reaching ballot initiative to prohibit “sexual orientation” protection in state and local government, the OCA demonstrated its political clout and ability to mobilize a constituency that could influence election outcomes. Moreover, Mabon and his anti-gay agenda sparked the “special rights” and “homosexual agenda” discourse that would be used by the ICA in January of 1993.

As an OCA staff member, Kelly Walton gained the organizational and campaign skills necessary to begin Idaho’s own Citizen Alliance. Walton stated, “When I moved back to Idaho in 1990, I had just experienced four years of political activity where I had gone to college in Oregon in the Portland area. I had become very involved in a grassroots organization over there, so I developed some skills in it” (Pitman, Forthcoming, p. 128). A regular churchgoer, Walton, 36, claimed to be an anti-special rights supporter, not anti-gay hater. “I’m a nice gay,” Walton maintained, “I don’t hate

anybody. I think violence against homosexuals is wrong. I'm just a normal guy who's concerned about what's coming."⁸

After months of lobbying by friends and family and as the result of a concern that the direction of Idaho's public policy was moving to the left, Walton announced the formation of the Idaho Citizens Alliance at the Capitol steps on January 13, 1993.

Using the same "special rights" discourse developed by Mabon, the ICA created the "Stop Special Rights Committee" which was essentially a political action committee (PAC) targeting the homosexual community's so called "agenda." Through the referendum process, Walton attempted and succeeded in placing the ICA's Proposition One on the ballot for the 1994 election.

To qualify for the 1994 ballot, the ICA would need to collect 32,061 signatures from registered voters by July 1994.

On February 10, Idaho for Human Dignity, the group formed to oppose any proposed public policies that would deny civil rights to persons who are lesbian, gay, or bisexual, announced the selection of Brian Berquest as the group's chair. "The moment is here," maintained Berquest, "the issue is current at both the state and national levels. We need to be educating people about the issues with real education."⁹

Stopping the ICA initiative was only half the battle. Idaho for Human Dignity understood their role in the larger movement of gays and lesbians in this country to be not only protectors of basic civil rights, but also to reach out and educate the community about human rights and tolerance. They are a catalyst to encourage people to accept diversity in American culture.

⁸ The Idaho Statesman, 1/24/93, On an anti-special rights mission, pg. 4C

⁹ The Idaho Statesman, 2/10/93, Gay rights group gets a leader, 1A

Berquest and Walton met for the first time on Channel 7's February 26th recording of "Viewpoint," where they both shook hands and promised to run clean campaigns. During the interview Berquest argued that what Walton's use of the term "special rights" was inaccurate, and what the homosexual community deserved were "civil rights." Walton refrained from commenting on the language, but argued that there is an increasing militant homosexual agenda in Idaho evidenced by the November controversy over the lesbian speaker in a Meridian high school.

On March 5, Walton and eleven supporters announced the filing of the ICA initiative. One hundred and ten opponents were present wearing black to symbolize an official day of mourning for civil rights in Idaho. The initiative would stop any public agency from enacting any measure establishing homosexuality as a minority status or granting homosexuals any protection based on such status. It also prohibited public schools from indicating to students, employees or children that homosexuality is healthy of acceptable; and government funds may not be used to sanction or express approval of homosexuality.

The proposal was a toned-down version of Oregon's Proposition 9. Walton maintained that he did not approve of the language in Proposition 9, and that when you label one group perverse, and try to codify that, you drive people apart, rather than bringing them together. "This is an example of taking an ugly thing nobody wanted, and painting it up so people will buy it," Berquest maintained.¹⁰ "I respect the leadership from the opposition," Walton said. "I pledge not to slander any of those folks and I would

¹⁰ The Idaho Statesman, 1/24/93, Stop special rights leader distances plan from Oregon, 1A

appreciate the favor returned.” Moments later, Walton claimed, “The agenda of the homosexuals and pedophilia have been linked. It’s the truth.”¹¹

In an 18-page legal opinion, Attorney General Larry Echohawk found that the ICA’s initiative was fatally flawed, in that it denies the “basic constitutional rights” to homosexuals, and jeopardizes the civil rights of all Idahoans. “This initiative is not merely an innocuous effort to ensure homosexuals do not receive ‘special rights.’ Rather, it targets a class of citizens for denial of basic constitutional rights,” Echohawk maintained. “This proposed initiative violates the most essential constitutional principles upon which our society is based.” Changes to the initiative’s language would be required for it to survive a court challenge.

Walton responded to Echohawk, claiming that the opinion was the product of a left-wing bias by the Office of the Attorney General. Berquest also responded, “I’m sorry that Mr. Walton’s views don’t side with those of the courts in this country or the Constitution. I hope this gives him an opportunity to consider withdrawing the initiative.”¹²

Caldwell resident Lane Thomas argued that the ICA initiative was a blessing in disguise. “I wouldn’t be talking now,” Thomas exclaimed, “if not for the ICA. I can’t stand idly by and watch what’s happening. There is just too much to lose by keeping quiet.”¹³ Initiative opponents hoped that this trend would continue, and more members of the gay and lesbian community would “out” themselves to stop the Proposition One.

¹¹ The Idaho Statesman, 3/5/93, ICA files anti-gay initiative, 1A

¹² The Idaho Statesman, 3/19/93, Echohawk: initiative flawed, 1A

¹³ Idaho Press-Tribune, 3/22, 93, ICA initiative: Caldwellite says proposal is ‘blessing’ for gay community, 1A

To express their solidarity with gays and lesbians around the country, 24 Idahoans traveled to Washington, D.C. to participate in the national gay rights march that drew between 300,000 and 1.1 million. Holding a pink and purple banner proclaiming, “Idaho, too great to hate!”

Participants from Idaho included Brian Berquest and John Hummel, Stephen Lanzet and Carol and Ron Blakely, parents of Stephen Blakely. “We have come a long way,” Carol said in an interview with the Statesman, “My husband keeps reminding me of that.”¹⁴

On March 16, less than 200 initiative supporters showed up at the Statehouse rally kicking off the petition drive that would require over 32,000 signatures from registered voters in Idaho to place Proposition One on the 1994 ballot. Walton hoped that 1,000 people would attend the rally. “We are pleased that we had the ones that came out,” Walton said, “and they’re going to form a great nucleus for getting this thing done.”¹⁵ Near the end of the rally, initiative opponents began singing “God Bless America,” and when Walton finished his remarks, initiative supporters joined in. A similar rally was also held in Coeur d’Alene.

Two days after the ICA’s petition kick-off in Idaho, news from Oregon arrived that an anti-gay law had passed in the small farming town of Cornelius, just 20 miles west of Portland. The law prohibits city government from condoning or assisting homosexuality, and bans any ordinance that would specifically outlaw discrimination against gays. The measure passed 950 to 589. Mabon described the measure as a “pre-emptive strike” against special rights for homosexuals. He maintained that the support for

¹⁴ The Idaho Statesman, 4/25/93, Gay son led couple to life of activism.

¹⁵ The Times-News, 5/16/93, ICA petition rally draws less than 200.

the measure was a backlash against President Clinton for his decision to allow homosexuals into the military. “Citizens do not want that which they pay for with their tax dollars to influence kids to wrong behavior,” Mabon argued.¹⁶

Support for the right was also evident in the Meridian School Board election that saw wins by conservatives. Meridian High School suspended three teachers last November for allowing lesbians to speak to a class. “Their clear message: ‘Teach our kids the basics they so desperately need,’” Walton proclaimed, “and enough of the social experimentation.” He went on to say that their goal is to impact most, if not all, school board make-ups in the state.

Opposition Builds

Jill Kuraitis, head of Voices for Human Rights, reaffirmed the position of the initiatives’ opposition, “This was not a referendum on gay rights. The numbers that turned out for the School Board election are only a small portion of voters in the district. That does not indicated a level of support for the initiative.”¹⁷

The Ada County Human Rights Task Force reported on June 4 that hate-crimes in Idaho have risen 67 percent in the last year. To combat the increase, as well as Proposition One, the task force announced the “Idaho is Too Great For Hate” campaign, intended to educate the public on issues of tolerance and discrimination. “The only way to turn such (prejudicial) perceptions around,” Task Force President Tom Tucker said, “is to work for positive changes in local attitudes and outsider perceptions of Idaho.”¹⁸ Idaho

¹⁶ The Idaho Statesman, 5/20/93, Oregon town’s new anti-gay law prompts fear, support, 2C.

¹⁷ The Idaho Statesman, 5/20/91, Walton: Election reflects support for measure, 12A.

¹⁸ The Idaho Statesman, 6/4/93, Increase in hate crimes sets stage for campaign, 1A.

Bureau of Criminal Identification analyst Donna Wood said that the increase is due in large part to greater public awareness and better training for law enforcement personnel.

In a survey of 598 Idahoans, the ICA found that nearly 77 percent believe that the initiative, “is designed to keep homosexuals from acquiring additional rights beyond those of other citizens.” Opponents, however, contend that as they communicate that the initiative unfairly discriminates against one particular group of people, as demonstrated in Oregon, the ICA’s strategy will become less effective.

In mid-August, North Idaho Voices for Human Rights, headed by former Republican Legislator Freeman Duncan and middle school teacher Judy Hyatt, announced the beginning of the “Don’t Sign On” campaign to stop Proposition One. Duncan argued that the initiative is, “contrary to the way that Idaho should approach what is inherently a moral and private issue to be handled in our homes, churches and private lives.”¹⁹ Hyatt, describing North Idaho Voices as a coalition of business, professional, civic and religious leaders, supported Duncan saying that there should be, “no need or desire to deprive any group of its civil rights. I urge people to politely refuse to sign the Idaho Citizen’s Alliance’s initiative petition.”

It seems that Hyatt’s call to refuse to sign the ICA’s petition worked. The ICA fell short of their goal of adding between 2,500 to 5,000 signatures to their petition, adding fewer than 700. Matt Roetter, Kootenai County director of the ICA said, “We represent a larger number of people than the opposition thinks we do.”²⁰ He went on to blame the low signature turnout on the booth’s location and the rainy weather (Walton blamed the heat for his low turnout at the petition drive kick-off rally at the Statehouse).

¹⁹ Lewiston Morning Tribune, 8/19/93, Rights group begins ‘don’t sign’ campaign, 132.

²⁰ The Idaho Statesman, 8/29/93, Rights group takes on ICA, 1C.

North Idaho Voices for Human Rights wasn't the only northern group working to stop the ICA. The Kootenai County Task Force for Human Relations also launched its own programs to encourage tolerance and fight discrimination fostered by the ICA's initiative. They equated their battle against Proposition One to their fight against the Aryan Nations. The group's leaders, however say this is a battle they can win. "There's no question that the people in this area have been sensitized by the presence of the Aryan Nations..." said Sen. Mary Lou Reed, D-Coeur d'Alene. "I think the initiative backers are counting on a knee jerk reaction to the idea of homosexuality, and we expect to raise the level of discussion here."²¹

Debate between the ICA and the Idaho ACLU quickly turned from initiative titling to allegations of libel by the ACUL toward the Idaho Family Forum, a conservative religious organization working with the ICA. Chargers were leveled against the ACLU on Sept 2 at a press conference in Nampa. Contention stems from a fundraising letter sent to an unknown number of people by the ACUL which notes that the ACUL, "is actively fighting Idaho's anti-gay initiative, the control of Idaho's public schools by the Citizens for Excellence in Education, and the anti-free speech message of the Idaho Family Forum."²² Dennis Mansfield, Executive Director of the Idaho Family Forum speculated that the statement by the ACLU was the result of the IFF's position on the lesbian couple that addressed a classroom at Meridian High School last November. Idaho ACLU Director Jack Van Valkenberg maintained that the IFF's efforts to shut down a Garden City bookstore and its support of the suspension of three Meridian School District teachers justified their statement. "We view the groups like Idaho Family Forum

²¹ Morning News, 9/30/93, Kootenai task force takes on Alliance.

²² Idaho Press Tribune, 9/2/93, Libel charges leveled.

and the others as presenting a real threat to civil liberties. Today, civil liberties are most under attack not from the federal administration but from local groups working to narrow the landscape of expression.”²³

After a consolidated 3 weeks of signature gathering, the ICA publicly announced that it had reached the halfway point to its 32,000 goal. The signatures were primarily collected at fairs in Boise, Coeur d’Alene and Blackfoot. But as political consultant Greg Smith pointed out, “Thirty-two thousand signatures aren’t hard to get here. The thing is going to get on the ballot. But I don’t think this is necessarily an indication of how it will do. The rate of getting signatures just suggests they’re targeting the right crowds of people.”²⁴ Walton maintained, “It’s not even the hard numbers that are so interesting. It’s the percentage of people we talk to who end up signing – about 75 percent. We’re very pleased with the responses so far.”

What the ICA wasn’t please with, however, was the League of Women Voter’s public forum on Proposition One, schedule for September 15 at a Burley Presbyterian Church. Initiative proponents argued that the forum was unbalanced because no one in support of the initiative was invited to speak. Forum organizers maintained that the purpose of the forum wasn’t to debate the pros and cons of the proposition, but rather to discuss the possible ramification if it was voted into law. “This is not a debate on the pros and cons of the issue,” said Donna Boe, forum organizer. “It’s the league’s effort to present four different perspectives on the effect the initiative might have in Idaho should it even be on the ballot.”²⁵

²³ The Times-News, 9/3/93, Idaho Family Forum blasts ACLU letter.

²⁴ Lewiston Morning Tribune, Citizen alliance hits halfway point.

²⁵ Coeur d’Alene Press, 9/14/93, Anti-gay initiative backers blast forum.

Pocatello native and panelist Rick Fuger argued that the initiative was causing unnecessary bigotry in the state. “I have never, never had problems being a gay, homosexual man in this town,” Fuger said. “Now I see a hatred that is coming into our state that is unbelievable and extremely unnecessary.”²⁶

Bigotry and hater weren’t the only issues raised by initiative opponents. When asked about the prospects of the taxpayers financing the state’s defense against an expensive court challenge, Walton replied, “If it costs a lot of money, so be it.” Burley Junior High teacher Cindy Samuelson felt differently. “I’d like to see that money in the classroom.”²⁷

The campaign to stop Proposition One was facilitated by three workshops held throughout the state with speakers and workshops on speaking out for human rights, working with the media, movement and coalition building, campaign building and organizing for change. The conference, titled “Defending Human Rights in the 90s,” included Roger Sherman from the Idaho Citizen’s Network, Jim Chackelford from the Idaho Education Association, Bonnie Tinker from Love Makes a Family, Inc., Suzanne Pharr from the Women’s Project, and Scot Nakagawa and Robert Bray from the National Gay and Lesbian Task Force. “They’re hearing the spirit of human rights,” said John Hummel, Your Family Friends and Neighbors chairman. “We’re going to stand up and speak the truth about gay and lesbian people.”²⁸

Initiative opponents weren’t the only ones getting ready for battle over Proposition One. The ICA released a copy of their training manual, the same manual used

²⁶ Idaho Press Tribune, 9/16/93, Gay says initiative causing bigotry.

²⁷ Idaho Press Tribune, 9/16/93, Walton: If challenge to measure costs taxpayers, so be it.

²⁸ Moscow Idahoan, 9/27/93, Opponents of anti-gay initiative gather.

in Oregon and Washington by anti-gay activists. “ICA is fashioned after a military model because we are at war with the forces of evil in our culture,” the manual said.²⁹ Others however saw similarities between the ICA and the Nazis. “Didn’t Hitler sell that idea?” said former legislator Freeman Duncan. “That what he was doing was right and moral and the Jews and the non-whites were immoral.” The manual called a “basic organizational piece” by Walton, made his position at the top of the chain of command clear.

The Idaho Library Association held a two-day meeting in Moscow on October 8 at the University of Idaho to discuss whether or not they would support Proposition One, as well as the One Percent Initiative sponsored by Ron Rankin, gubernatorial candidate who was dropped as an ICA initiative spokesperson in late September. The meeting included a debate between Walton and Steve Shaw, a political science professor at Northwest Nazarene College. Walton claimed that the ban would protect children from physical, mental and social harm. Shaw disagreed. “To me the most insidious, invidious forms of censorship is self-censorship,” Shaw said. “There is no need to change Idaho law and Idaho government and Idaho society by adopting this initiative.”³⁰ The initiative would have banned public libraries from purchasing children’s literature with homosexual themes, such as “Heather Has Two Mommies,” by Leslea Newman, and “Daddy’s Roommate,” by Michael Willhoite.

The Idaho Library Association voted almost unanimously (one dissenter) to oppose the anti-gay initiative (and the One Percent initiative as well) on the grounds that libraries should have a wide range of material on all subjects, and that parents and

²⁹ Idaho Press Tribune, 10/5/93, Anti-gay group pushes war of values, military-style authority.

³⁰ Moscow Idahoan, 10/7/93, Library group debates anti-gay measure.

education should be responsible for protecting children. Outgoing president of the association Pat Stewart said, “What may be offensive to some would be considered essential to other families.”³¹

Joining in opposition with the Idaho Library Association, candidates for City Council Seat 6 in Idaho Falls did an about-face within 48 hours of saying they supported the ICA initiative. “It is quite discriminatory,” said Richard Shepard, city council candidate. “I really hadn’t done my homework.”³² Sheperd was one of 4 out of 7 candidates to change his mind after a letter writing campaign by candidate Don Allen, who opposes the initiative.

City Council candidate Katherine Sprague dropped out of the race on October 19 after she received several threatening and obscene phone calls, and “hang-ups.” “I couldn’t handle the stress of the campaign and having people call up about the campaign, but not talk about anything but my personal life,” Sprague said.³³

Prompted by the state Senate Democratic leaders, Attorney General EchoHawk ruled that the new version of the ICA initiative is still unconstitutional. EchoHawk said that the initiative would violate homosexuals’ right to equal protection under the law by encouraging private discrimination. In response to the AG’s ruling, Walton stated, “He still doesn’t get it. He doesn’t understand the distinction between someone’s’ bedroom behavior and the color of their skin. Until he does, opinions from him on the constitutionality of the measure are ludicrous.”³⁴ EchoHawk maintained that the state can’t censor what school employees say outside the classroom, nor would the initiative’s

³¹ Lewiston Morning Tribune, 10/9/93, Librarians vote to oppose anti-gay, 1% initiatives.

³² The Post Register, 10/22/93, Candidates do about-face on anti-gay initiative, A1.

³³ Moscow-Pullman Daily News, 11/1/93, Gay bashing forced candidate out of race.

³⁴ The Times-News, 11/4/93, EchoHawk: Initiative still unconstitutional.

same-sex marriage provision have any effect, since these marriages are already illegal under Idaho law. “These groups look to the U.S. constitution for fairness and protection. Homosexuals are the last unpopular group targeted. The ICA initiative seeks to undermine the constitution, using the federal law as an instrument of division and discrimination rather than a guarantee of equal protection and equal rights,” EchoHawk said.³⁵

In a letter to the Democrats, Chief Deputy Attorney General Jack McMahon pointed out that Idaho taxpayers would be responsible for a bill upwards of \$300,000 in legal fees if the state had to defend the initiative and lost. In response to the news, Senate Democratic Leader Mary Lou Reed said, “It’s a waste of time, but more importantly, it’s a waste of money.”³⁶

Shortly after the AG’s opinion on Proposition, the ICA called for EchoHawk to resign. “After studying the most recent A.G. review of the ICA initiative,” Walton said, “it has become apparent that Mr. EchoHawk’s ‘opinion’ is little more than toeing the line for a powerful political force – the homosexual lobby.”³⁷ In addition, Walton announced the ICA’s plan to find a candidate for Attorney General who supports the ICA initiative. EchoHawk had to comment. Under Idaho Law, the Attorney General has no authority to enforce criminal laws, that responsibility is left up to the city and country prosecutors.

EchoHawk’s opposition to the ICA initiative was followed by the Episcopalian Church in a resolution they passed opposing the proposed ballot initiative. “The Episcopal Church is not going to remain silent about civil rights,” said Bishop John

³⁵ South Idaho Press, 11/4/93, Anti-gay initiative concerns addressed.

³⁶ The Times-News, 11/5/93, Idaho Dems cite high legal cost in opposing anti-gay measure.

³⁷ The Times-News, 11/13/93, Anti-gay group demands EchoHawk resignation.

Thorton. “Every person in this country is entitled to equal protection under the law. It’s been brought before the people of Idaho, and we couldn’t remain silent about it.”³⁸

Walton maintained that, “The initiative is exposing a dangerous lifestyle and a dangerous behavior. This is an act of compassion, not an act of discrimination or hatred.”

State Senator Stan Hawkins, R-Ucon, announced that he would likely introduce in the 1994 Legislature a bill prohibiting “minority status” for homosexuals. Hawkins said that his measure would head-off the controversy over the ICA initiative. “Right now you’ve basically got both sides lobbing bombs at each other,” Hawkins said. “That doesn’t make for good public policy.”³⁹

Hawkins wasn’t the only legislator planning on introducing a measure similar to the ICA initiative. State Representative Alan Lance, R-Meridian, said that he would introduce a bill preventing state agencies and local governments from banning discrimination based on sexual orientation. “What I’m hearing in District 14, is that under no circumstances should you be granted minority preferences or special status by virtue of an alleged sexual preference.”⁴⁰ Not all lawmakers, however, are supportive of such a bill. “I would prefer the issue not come up in the Legislature,” said House Speaker Mike Simpson, R-Blackfoot. Both Simpson and Senate President Pro Tem Jerry Twigg were concerned that the Legislature would be mired over gay rights, taking time and energy away from other issues. Governor Andrus mirrored Simpson and Twigg, calling the ICA initiative “discriminatory.”⁴¹

³⁸ The Post Register, 12/3/93, Episcopal Diocese opposes anti-gay initiative.

³⁹ Morning News, 12/10/93, Solon works on homosexual rights bill.

⁴⁰ The Times-News, 12/15/93, Meridian lawmaker will introduce anti-gay rights bill, plans bid for attorney general.

⁴¹ Idaho State Journal, 12/16/93, Andrus: Anti-gay bill won’t make my desk.

While Hawkins and Lance talked of introducing anti-gay legislation, students at North Idaho College requested that a gay and lesbian group, Lesbian, Gay and Bisexual Alliance, be recognized by the student association. North Idaho College was host to a vociferous conflict over a conference back in mid-November where allegations by Sonny Kinsey, a Rathdrum resident and Republican candidate for Congress, were made that an 11-year old girl was exposed to obscene homosexual material. The student body made no decision, but questioned whether the NIC Human Equality Club already covered promoting a positive, supportive atmosphere for gays, lesbians and bisexuals. “The membership of the Human Equality Club is not interested in a gay rights agenda,” said Rebecca Morrison, Equality Club president and member of the Gay, Lesbian and Bisexual Alliance. “There are a number of gay and lesbian students on campus and they need something.”⁴² Associated Students of North Idaho College President Christa Manis didn’t feel that a sexually oriented club was needed. “Our clubs are basically continued education through a social setting. I have a real problem with a club based on sexual orientation.”⁴³

The public echoed Manis’ sentiment. “Quite frankly, the community has been a little more outspoken than the students,” she said.⁴⁴ One student who spoke with Mantis said that the decision to recognize the club would determine if he enrolled in NIC next fall.

A survey conducted by the Idaho Falls Post Register revealed that only nine out of 105 lawmakers support the ICA initiative. They included Sen. Rex Furness, Rigby; Rep.

⁴² Idaho State Journal, 12/12/93, Gay groups ask for club status.

⁴³ Coeur d’Alene Press, 12/15/93, Gay club still on ASNIC agenda.

⁴⁴ The Times-News, 12/21/93, Public says ‘no’ to gay alliance at NIC.

JoAn Wood, Rigby; Rep. Michael Johnson, Rexburg; Sen. Jerry Thorne, Nampa, Sen. Denton Darrington, Declo, Sen. Dennis Hansen, Soda Springs' Rep. Ron Crane, Caldwell; Rep. Robert Schaefer, Nampa and Rep. Dan Mader, Lewiston. Sixty Legislators openly opposed the initiative, 31 Democrats and 29 Republicans. Twenty-nine Republican lawmakers were undecided.

State Senator Denton Darrington quickly clarified his position on Proposition one. He stated that, "I have not and will not sign the petition for this initiative...and I will not support this bill in the Legislature. I will take no role in this controversy whatsoever."⁴⁵ He went on to say this initiative has no place in the Legislature.

Republican Representative Dan Mader, however, came out in support of the initiative. Mader, elected in 1992, represented a position usually found only in specific pockets of intolerance in parts of Idaho like Nampa, Rigby and Rexburg.

Opposition to the ICA's initiative came from not only from within Idaho, but from national organizations as well. The National Gay and Lesbian Task Force announced in January 1994, that they would actively work to stop the anti-gay initiative in Idaho, as well as initiatives in eight other states across the country. The task force argued that the fight to preserve the civil rights of gays and lesbians in Idaho isn't just a local battle but reflects a national movement by right-wing organizations to gain political power around a hot-button issue. "This is an organizing principle for a wider agenda," said Task Force spokesman David Smith. "The conservative Christian movement is using homosexuals as an easy target for their political gain, feeding off a general ignorance about homosexuality."⁴⁶ Some argued that the proposals in Washington, Oregon and

⁴⁵ The Post Register, 12/23/93, [missing section of citation]

⁴⁶ The Idaho Statesman, 1/11/94, National group plans to fight anti-gay proposal in Idaho.

Idaho have less to do with a national agenda and more with Lon Mabon, who was involved with anti-gay initiatives in Oregon and Washington before Idaho.

In a landmark decision for Idaho, the Latah County town of Troy decided to include 'sexual orientation' in their city's discrimination policy. "The Troy council was simply reviewing our personnel policy and felt sexual orientation should be included," said Mayor Marie Vogel. "As long as a person does their job, we should not discriminate against them."⁴⁷ University of Idaho law professor Elizabeth Brandt said, "The Troy policy was passed by popularly elected officials in a democratic process. The anti-gay initiative would clearly invalidate Troy's policy. And that is why the initiative is a threat to democracy."

Idaho's business community found itself on the fence when it came to the anti-gay initiative, historically not taking a stand on such emotionally charged social, political debates. Kelly Walton and Don't Sign On campaign leader Bill Drake debated before Boise businessmen over the economic impacts of the ICA initiative. Each side maintained they needed the support of the business community, but neither received it. "This issues is so far outside of the normal context of day-to-day business operations that business people are really uncomfortable in trying to correctly analyze all the legal implications," said Steve Ahrens, president of Idaho's most powerful business lobby, Idaho Association of Commerce and Industry.⁴⁸ Lamenting on the reasons why businesses stay neutral, CEO of TJ International Walk Minnick commented, "The problem is it can become a (divisive) issue internally... if you presume to commit the company to one side or another of a social issue. Customers and suppliers are the most

⁴⁷ Lewiston Morning Tribune, 1/18/94, Troy appears to be first in Idaho to protect gays.

⁴⁸ The Idaho Statesman, 1/15/94, Businesses likely to remain neutral.

important constituents of a company. If you are going to run the risk of upsetting them, it needs to be something very central to the business, like free trade or a tax issue.” The One- Percent Initiative of 1992 was rejected by the IACI because it was perceived as a direct assault on business in Idaho.

In another debate, this time held at Idaho State University between ACLU executive director Jack Van Valkenburgh and Kelly Walton, over 400 listened to arguments from both sides of the issue. “The anti-gay initiative is unfair and discriminatory,” said Van Valkenburgh. “It means censorship and loss of local control. For those reasons it’s un-American and we don’t need it in Idaho.” After referring to Van Valkenburgh’s statement as “sensationalism at its best” and citing several statistics about death and disease rates among homosexuals, Walton maintained, “Just read the initiative – don’t buy the rhetoric on either side.” Walton also commented on his belief that AIDS has caused homosexuals to wander to safer sexual practices, such as pedophilia. This comment and his lambasting of Larry EchoHawk as “Harry EchoSquawk” drew boos from the audience. He replied, “Hey, a pawn’s a pawn, folks!”⁴⁹

Not all public officials were in opposition to the ICA initiative. At an Idaho Family Forum banquet, Ada County Commissioner Gary Glenn commented, “As long as I have the privilege of holding an elected office, I’m going to man a foxhole. If the ACLU and Brian Berquist are listening, the last time I was tested with an M-16, I shot 40 out of 40.” Glenn, who helped write the initiative, defended his statement, saying he was only speaking metaphorically. Don’t Sign On campaigners, however, felt that it condoned violent language and action.

⁴⁹ Idaho State Journal, 1/20/94, Anti-gay initiative debate produces sparks, cheers, boos at Idaho State.

At a press conference decrying Glenn's statement, Berquist said, "I wasn't looking at it as a personal issue of Brian vs. Gary. I am not looking for a personal apology. Rather, I ask that we work for our community and use this opportunity to make a unified call for an end to violence, an end to violent language, and an end to the encouragement of violence." In response, Glenn commented, "This is a debate on principle, not personality. I was speaking figuratively, I decry violence, and I think it's obvious to anyone that I was speaking metaphorically."⁵⁰ Glenn sent Berquist an apology, and stated, "This should be debated on the issues. I regret having departed from that."⁵¹

It was at this time that the North Idaho College student senate decided not to recognize the Gay, Lesbian and Bi-Sexual Student Alliance, which had requested organization status back in December 1993. "We have had to go through pure hell to get to this point and time," said student Senator Jessica Walter.⁵² The six-week debate over recognition of the club, including a barrage of phone calls from the public, informal student polls and consultation with an attorney, resulted in the 5-2 decision to deny the Alliance club status. In response to the decision, Alliance supporters sought legal advice from attorney Harvey Richman, who said the club "meets all the requirements for admission," and was only denied because there are "people on the senate who don't like the concept of the club."⁵³

The legality of the student senate's decision over the NIC club was turned over to the Attorney General's Office, who maintained that failure to recognize the Alliance violates "the members' right to associate and to have access to an open and public

⁵⁰ The Idaho Statesman, 1/21/94, Petition foe blasts Glenn for violent terminology, 1C.

⁵¹ Lewiston Morning Tribune, 1/21/94, Ada County commissioner apologizes.

⁵² Idaho State Journal, 1/26/94, North Idaho students reject gay club.

⁵³ Coeur D'Alene Press, 1/25/94, Gay club to discuss possible legal action.

forum.”⁵⁴ NIC President Bob Bennett said the decision came as no surprise, and that he wanted the students to have the opportunity to review the AG’s opinion with their attorney. “Hopefully they will pay close attention to the attorney general’s opinion and act responsibly,” Bennett said. The senate, who refused to back down, said they would wait and see what the NIC Board of Trustees had to say about the issue, and would act accordingly.

In the end the Board of Trustees, in a closed session 20-minute discussion, drafted a resolution granting campus status to the Alliance. “I question the board’s right to decide what is considered a student issue,” said ASNIC President Christa Manis. “Please, please, please... talk to the students. We all have.”⁵⁵

Students at Idaho State University’s GALA, gay and lesbian association, however, saw a significant increase in attendance at meetings and events. Association members claim that the jump in interest is primarily the result of the ICA’s initiative. “I think people are scared, and yet they want to do something to address this and not just sit back and let it happen to them,” said association president Hyrum Fedje.⁵⁶ He also noted that not all those who attend his groups meetings are gay, and that many are there to show solidarity with those who the initiative will discriminate against.

Opponents of the ICA initiative filed a complaint with the IRS on Thursday, April 14, claiming that the ICA violated the requirements for maintaining their tax-exempt status by pushing the initiative and endorsing candidates for public office. The ICA’s political action committee was also charged with failure to abide by state

⁵⁴ Coeur D’Alene Press, 2/17/94, AG: NIC must recognize gays.

⁵⁵ Coeur D’Alene Press, 2/24/94, NIC trustees sanction gay club.

⁵⁶ Idaho State Journal, 1/23/94, More attend GALA meetings.

campaign finance disclosure laws when they failed to report expenditures associated with their signature drive. Walton responded to the allegation claiming, “If we’ve done anything wrong, it was inadvertent.”⁵⁷ He maintained that any endorsements of candidates was done through the Stop Special Rights Political Action Committee, which was also in full compliance with the state’s finance disclosure laws. He also said that the alliance political action committee hadn’t operated since it was registered last year. Berquist rebutted, claiming that the ICA had specifically endorsed initiative supporters Gary Glenn and Phil Childers for Ada County Commissioner and Larry Eastland for the GOP gubernatorial nomination. Walton said, “This is just another great example of the boogey man-obsessed left, and I think someone needs to tell them just to relax.” Berquist replied, “We take this seriously. I guess we think they should take it seriously too. This is not a game. We’re talking about the future of our state.”

The ICA stepped up its “education campaign” in June, taking out ads in the Moneysaver advertisement circular warning of the “gay agenda,” asking, “Is this the curriculum you want taught to your children and grandchildren paid for with your hard-earned tax dollars?”⁵⁸ In response to the ad, Joann Muneta of the Latah/Nez perce Voices for Human Rights said, “Nobody is going around trying to teach homosexuality, and in the second place, you can’t.”

The ICA didn’t limit its public education campaign to advertisements. Twin Falls Country, the county referred to by Walton as his “Black Hole” because a lack of signature support, received needed attention from the ICA. Walton brought in Rev. Charles McIlhenny with the Reform Church in San Francisco, where he has battled the

⁵⁷ The Post Register, 4/15/94, ICA opponents file complaints with IRS.

⁵⁸ The Moscow-Pullman Daily News, 6/1/94, Initiative backers warn of ‘the gay agenda.’

area's gay community, to speak on the "gay agenda" and the "titan clash of moral values." Two hundred and twenty-five people showed up in support and were shown videos of San Francisco gays violently blockading an evangelical Baptist Church that was aired in 1993 on Pat Robertson's 700 Club. Robertson was shown looking into the video camera saying, "You see what happens when they get special rights."⁵⁹

McIlhenny, who was a pastor at the First Orthodox Presbyterian Church in San Francisco, fired a gay organist 10 years prior and received threatening phone calls, letters, and had his house firebombed. "Homosexuality is wrong because God says it's wrong," he proclaimed at a BSU presentation. "Our silence is their (gays) death. But just being a heterosexual will not endear you to Jesus in the slightest. It's whether you know Jesus and are repentant of your sins," McIlhenny went on. Berquist responded to McIlhenny's claims of "militant homosexuality" saying, "They're taking one incident and broadening it to the whole population. They're trying to create stereotypes."⁶⁰

The ICA's base of support was verified by the primary election. Walton claimed that Lt. Gov. Butch Otter, Helen Chenoweth and Ralph Gines won their Republican primaries because of the 200,000 endorsements sent out by the ICA. "There was a 15- to 20-percent bump for everyone we endorsed," Walton said.⁶¹ The ICA sent out 150,000 voter guides to the Idaho Family Forum and another 50,000 from the Christian Coalition.

Mailers and lectures didn't make signature collecting any easier for the ICA. The first week of June, Walton announced that he had 71 percent of the needed signatures, and that they were looking for "every warm body" to petition. In stepping up signature

⁵⁹ Times-News, 6/3/94, Anti-gay group targets Twin Falls.

⁶⁰ The Idaho Statesman, 6/1/94, Minister says gays get militant over rights, 9A.

⁶¹ Idaho Press Tribune, 6/4/94, ICA influenced the primary.

gathering, the ICA planned to send petitioners to the Boise River Festival, Meridian Dairy Days, and Burley's speedboat regatta, as well as an "11th-hour drive on the 4th of July. "We're going to make it," Walton said. "I've got several trump cards that I'm just playing right now. Nobody knows what they are."⁶²

A survey conducted by the Idaho Library Association quickly put the ICA's "moral agenda" on the back burner, however. The survey revealed that the initial cost of reviewing all materials for homosexual content would run upwards of \$14 million, with an annual \$12 million for reviewing new material. The survey did not include school and other academic libraries, nor did it include the cost of separating the materials with such content. "This initiative violates the constitutional rights of all Idahoans, and it violates the principles we as librarians are committed to – free expression of ideas and open access to these ideas," said association President Rand Simmons.⁶³ Walton responded to the allegation saying, "They know the average Idaho voter will not side with them on the moral issue, so they're hoping to sway them on an economic issue."

Despite over 100 angry phone calls to the Mayor's Office asking why the Fifth Annual Pride Parade was given a permit when sodomy is illegal in Idaho, over 1,100 supporters, twice as many as prior year's parade, came out to celebrate gay pride in Idaho. The parade participants, which included heterosexual supporters as well as gay, lesbian and bisexuals, began at the Statehouse with messages of unity and made its way to the Grove for an afternoon of food and entertainment. Peg Phillips, mother of Boise's Unitarian Universalist Fellowship and actress on Northern Exposure who plays Ruth

⁶² The Times-News, 6/9/94, Can initiative backers find enough signatures?

⁶³ Moscow-Pullman Daily News, 6/10/94, Survey: Anti-gay measure could cost libraries \$25 million.

Anne, commented, “I’ve lived through and fought through marches for civil rights, the McCarthy era, all the attempts to enslave people of our country. So far, none of them have worked. Now they’ve got their hooks into another group.”⁶⁴

Approximately 40 protesters stood across the street from the Statehouse, holding signs and watching the event. In an attempt to disrupt the rally, a handful shouted slurs and coarse sexual remarks, while others held signs such as “The only good queer is a dead queer.” Lesbian comedian Robin Tyler responded to this particular display, “I’m Jewish. If that sign said, ‘The only good Jew is a dead Jew,’ or ‘The only good black is a dead black,’ we’d be kicking your ... asses. So you’re very lucky we’re non-violent.”⁶⁵ Parade organizers credited the ICA initiative for boosting turnout.

The Libertarian Party, Idaho’s third-largest political party, voiced its opposition to Proposition One, stating that “without exception” its activists oppose the proposal. Libertarians oppose special rights for any group, they felt that because gays and lesbians were singled out by the initiative that it was unfair and discriminatory and may actually lead to more government intervention in private life. “The bottom line is, this things a turkey,” said outgoing chairman Joe Rohner.⁶⁶ If they had stopped at “No Special Rights,” the party would have been out beating drums for it, Rohner continued. He said it’s the fine print they are concerned about.

University of Idaho faculty later voiced their opposition to the initiative, claiming that students would be unable to read the works of Walt Whitman or Oscar Wilde. English Department chairman Gary Williams maintained that if the Legislature tried to

⁶⁴ The Idaho Statesman, 6/12/94, 1,167 turn out for gay parade, 1A.

⁶⁵ The Idaho Statesman, 6/12/94, Anti-gays express opinions at rally.

⁶⁶ The Times-News, 6/20/94, Libertarians will fight anti-gay-rights initiative, 1A.

proscribe what was taught in the classroom, “I think you would see the faculty rise up against it en masse.”⁶⁷

The Libertarians weren’t the only ones publicly announcing their opposition to the ICA initiative. In a press conference on the steps of St. Michael’s Episcopal Cathedral in Boise, over three dozen Boise-area religious leaders declared their opposition to Proposition One. Their opposition was intended to counter claims by the “radical right” that people of faith support their initiative. “We ask other clergy to join us because we believe that discrimination is not an act of faith,” the group said. “We feel the ICA initiative is divisive and not needed in Idaho.”⁶⁸

In addition, the Blaine County Commissioners publicly denounced the ICA initiative. “The Blaine County Commissioners joins the many Idaho elected officials who find the ICA initiative offensive to constitutional governance,” the Commissioners’ statement read. The IC initiative serves no other purpose than to inflame homophobic reactions to a lifestyle that the framers of the initiative oppose.”⁶⁹ Tom Blanchard, Commissioner Chairman, went on to add, “We represent a constituency which finds the initiative offensive.” They urged that voters reject the initiative.

Initiative Makes Ballot

Despite the growing opposition to the initiative, the Don’t Sign On to Discrimination campaign admitted that the initiative would most likely be on the upcoming ballot. According to a poll conducted by the anti-initiative campaign, the ICA had collected 27,871 verified signatures. Only 4,190 were needed before July 8 to make

⁶⁷ The Times-News, 6/26/94, U of I professors: Anti-gay initiative would hamstring the [missing section of citation]

⁶⁸ The Idaho Statesman, 6/22/94, Clergy announce opposition to ICA initiative, 3C.

⁶⁹ Idaho Mountain Express, 6/22/94, County commissioners oppose anti-gay initiative.

the November ballot. “Ladies and gentleman, I think it’s going to be on the ballot and we’ve got some work in front of us,” announced Rich Carlini, member of North Idaho Voices for Human Rights and Idaho for Human Dignity, at a house party.⁷⁰

In a preemptive move, initiative opponents conceded that Proposition One did in fact collect enough signatures, around 35,000, to be included on the 1994 ballot.

“Obviously we’re disappointed that Idaho is going to have to fight about this,” said Berquist. “But Don’t Sign On has always said we thought it would get on the ballot. Frankly, we’re surprised it took this long.”⁷¹ Berquist continued maintaining that Don’t Sign On has always been long-term oriented and has been working towards the November ballot battle.

At 4:45pm July 6 Walton and ICA officials packet 6 boxes of signed petitions along with county clerk certificates to the Statehouse. Over 55,000 signatures were gathered. Of those, 39,000 were verified. “We got the job done, it’s on the ballot,” said Walton. “That’s all I care about today.”⁷²

The ACLU responded to the ICA claiming that they would challenge the constitutionality of the initiative if the voters adopted it in November. In an interview with KIDO Radio, Walton responded, “They can threaten me all day long, and I will continue and stay my course... These guys have no concept of what constitutionality is all about. All they want to do is revise what the constitution is all about.”⁷³ Twenty initiative opponents gather across from the Statehouse holding signs with statements why the initiative shouldn’t be passed. “We’re here to send a message to Kelly Walton that

⁷⁰ Lewiston Morning Tribune, 6/25/94, Opponents of anti-gay initiative think it will get on ballot.

⁷¹ The Times-News, 7/2/94, Anti-gay drive meets ballot goal.

⁷² South Idaho Press, 7/7/94, Walton delivers petitions to Statehouse.

⁷³ The Times-News, 7/6/94, Anti-gay leaders dare ACLU to challenge initiative, 1A.

discrimination isn't welcome in Idaho," said Jon Knapp, Don't Sign On committee volunteer.

The predominately gay and lesbian Metropolitan Community Church, who had their plans to hold worship in the historic Christ Chapel at BSU canceled by the university administration, organized a press conference outside the IFF offices in Boise where 35 people called for an end to the IFF's gay 'persecution.' The event, held in solidarity of similar events in 21 other cities, marked the sixth day of a seven-day fast by Mel White, leader of a gay and lesbian congregation in Dallas, Texas. White fasted outside of the Focus on the Family headquarters in Colorado Springs, which is the parent organization for the Idaho Family Forum. "They falsely insist that there is a 'gay agenda' that threatens American values, that gays and lesbians are not trustworthy parents – that they abuse, molest and recruit children – that they should not hold responsible positions in schools and churches – that they are a threat to discipline in the military, and that lesbians and gays all lead godless, sinful lives," Metropolitan Community Church Pastor Tyrone Sweeting said.⁷⁴

Idaho Family Forum directory Dennis Mansfield, who had just cancelled his US West cellular phone service because they included sexual orientation in their discrimination policy, responded to the group, challenging members of the gay community to a public debate over Proposition One. "I thought it was very disrespectful that they would come to our office when we weren't here," Mansfield said. "I can't believe (gay leaders) would posture by extending an olive branch when they knew there

⁷⁴ Couer d'Alene Press, 7/18/94, Group wants end to gay 'persecution.'

was no one there to receive it.”⁷⁵ Sweeting said he didn’t know if someone would be there or not, but that he would gladly debate Mansfield on the topic.

Bracing for the Election

Mansfield’s concerns about the olive branch were shadowed as soon as a debate manual distributed by the ICA surfaced, calling homosexuals the “spawn of the devil.” “The danger to Mr. Walton is that out of one side of his mouth, he says he loves gay and lesbian people, and out of the other side of his mouth, he provides his supporters with a manual that is filled with out-and-out-lies,” said Berquist.⁷⁶ The guide, written by anti-gay activist Brian Clowes and titled “Debating the ‘Gay Rights’ Issue,” was distributed by the ICA’s parent organization, the United States Citizen Alliance, and purports that gays, “aggressively demand: the closing of all churches that oppose them; the total destruction of the family; exile and actual murder of those who oppose them in any way’ the ‘conversion’ by forced sodomy of all young men to homosexuality; the official condemnation of normal love between men and women, and the raising of private armies of thugs to enforce their agenda.” Walton, who maintained that not everything stated in the manual reflects the views of the ICA, replied, “I hope you take that in the jest (the author is) delivering it.” Idaho for Human Dignity co-chair Mary Rohlifing observed, “The similarity between the type of deceitful rhetoric the ICA is selling in this manual and what Germans heard about the Jews from the Nazis is uncanny.”⁷⁷

Idaho’s colonel in the culture war, Kelly Walton, was quick to dismiss such comparison to the Nazis as ludicrous. “Everything Hitler stood for I’m 180 degrees

⁷⁵ The Idaho Statesman, 7/19/94, Idaho Family Forum head seeks debate, 1A.

⁷⁶ South Idaho Press, 7/20/94, Manual labels gays demonic.

⁷⁷ Idaho Press-Tribune, 7/20/94, ICA sells anti-gay ‘debate manual.’

opposed to. We have good information that many on Hitler's staff were homosexual," Walton said. "There's good evidence that Hitler was a homosexual," he went on to add.⁷⁸

Regardless of Walton's self-proclaimed compassion, rights advocates geared up to counter an anticipated increase in anti-gay violence as the election in November came closer. "I'm extremely concerned that around this initiative we're going to see a lot of violence," Idaho Human Rights Commission chairwoman Marilyn Shuler told reporters at a meeting. "It's not a political issue; it's an issue of safety."⁷⁹ Shuler planned to meet with law enforcement officials from around the state to develop strategies for reducing violence against gays and lesbians during the initiative campaign. Just the fear of violence kept many gays and lesbians from fighting against the initiative as well.

A National Gay and Lesbian Task Force survey found that in the height of Oregon's anti-gay Measure 9 in 1992, there were 1,224 reported offenses against homosexuals. That number dropped to 222 in 1993. Walton replied to the Commission's statement saying, "There's a whole lot of whining going on here."

Handing Over the Reigns

Having reduced violence down to a mere whine, it was a good time for Walton to step down as spokesperson for the ICA. Stating that he had worked 60-70 hours a week to gather enough signatures to put Proposition One on the November ballot, and as a result of large contracts taken on by his construction company, Walton announced that his role as spokesperson would soon be handed over to a co-worker. "Our company's never done better," Walton said. "We've got a lot of fairly large contacts right now to

⁷⁸ Spokesman-Review, 7/22/94, Citizens Alliance leader says 'motive is compassion.'

⁷⁹ The Idaho Statesman, 7/24/93, Rights agency plans to counter anti-gay violence.

concentrate on.”⁸⁰ Boise painting contractor Bill Proctor took over Walton’s duties as ICA chairman while media relations were taken on by BSU communications major John Slack.

This wasn’t necessarily the most lucrative time for Proctor and Slack to take up the ICA reins. Financial reports showed that the ICA’s financial arm, Stop Special Rights, had a bank balance of just under a thousand dollars. The Don’t Sign On campaign listed donations of \$68,718 and \$90,027, while Stop Special Rights listed only \$18,739. Proctor, who was arrested in 1981 and spent 16 months in prison for possessing \$150,000 of refined cocaine and \$30,000 in marijuana, could have possibly turned ICA fundraising around.

No On One

Gay rights advocates, who recently changed the name of their campaign from Don’t Sign On to Discrimination to No On One, set campaign goals of half a million dollars. Berquist served as chair, with Jen Ray as vice chair. After screening a dozen candidates, the coalition selected Montana-based lesbian activist Diane Sands to fill the campaign manager role through November. Sands was responsible for coordinating statewide efforts to stop Proposition One.

Secretary of State Pete Cenarrusa refused to accept rebuttal language submitted by the ICA for the state-sponsored voter-information manual because of defamatory language. Boise lawyer Robert C. Huntley said the rebuttal contained allegations that were “false, defamatory, and extremely damaging” to his client, an employee of Attorney General Larry EchoHawk. The statement alleges that an unidentified employee was

⁸⁰ Moscow-Pullman Daily News, 7/27/94, Walton turns over spokesman role.

pushing the legalization of sex with children, amending marriage laws to include homosexual partners, forcing the teaching of gay history in public schools, and repealing Idaho's anti-sodomy laws. The ACLU also demanded that he rebuttal be either denied inclusion or changed. "I don't want to spend the taxpayer's money if it is going to defame anyone or any person," Cenarrusa said.⁸¹

In a letter to Cenarrusa dated August 15, Walton maintained, "Please be assured that if you maintain your position to refuse, or to alter our rebuttal, this action would leave us literally no other recourse but to take whatever legal action that is available to protect our rights."⁸² Walton continued arguing that Cenarrusa abused his position, acting outside of his authority when he censored the ICA's rebuttal, and that it was an egregious violation of their First Amendment Right to free speech.

Cenarrusa may not have sided with the ICA, but dozens of evangelical ministers did at a press conference under Table Rock Cross, overlooking Boise. "We declare our love for homosexual men and women and our opposition to homosexual behavior," said Community Church of the Valley Brian Fischer. Fischer, and 65 other representatives of evangelical ministers, publicly proclaimed their personal support for Proposition One, as individuals not representatives of their churches. He went on to add that the feedback that he has received from his flock was that they wanted their ministers to take a strong leadership role over the issue. Fischer suggested that this was the view of over 150,000 members of the 1,000 evangelical churches statewide.⁸³

⁸¹ Times-News, 8/24/94, ICA 'defamation' snags voter manual.

⁸² Times-News, 8/30/94, ICA threatens to sue Cenarrusa.

⁸³ Lewiston Morning Tribune, 8/27/94, Ministers support anti-gay initiative.

The No On One coalition quickly shifted the debate from religion and morality to economics, citing the economic impacts of Proposition One on Idaho's tourism and agriculture industries. "If I were designing a state to boycott, it would be Idaho," Berquist said. "We have the disadvantage of being a very small state where we feel any losses."⁸⁴ Affirming Berquist's concerns a Denver Convention and Visitors Bureau official said that Colorado's anti-gay Measure 2 had a drastic effect on conventions in the capital city. "We lost 31 conventions worth \$38 million," Rich Grant said. "And we haven't been able to predict future contentions." Sun Valley-Ketchum Chamber of Commerce executive director Wendy Jaquet said the ski resorts are fighting Proposition One.

Kicking off the last leg of the fight against Proposition One, over 300 anti-initiative supporters rallied at the Capital Steps on Thursday, September 8, to send a clear message to the ICA. "We reject hatred whenever and wherever it appears, and it appears in this proposition," said Governor Cecil Andrus on the Statehouse steps.⁸⁵ "We, the people of Idaho, must vote, 'No.' This is not the Idaho way."

Andrus wasn't the only politician in opposition to Proposition One. Representative Larry LaRocco, D-Idaho, said, "I represent (Republican Sens.) Larry Craig today and Dirk Kempthorn, and (Republican Rep.) Mike Crapo."⁸⁶ Kootenai County has led the way against bigotry, discrimination and hatred," LaRocco said. "It's a symbol of what Idaho is all about."

Using Jesus as a Christian example, eight ministers from Moscow announced their opposition to Proposition One, claiming that, "Jesus showed us reverence for life,

⁸⁴ The Times-News, 9/6/94, Tourism, agriculture may feel pinch if voters pass anti-gay measure in fall.

⁸⁵ The Post Register, 9/8/94, Idahoans rally against Proposition 1.

⁸⁶ Coeur d'Alene Press, 9/9/94, Anti-Proposition 1 fight gains politicians' help.

the dignity of every individual, and justice within the community. As disciples of Jesus, we believe it is sinful to deny basic human rights...As Christians, our biblical obligation to work for a right and just community requires that we work to defeat this initiative.”⁸⁷

The ICA’s spokesman John Slack said in response, “Naturally, I wish everybody was in support of it. If what the Bible says is pretty clear, I don’t think you can change standards.”

Claiming that the association attacked the ICA, John Slack blasted the Idaho Educational Association for promoting homosexuality in the school system. “We feel they attacked the ICA, and we want to ask them why,” Slack said. “If they don’t want to teach homosexuality, why do they attack the ICA?”⁸⁸ During the Idaho Educational Association conference in Boise, August 3-5, agenda items including “Teaching and Counseling Gay and Lesbian Students” and “Countering the Radical Religious Right and the ICA’s Proposition One” were presented. Association President Monica Beaudoin said, “The IEA believes that individuals, regardless of who they are, have rights, and that we are there to make sure that the individuals’ rights are protected. The right of a teacher to speak freely in their classroom and a student to have that same opportunity, the development of curriculum and the loss of many of the great literary pieces that could be censored. Association member Benny Choy who taught math and reading at Nampa’s West Junior High School resigned because he was not comfortable with the attacks on the ICA.

Refuting ICA claims that they ‘promote’ homosexuality, a dozen teachers gathered at the IEA headquarters in Boise on Tuesday, September 13, maintaining that

⁸⁷ Bonners Ferry Herald, 9/9/94, Clergyman say gay initiative discriminatory.

⁸⁸ South Idaho Press, 9/12/94, Anti-gay group blasts teachers.

the initiative would force teachers to turn their backs on students. “School counselors and teachers would not be permitted to listen to the troubles of a child who confided in us if that child’s issue was homosexuality,” Caldwell teacher Kathi Lamm said. “We would be required by law to make a negative statement. A rejecting statement at such a crucial time in a child’s life could be disastrous.”⁸⁹

Despite arguments against Proposition One from the IEA and dozens of other groups and individuals across the state, most Idaho voters remained undecided at the beginning of October. A survey of over 5,000 Idaho voters by the No On One Coalition found that 59 percent were undecided, while the 41 percent who were decided were split right down the middle for and against. “We’re nervous, but it’s better than if we got it back 60 percent were already for the initiative,” said No On One spokesman Ryan Hill.⁹⁰ A more scientific poll conducted by Greg Smith and Tracy Andrus release a month prior indicated that 48.9 percent of Idaho voters supported Proposition One, while 42.7 percent were opposed.

Another poll, conducted by Political/Media Research of Washington, D.C. for KTVB-TV in Boise, KHQ-TV in Spokane and *The Spokesman Review*, found that 44 percent of those surveyed opposed the proposition while 35 percent supported it. In response to the release of the survey, Walton said, “In no way have (opponents of Proposition One) pulled ahead. We anticipate winning.”⁹¹

As the election edged closer and closer, each side of the initiative began stepping up their efforts to persuade the undecided majority. Three Nampa residents took to the

⁸⁹ Idaho Press-Tribune, 9/14/94, Teachers counter ICA.

⁹⁰ Idaho State Journal, 10/2/94, Idahoans undecided on initiative.

⁹¹ South Idaho Press, 10/7/94, Walton disputes poll.

streets armed with posters exclaiming, “Save Our Tax \$, Save Our Libraries, Vote No on Proposition 1.”

Walton challenged Andrus to a debate, asking him to “flesh out” his understanding and opposition of Proposition One. “Governor Andrus,” Walton said, “you are consistently claiming how hateful and bigoted this initiative is. I would like to give you the opportunity to flesh out your understanding of this important issue.”⁹² He maintained that Andrus, EchoHawk and Batt were using double-talk and rhetoric to try and beat his initiative.

Public officials were feeling the pressure on both sides of the debate. At a Congressional Debate at the University of Idaho, Chenoweth proclaimed that Proposition One was “...not an issue of the heart, it’s an issue of order.”⁹³ When asked if she knew of a school that currently promotes homosexuality, Chenoweth said no. Her stance that if “you don’t like my position, don’t vote for me,” drew several cheers and applause from the audience.

The religious community appears as split as most Idaho voters. Eight pastors from around the state joined forces in Riggins to declare their love for homosexual men and women but their opposition to their lifestyles. In a statement to the public, the pastors maintain that they “love homosexuals enough to tell them the truth about their conduct.” Rev. Fred Emery read aloud to the seven other pastors, “Because homosexual behavior is dangerous and destructive to the body, soul and spirit of everyone who practices it, we must oppose any effort to endorse, support or legitimate the homosexual lifestyle.”⁹⁴

⁹² Moscow-Pullman Daily News, 10/3/94, Walton challenges Andrus to debate about Proposition 1.

⁹³ Moscow-Pullman Daily News, 10/8/94, Chenoweth, UI students spar over Proposition 1.

⁹⁴ Lewiston Morning Tribune, 10/2/94, A declaration of love, 1C.

Taking the opposite stance from their counterparts, the sisters of the Monastery of St. Gertrude in Cottonwood, Idaho, publicly denounced Proposition One. “It is our hope that people would see the danger of the discrimination possibilities that are in it and would vote it down on that basis,” said Sister Mary Kay Henry, prioress of the group.⁹⁵

The sisters weren’t the only members of the religious community voicing their opposition. Over 60 people from different religious backgrounds marched through Moscow to show not only their opposition to an initiative they called hateful, but also their push to build positive communities. “The theme of [the] journey is a good one,” said Walt Miller, interim pastor of Moscow’s First Presbyterian Church. “We’re into building bridges, but we’re also into knocking down old structures that don’t have meaning anymore.”⁹⁶

Final Push

Proposition One opponents made their final push in the last week of October with the purchase of \$58,000 in advertising. The money for the anti-initiative message was generated by a summer fundraising campaign that generated over \$183,000 from over 6,000 individuals. The largest donation came from David Geffen of Geffen Records out of Los Angeles, who gave \$10,000. The advertisements focused on getting those in the gay community to ‘come out.’ “You have to accept it within yourself, understanding you’re okay as a person,” said Greg Rodehau, a marketing employee at Hewlett Packard that contributed to the advertisement fund.⁹⁷

⁹⁵ Lewiston Morning Tribune, October, St. Gertrude sisters take stand against anti-gay rights initiative.

⁹⁶ Moscow-Pullman Daily News, 10/10/94, Interfaith group walks against Prop 1, for acceptance, 1A.

⁹⁷ Idaho State Journal, 10/12/94, Initiative opponents hit hard with \$58,000 in advertising.

The ICA also made several last pushes to persuade Idaho voters to support Proposition One. Researcher Paul Cameron, who equated homosexuals with intravenous drug users, was brought to Boise to energize anti-gay initiative supporters. “Homosexuals and IV drug users have found... the way to live the shortest lives,” Cameron said. “Let’s look at what homosexuals really do. It is a drag on society and a drag on them.”⁹⁸ Initiative opponents argue, however, that Cameron’s research methods are faulty, and that he makes a living traveling around the country, denouncing homosexuals. “The man is totally disreputable, according to any professional organization,” said No On One campaign manager Diane Sands. “I would urge people to hear both sides of the debate and talk to someone in the Idaho Psychological Association.” The IPA publicly announced its opposition to Proposition One several weeks prior.

The ICA also purchased \$20,000 in radio airtime and between \$30,000 and 50,000 in television spots for campaign ads to air the last several weeks before the election with the intent of moving initiative supporters towards a victory. The 3 radio ads include excerpts in which a woman says, “Clinton is a friend of ours... It’s our government now.” Brian Berquist commented on the ICA’s strategy, “It’s sad that their campaign has deteriorated to the point where they can’t win with a rational argument, so they have to scare people.”⁹⁹ One of the three television spots featured a black reverend from Cincinnati claiming that the gay community was not the heir to Martin Luther King’s legacy for civil rights. Another features a black mother ringing her hands at the thought of homosexuality being taught in the schools. The third spot shows gays celebrating the election of Bill Clinton. Berquist responded to the television ads, saying,

⁹⁸ Morning News, 10/17/94, Social researcher fights with citizen’s alliance.

⁹⁹ The Idaho Statesman, 10/20/94, Proposition One ads to hit the airwaves, 1B.

“I’m just not sure that having religious figures from back east tell Idahoans how they should think and treat each other is really appropriate.”¹⁰⁰

The debate over Proposition One found itself heated during a televised debate between Walton and Berquist. Mid-way through the exchange, Walton argued that “No matter what they say, there is a lot of recruitment involved with our kids, and that’s a major growth in the homosexual community.”

Berquist fired back, “I’m really insulted by that.”

“It is true, and I think it is insulting because it insults all the parents of the community who say, ‘I want to raise my kids right.’”

Mary Rohlifing maintained, “I’m so ashamed to be sitting here. It’s absurd. These things are absolutely absurd. Were you recruited to be heterosexual, Dennis?”

“My heterosexuality came from God,” Mansfield said.

“Yeah, and so I’m godless I suppose,” Rohlifing said.

“Not at all,” Mansfield said. “We’re not attacking you.”

“You’re trying to shut me out of the political process, you’re claiming that we recruit people, you’re claiming that we’re disease spreading. How can you say, ‘I’m not trying to hurt you.’ I’m sorry if I feel personally attacked,” Rohlifing said.

Despite efforts by the ICA to move the public to the right, support for the Proposition seemed to be waning. On November 3, just five days before the election, the Boise Presbytery voted 21-2 in opposition to Proposition One. “I am delighted we took the action we took, and the vote was as strong as it was,” said Judy Austin, a First Presbyterian member.¹⁰¹

¹⁰⁰ The Times-News, 10/20/94, ICA takes initiative fight to TV.

¹⁰¹ The Idaho Statesman, 11/03/94, Presbyterian vote ‘No on One’, 3B

Three days later the Idaho Statesman blasted Proposition One in an editorial titled “Future of Idaho demands a ‘no’ vote on Proposition One.” Maintaining that no good could come from the divisiveness of the proposition, the editorial concludes, “Voters on Proposition One will be deciding what kind of state they want Idaho to be. Either we are an insecure people afraid of “the other,” or we are a people big hearted enough to accept differences.”¹⁰²

With only two days left, Proposition One opponents stepped up public pressure out of concern for complacency on Election Day, even though recent polls showed Proposition One losing by 10-20 percentage points. At a rally on the Statehouse steps in Boise, Brian Berquist told the crowd of 250 that an “ugly awakening” could greet them Wednesday morning if they didn’t get out and vote on Tuesday.

Election Day was energetic on both sides. Volunteers for and against Proposition One spent the day working phones in an effort to get out the vote. Opponents of Proposition One gathered at the Hoff Building in downtown Boise, where they celebrated their work with drinks and music, watching poll results trickle in throughout the night. At the Red Lion Hotel Riverside, supporters of Proposition One were less hopeful and as their side trailed in the polls.

At about 1:30am on November 9, members of No On One raised their glasses in a toast to the defeat of Proposition One. When the votes were completely tallied, Proposition One was defeated by 3,098 votes. Voter turnout was 420,000, tens of thousands of votes more than previously anticipated. No votes won with 205,699. Yes

¹⁰² The Idaho Statesman, 11/06/94, Future of Idaho demands a ‘no’ vote on Proposition One, 16A

votes lost with 202,601. About 11,700 voters skipped the Proposition One question altogether.

Both sides claimed victory, although the No on One Coalition's was literal. The ICA maintained they earned a "moral win", and the legislation probably contributed to the general support for Republican candidates in the election. But for Brian Berquist, the message was clear, "The common ground (in the campaign) was that discrimination is not something Idahoans embrace."¹⁰³

¹⁰³ The Idaho Statesman, 11/10/94, Anti-gay initiative narrowly fails, 1A