

Lost Highways: Dispatches from the Shadows of the Rocky Mountains



Script for Episode 2: 6 Gay Weddings and A Horse

Noel: Hi, I'm Noel Black.

Tyler: And I'm Tyler Hill. This is the first episode of the first season of Lost Highways, a new podcast from History Colorado.

Noel: Tyler and I both grew up in COlorado and we both worked in radio and journalism for most of our careers.

Tyler: Both of us have always been interested in undertold and overlooked stories.

Noel: Lucky for us, for the past year we've had access to the 140 years worth of collections at History Colorado. And those archives are full of stories about our home state that we can't believe we never heard.

Tyler: This is a podcast about how we got to now, and the ways the American West has shaped the world. So for now, we are gonna go beyond the Colorado stereotypes.

Noel: Because there is so much more to this place, and we want to tell stories that reflect that.

Tyler: And because Noel really needs to call his mom.

[Phone ringing]

Noel's Mom: Hello?

Noel: Hi Mom.

Noel's Mom: Hi honey.

Noel: How are you?

Noel's Mom: I'm Good.

Noel: Good. How's Tucson?

[Audio fades into Noel's narration]

Noel: This my mom. She lives in Colorado Springs half the year, which is where I live and where she raised me. But she's retired now, and lives in Tucson for the winter.

Noel: *Did you get that photo I sent you?*

Noel: I emailed her a photo of Colorado's new governor, Jared Polis, and his family. It was making the rounds on social media shortly after his election last November. The most remarkable thing about it to me is how ordinary it is, almost boring. Just Jared Polis standing on the lawn in front of his home with his scrappy little dog tucked under his arm, and his two small children grinning in between him and his husband.

Noel's Mom: *I did. And I looked at it.*

Noel: *Yeah? What did you think of it?*

Noel's Mom: *I think it's fantastic... I mean, I haven't been following his policies...*

Noel: *Yeah, he's the first openly gay governor in the United States, and I was thinking how shocking that would have been to me in the mid 1980s around the time that you told me that you and Dad were gay.*

Noel's Mom: *It would have been shocking I think everywhere at that time.*

Noel: It was 1983 and I was 11 years old when my mom came out to me in the San Francisco airport. And for the next 10 years I thought I was the *only person on earth* who had both a lesbian mom and a gay dad. At the time, growing up in the very conservative town of Colorado Springs, it felt like the only way to survive was to stay silent and invisible. I would've given anything to feel ordinary. The last thing on earth I could imagine was a photo of our family being seen by anyone.

Noel's Mom: *It speaks to the power of silencing people that speaks to the power of the taboo...I mean it was horrible. There was the fear. I mean that that was the driving emotion was fear. You know fear that our children would be taken away. Fear that you... because anybody could be turned into social services if you had a vengeful neighbor or a vengeful boss or a vengeful ex-spouse. I mean, it was almost like, you know, a fascist political state in a way because it could come from anywhere. I knew some women in Denver who lost their children and I don't remember all of the particulars about that but I mean it happened, it wasn't a fairy tale. It happened.*

Noel: *You know, uh, 30 years later and it's amazing to me just to see... They're all wearing sort of ugly tennis shoes, and they seem to be kind of a goofy family and here he is, he's the governor of Colorado really only three years since gay marriage was*

legalized and it's, it's again it's shocking in its ordinariness.

[Audio fades into Noel's narration]

Noel: Of course, this photo of the first openly gay governor in the United States standing with his husband and children isn't ordinary at all. It's a photo 44 years in the making. And it began with a County Clerk named Clela Rorex in Boulder, Colorado in 1975.

[Lost Highways theme music by Conor Bourgal]

Noel: From History Colorado Studios, this is *Lost Highways: Dispatches from the Shadows of The Rocky Mountains*. I'm Noel Black.

Tyler: And I'm Tyler Hill. On each episode, we look back at overlooked stories from our home state of Colorado and the American West.

Noel: One quick word of warning before we get started: This episode does include a homophobic slur.

Tyler: In mid-April, 1975, Tony Sullivan and his partner, Richard Adams, were sitting in their living room in Los Angeles, watching Johnny Carson. Just like they did most

nights.

[audio fades into Johnny Carson clip from 1975, ambient sounds - audience clapping and laughing]

Johnny Carson: Would you like to hear the wildest news? Now you'll think I'm making this up just to make an easy joke, but in Boulder, Colorado today, uh, a man went in and applied for a marriage license to marry a horse.

[ambient sounds of audience laughing]

[audio fades into Noel's narration]

Noel: The story of the horse is problematic for a lot of reasons, and we'll get back to it. But first, we need to rewind even further.

Tyler: Tony and Richard had met 4 years earlier in 1971. And they immediately fell for each other. Here's Tony.

Tony Sullivan: He was the most wonderful human being I've known in my life which... I would never have used this expression in the past because it's not one of the expressions they use. But I do believe we were genuine soul mates. We met in a bar in

Los Angeles called The Closet. And that was in the beginning of 1971. I was passing through the city on my way to England, and we went out for a date the next day. I had no idea that we were going to end up together, and I don't think he did either. Because when we met we weren't viewing each other from a sexual perspective. We communicated on various issues such as politics and art, etc. and I found we were of a very similar viewpoint. And so we went out for a date the next day and then went from there. And I ended up coming back from Europe to be with Richard in the United States in 1972.

Noel: The problem for Tony and Richard was that they couldn't figure out how to be together. Not legally, at least.

Tyler: Richard was Filipino, and a naturalized citizen of the United States. But Tony was Australian, and only had a travel visa. From an immigration standpoint, neither of them had any especially desirable job skills. They thought about going to Australia together, but Australia was still informally enforcing what was called The White Australia Policy.

[Historic White Australia Policy Audio]

Anonymous woman speaking: It shouldn't be... because the colored races when they get into a white country, they want to intermarry, and I don't think it's fair on the children.

[End of Historic White Australia Policy Audio]

Noel: The White Australia Policy was a whole bunch of laws designed to keep non-white foreigners from immigrating. It officially ended in 1973, but when Tony went to the Australian Embassy in Los Angeles to get Richard a visa...

Tony Sullivan: Everything was going along blissfully fine until I happened to mention that he was born in the Philippines, and the guy at the Australian consulate said, "Oh, from the Philippines. Is he Filipino?" And I said, "Yes", And he said, "Oh, he can't come to Australia." I said, "I beg your pardon." He said, "We do not allow Filipinos into Australia." And I said, "I thought we got rid of the White Australia Policy." And he said, "Well, what people think back home and what's reality are two different things." And then he said, "Filipinos shouldn't complain. They're the worst of the lot." And that was the Australian perspective.

Noel: They even tried setting up an arranged marriage with a female friend just to get the green card. But Tony, prone to honesty, blew the interview.

Tony Sullivan: And we got married and we applied and went to our interview. And anyhow at the interview I found that the woman and I for immigration purposes were expected to copulate. I didn't know that at the time. And, frankly, that totally horrified me. I felt no government had a right to tell you that you had to -- I'm using the nice word -- copulate in order to stay with someone. And so, after we left the interview, which, you know, from that point on wasn't very satisfactory, I had the marriage to the woman

annulled.

Noel: For years, Tony had to make occasional trips across the Mexican border to renew his travel visa.

Tyler: That was his only option up until 1975.

Noel: THAT's when he and Richard read in an LGBTQ publication called "the Advocate" that a Boulder County Clerk had been issuing same-sex marriage licenses.

Tyler: It caught their attention, but they figured it wouldn't last long.

Noel: THEN, a month later, Johnny Carson talked about it on *The Tonight Show*.

[Continuation of Johnny Carson clip]

Carson: it was in the paper, apparently he was really steamed, because they had had some marriages back there, of people of the same sex. And they had performed you know, gay marriages. And he was so angry at that, he went in and applied for a license to marry his horse. Now you can make up your own jokes or... No, I understand he got down on one knee, and the horse kicked him into the next county.

[audience laughs]

[Audio fades into Noel's Narration]

Noel: It had been going on for a while. Johnny *Carson*, The *King* of Late Night, was talking about it.

Tyler: So they packed their bags and they went to Boulder.

[Music]

Noel: But to get to Boulder in 1975 we have to drive to Longmont, Colorado in 2019.

[Ambient sounds - car starting, quieter conversation between Noel and Tyler]

Noel: Clela Rorex lives in a nondescript condo in the center of Longmont. It's a flat, mostly suburban town at the foot of the mountains just northwest of Denver by not quite an hour.

[ambient noises of knocking on door, and door opening]

[Noel: Hi Clela.]

[Clela Rorex: Hi, come on in.]

[Noel: Hi, I'm Noel.]

[Clela Rorex: Nice to meet you.]

[Noel: Nice to meet you also, this is Tyler.]

[chatting about cat tower]

Clela Rorex: Well I'm Clela Rorex: C.L.E.L.A. R.O.R.E.X. And Rorex is my maiden name. I grew up in Steamboat Springs, Colorado on the western slope. My parents... my mother was a teacher and my father was the county clerk. He served as county clerk for 30 years. And that is one reason when the position was opening up in Boulder I thought, Well I know a little something about the job. I think I'll run.

Tyler: When she ran for Boulder County Clerk, Clela was in her early-30s, and a burgeoning feminist.

Clela Rorex: The backbone of the women's movement was something called consciousness raising groups.

Noel: Consciousness raising groups were gatherings where women could get together and talk uninterrupted about things they hadn't felt they could talk about with men -- things like sexuality and menstruation, working conditions, and politics in the context of feminist ideas and principles.

Clela Rorex: And we would sit around once a week and talk about everything, and that's how we got our own personal strength and began to get our own identity as women, began to be activists.

Noel: Clela also became aware of homosexuality for the first time.

Clela Rorex: I really did not know or ever hear that somebody was gay. And it was really only when I got involved in the women's movement which was about I would say 1972 that I began to be a bit aware that there was also a gay rights movement kind of percolating along in Boulder.

Shawn Fettig: So like 1971 to 1975 in Boulder was a fascinating time and I would argue, you know, if we look at Boulder as being a unique place in American history, I would argue those four years are where it happened.

Tyler: That's Dr. Shawn Fettig, a queer rights researcher who's working on a book

about Clela. He says that one of the biggest things to happen in Boulder during that time was the election of a progressive young slate of Boulder City Council members. Pennfield Tate THE SECOND, Boulder's first and ONLY African American mayor was also elected that year.

Shawn Fettig: And so they started to pass a raft of legislation or municipal kind of code that was much more liberal than had been passed before and focused much more on things like human rights. In 1973 they passed the Human Rights Ordinance, which really brought to a head this old guard and new guard, you know, the kind of half the city that was really conservative, and half of the city that was really agitating for something new.

Noel: One of those new guard agitators was Tim Fuller, who later described himself as a "long-haired, socialist, gay man." He and Pennfield Tate played a key role in the passage of that Human Rights Ordinance that included protection for gays and lesbians. In this oral history from the Carnegie Library for Local History in Boulder, Fuller describes the oddly quiet days before it passed.

Tim Fuller Oral History: We went through -- first, second, third reading--pfft! -- nothing! Somehow, no one had read all of it--of the opposition--and Then, suddenly there was this burst of publicity. "Queerville." You have to understand, again, this is way before Harvey Milk, and I was not out to the public.

Noel: Despite the late opposition to the human rights ordinance, it passed. Tim Fuller was almost immediately recalled, and Mayor Pennfield Tate barely hung on to his job. But Boulder became one of the first cities in the United States to pass anti-discrimination legislation that protected Gays and Lesbians.

[Music]

Tyler: The students of CU Boulder also helped pull the city to the left, in part through El Movimiento, the Black Power, and American Indian Movements. There were widespread protests against the Vietnam war. And two bombings in 1974 killed 6 members of the Chicano movement.

Tyler: Shawn Fettig says that by the time Clela ran for County Clerk later that year, the idyllic little town beneath those iconic red sandstone slabs had become a microcosm of the social upheaval happening all across the United States.

Shawn Fettig: I mean, what, Patty Hearst was kidnapped that year I think. And there were rumors that she was in Boulder.

[Patty Hearst Historic Clip]

And I would appreciate it if everyone would just calm down and not try to find me, and

not be making...

[Audio fades back into Fettig providing historic narration]

Shawn Fettig: Naropa had just opened and Allen Ginsberg was there bringing you know, and this is where, you know, bringing his band of hippies.

[Alan Ginsberg, reading a short excerpt from Howl: ...who journeyed to Denver, who died in Denver, who came back to Denver and waited in vain...]

[audio fades back to Fettig]

Shawn Fettig: And that was in the summer of 1974 when Clela was campaigning. Nixon resigned that summer.

[Begin Nixon resignation excerpt]

I have never been a quitter. To leave office before my term is completed as a harm to every instinct in my body. But as president, I must put the interests of America first.

[audio fades back to Fettig]

Shawn Fettig: And, a Democrat was gonna win, right?

Noel: And all these changes in consciousness and in the political landscape helped set the stage for Clela Rorex's run for Boulder County Clerk that same year.

Tyler: A republican named Henry Putnam had been the County Clerk in Boulder for the last 30 years. When he announced his retirement, the Republicans decided to run a woman named Betty Chronic to replace him. The Democrats thought the best way to win, would be to run a man.

Clela Rorex: They said this over and over again. I went back to my consciousness raising group and I was just miffed by that. And my friend said, Well if you feel that strongly about it, why don't you run?

Noel: Much to the Democrats' chagrin, Clela won the primary against her male opponent. But she still had to face the Republican, Betty Chronic, in the general election. And she had no real political experience.

Clela Rorex: I was an anomaly. I was a single mother. I had long hair. I wore mini-skirts. I had never campaigned in my life. It terrified me. We didn't know how to run a campaign. One of my workers designed my brochure and it was actually a Japanese origami brochure where you had to unfold little bits and pieces to see the text.

Tyler: Even though she didn't know much about politics, Clela ran an intense grassroots campaign. And with President Nixon's resignation casting a shadow over the entire political landscape, the Democrats swept the Boulder elections in 1974. On Clela's first day, her republican predecessor, Henry Putnam, physically refused to leave the office.

Clela Rorex: He was so opposed to me winning that election, he wouldn't leave. And he locked me out of the vault. I had to get sheriff officers involved to force him to open that vault.

Noel: Shortly after she took office, Mayor Pennfield Tate, who'd barely survived the recall election after the Human Rights Ordinance passed, sat down with Clela in a diner across from the courthouse. He warned her not to get too comfortable.

Clela Rorex: It was very enigmatic. He said be prepared something's going to happen. Well I had no idea what was going to happen.

[Music fades into underwriting]

Underwriting: Support for History Colorado comes from the Coors Brewing Company. Coors is proud to sponsor "Beer Here: Brewing the New West", now on view at the History Colorado Center in Denver. The exhibition features artifacts and insights that reveal why Coloradans today enjoy 360 breweries and counting. More than just a tale of

Ale, "Beer Here" is a story of Colorado, told over a few beers.

[Music fades out to Tyler narrating]

Tyler: Clela thought Tate's ominous warning seemed strange. The county clerk's office is maybe the LAST place you would expect anything exciting or controversial to happen. And Clela never found out if Tate knew WHAT was going to happen, or if he was just warning of inevitable political bumps in the road.

Noel: But just a few months later, something DID happen. Here's Clela in an Oral History she did with the Carnegie Library for Local History in Boulder.

Clela Rorex Oral History: Three months after I had been sworn in, two guys from Colorado Springs came into my office. They were both named Dave and they asked me for a marriage license because the Colorado Springs County Clerk had said to them, "We don't do that kind of thing here. But you might go to Boulder," knowing Boulder's reputation.

Noel: Clela knew the request was unusual, but she was a stickler for procedure.

Clela Rorex Oral History: I didn't know if I could issue a marriage license. I looked at the marriage code. It didn't specifically say that marriage had to be between a man and a woman. But I told them I'd have to get a legal opinion from my district attorney. That's

what I did.

Tyler: Clela took the issue to Assistant D.A. Bill Wise. And after researching it, he told her that Colorado State law wasn't explicit in either direction. Legally, she could do whatever she wanted.

Clela Rorex: The way it was written did not *specify* that marriage had to be between a man and a woman. I mean of course it was *assumed* that that was it. There would never be any other assumption ever made, but it didn't say that.

Noel: Clela took a couple of days to think about it.

[Music fades in]

Clela Rorex: And.....

[drum beat]

Clela Rorex: I decided I would do it.

[music fades out to Tyler narrating]

Tyler: On March 26, 1975, Clela Rorex issued a marriage license to Dave McCord and Dave Zamora, who were married the following day. Here's Clela again from her oral history with the Carnegie Library for Local History in Boulder.

Clela Rorex Oral History: I issued that license based really on one premise--other than, of course, that it was not illegal. I was a feminist asking for equal rights, and I felt very deeply; who was I to deny equal rights to someone else who was asking for the same? And that was pretty much at the core of all of it and why I made the decision to issue those licenses.

Noel: It's important to point out here that the license Clela issued was not the first.

Tyler: The first same-sex marriage license ever issued in the United States was given to Michael McConnel and Jack Baker in Blue Earth County, Minnesota in 1971. They got it through some clever legal maneuvering that involved changing Jack's name to the gender-neutral: "Pat." Their case was the first to legally challenge the definition of marriage, but was eventually turned down by the US Supreme Court.

Noel: And there was at least one other license, which was issued to Sam Burnett and Tony Secuya in Maricopa County, Arizona in January 1975. But their marriage failed to attract national media attention, and was ruled void by a judge within a few months.

Tyler: What made Clela's licences different was the media frenzy and political backlash that they spawned.

Clela Rorex: I was naive in terms of the degree of hell that followed. I had no real conception of how negatively, really, that that would be received by so many. I mean I knew it was something different for sure. It was the hate that I wasn't expecting -- that pure hate. And it came from all over the country as word spread. And I didn't really think that word would really spread. To me, this was a decision that I was making based on our state statute. Based on my right as a county clerk.

Noel: Clela got a lot of angry, sometimes hateful phone calls. Some warned that Boulder would become a gay mecca, or that property values would plummet. Others presumed she must be a lesbian.

Tyler: The stress of the public backlash gave her crippling migraines. And Clela wasn't the only one affected by the hate.

Clela Rorex: At the time my son was, I think six, and people would just call the house indiscriminately, no answering machine in those days, and they'd start spewing whatever they wanted to say to whoever answered the phone. And a couple of times my child answered the phone.

Tyler: Despite the vitriol, Clela stood by her decision. She issued licenses to three more couples over the next several weeks: Susan Mele and Sheila Sernovitz on April 7th, and then Terry Guillen and Davey Hough, as well as Neil Prince and Chauncey Hagan, all on April 11th.

Noel: THEN, on April 15th, a colorful local man named Ros Howard showed up at the courthouse.

Clela Rorex: ...and I looked and I just thought, What is this? You know all these media vans coming. I see him standing there with his horse and it took a minute but all of a sudden it dawned on me that he was going to try to get a license for that horse.

[Music fades in]

Clela Rorex: So I tried to call the DA's office to see what they would advise, but they were unavailable. t I have no idea how it came to me to play it the way I did it just because I had no idea of what I was going to say, until he was standing in front of me and I was asking this question and that question off the marriage license, and asked Dolly [the horse]'s age and that's when he said eight. I just somehow had the presence of mind to lay down my pen and say, "Well, I'm sorry but Dolly is under age. Can't have a license without parental permission."

[Music fades out]

Tyler: For a long time, Clela didn't like to talk about the horse story. She felt it perpetuated a comparison between homosexuality and bestiality that's often been used to dehumanize same-sex couples.

Noel: But Ros Howard's stunt had an unintended consequence: it made headlines, including *The Tonight Show* with Johnny Carson.

Tyler: Which brings us back to Richard Adams and Tony Sullivan, who were watching it in their apartment in West Hollywood.

Noel: Tony and Richard are the couple we introduced you to at the beginning of the show. Again, Richard was an American Citizen and Tony was Australian. They were trying to figure out how to stay together, and marriage was the easiest way to get a green card.

Tony Sullivan: When we heard about the marriages in Colorado we first heard about them through a little tiny newspaper clipping somewhere. After about a month passed, Johnny Carson... he talked about a man wanting to marry a horse. But at that time I said to Richard, "Well a month has passed. We probably now can go in good faith believing that on a matter of seriousness as this, the United States would have stopped the

marriages taking place.

Noel: So they got on a plane. And on April 21st 1975, Tony and Richard went to the Boulder County Courthouse, and got their marriage license.

Tony Sullivan: And so we went in the corridor outside and at that point we did the actual, legal marriage, on the spot and took the thing right back in because we didn't want to let any time lapse and then we went off and had our, I suppose you have to call it a PR marriage or a religious marriage I don't know. You can apply whatever term you want to that, at the Unitarian Universalist Church in and Denver.

Tyler: Given that Tony's previous marriage of convenience hadn't been acknowledged by the government, they immediately went back to where they were staying...

Tony Sullivan: And, well, pardon the expression, *got it off*. And then we held a press conference at which point we let the press know that we had consummated the marriage and thus it was now fully legal. You know, I know it sounds a bit gross talking about that but that was an important legal point to be made.

Noel: Tony told us that despite signing the license, and participating in two ceremonies and a press conference, it didn't really hit him that he was married until he and Richard went home to LA.

Tony Sullivan: We got to our front door and Richard bent down to put the key in the front door lock. And I remember looking at him with such a sense of love that I have never felt for anyone or anything else in my whole life. And I looked at this man bending down in front of me and thought: My God he has just stepped out on a limb for me. I love him so much. And that was when I realized that we were married.

[Music fades in]

Tyler: One other same-sex couple, Annice Ritchie and Violet Garcia also received a license the same day as Tony and Richard.

[music fades out]

Noel: Then, JD MacFarland, the Colorado Attorney General, ordered Clela to stop.

Tyler: All in all, Clela and her assistant Patrick Prince, issued licenses to 6 same-sex couples.

Noel: Most of those couples eventually split up, and some died young. Though none of the licenses were ever technically invalidated, only Tony and Richard's marriage would end up having a major political impact.

Tyler: As soon as they were married, Richard filed a petition to Immigration and Naturalization Services, hoping that Tony could get a green card and stay in the country.

Noel: The INS granted them an interview, but there was something fishy about it. The meeting would include agents from the FBI and CIA.

Tony Sullivan: And I just said I wouldn't go and meet with those people under any circumstances. No way. Actually, what I actually said to the attorney was, "Would you willingly go and meet with the Gestapo?"

Noel: The US government's response to Richard and Tony's request for a green card came shortly thereafter. It was dated the same day as Tony refused the interview.

Tony Sullivan: So I assume that someone sat down at their typewriter and said, We'll show this guy. And they wrote a letter which said (it's quoting them), "You have failed to establish that a bona fide marital relationship can exist between two *faggots*," closed quote.

[Music]

Tyler: And the US government wasn't Richard and Tony's only problem. For many in the women's and gay liberation movements at the time, marriage wasn't exactly at the top of their agenda.

Daniel Rivers: It didn't really catch on in the 70s because gay liberationists and lesbian feminist communities are very different. Each one of those. But, but they shared a rejection of marriage.

Noel: This is Daniel Rivers.

Daniel Rivers: I'm an associate professor of history and the history department at Ohio State University in Columbus. I'm a citizen of the Choctaw Nation of Oklahoma and I'm the director of the American Indian Studies Program.

Noel: Rivers grew up in a radical feminist lesbian family in the 1970s and 80s. He's also the author of *Radical Relations*, a book about queer families and their struggles with discrimination, legal recognition, and child custody since World War II.

Daniel Rivers: Certainly in the community I grew up in nobody would have thought, Oh I know what we need: We need to have lesbian marriage! I mean, that's, you know, because marriage in the community I grew up in was conceived of as the core of patriarchal misogyny.

Noel: At the time Richard and Tony got married, the gay liberation movement wanted little to do with marriage. They were more interested in achieving civil rights and freedom from discrimination for all individuals.

Tony Sullivan: The professional gay community here had worked against us in a very well-known gay activist and rang me up after demonstration and it said, My dear you know we love you madly but relationships are not what this revolution is all about you will not win and no one will support you. Well he was right.

Tyler: But to understand why marriage would eventually become such a central issue to the LGBTQ community, we need to go all the way back to the founding of the United States.

Noel: To do that, we spoke to Nancy Cott, Professor of History at Harvard University and author of *Public Vows: A History of Marriage and the Nation*.

Tyler: She says that from the beginning, marriage in the US was seen almost as a kind of civil religion that people would opt into-- a symbol of the citizens' relationship to their government.

Nancy Cott: And so the idea that a couple would choose each other voluntarily in love

was extremely important in the period of revolutionary ideology and by the same token, by a kind of analogy, choosing to be a citizen of the United States to go with the revolutionaries and break ties of subjecthood to Great Britain -- that was of course crucial to American loyalty.

Noel: Cott also emphasizes that marriage was very much a *secular* institution.

Nancy Cott: Marriage was always a civil matter in the colonies of the U.S. and they had very severe ideas about the civil basis of marriage. Marriage is seen by them to be something mainly about property, and not about spiritual values.

Tyler: Because of that, marriage in the U.S. has always carried with it a huge number of civil rights and privileges.

Noel: According to the United States Government Accountability Office, there are currently well-over a thousand statutory provisions that mention marriage when determining benefits.

Tyler: Tony Sullivan has always had a problem with that.

Tony Sullivan: Right from the beginning, Richard and I were opposed to the discrimination brought about by marriage laws.

Tyler: And in Richard and Tony's case, the most important of the benefits attached to marriage had to do with immigration.

Noel: But, despite the lack of support from the LGBTQ community, Tony and Richard continued to fight for legal recognition of their marriage.

[Music fades in]

Tyler: In 1979, they filed a lawsuit against the INS, which they lost after several appeals. Later, they filed a second suit on the grounds that Tony's deportation would be an "extreme hardship" for the couple. That suit went all the way to the 9th Circuit Court in 1985. In a strange twist of fate, none other than Judge Anthony Kennedy heard their case.

Noel: Later in his career, as a supreme court justice, Kennedy would end up being the deciding vote in the 2015 *Obergefell v. Hodges* Supreme Court case that finally granted marriage equality under both the Due Process and Equal Protection clauses of the U.S. Constitution.

[Music fades out]

Tyler: But in 1985, Kennedy wrote the majority opinion denying them equal protection. And made it possible for Tony to be deported. Tony and Richard left the country shortly afterward, and after trying and failing to get into multiple other countries,

Tony Sullivan: We ended up living in an abandoned house in Ireland nine miles south of the Northern Irish border with rising damp in the walls and everything else. And we were living on about a dollar a day. So, you know, that was our honeymoon.

[Music fades into underwriting]

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[Music fades in then out to Tyler narrating]

Tyler: After a year abroad, with some encouragement from a friend, Tony and Richard decided to come back to the United States, even if it meant living illegally. And in order to do that, they had to cross the border from Mexico.

Noel: Tony had a couple of days' worth of scruff on his face, and to look the part of an American, he put on a baseball cap, grabbed a can of coke, and put his feet up on the dashboard.

Tony Sullivan: And the border official looked in the car and said, "Are you American citizens?" And before we could answer he took... And I've always suspected the guy was gay and knew who I was. He looked me straight in the face and said, "Of course you are. Go go go."

Noel: When Tony and Richard got back to the US, it was the mid-1980s, and the struggle for marriage equality had begun to move into the mainstream of the LGBTQ liberation movement. Historian Shawn Fettig explains.

Shawn Fettig: You know what we saw become kind of a movement or an issue related to the movement was really born out of kind of the AIDS epidemic. Right? You know this... you know, this clarity around the fact that if we are not recognized as family -- we are denied truly life or death rights.

Noel: Professor Daniel Rivers agrees.

Daniel Rivers: As those of us who grew up in these communities know all too well, you

know, men are being turned away from the deathbed of their life partners by families who come in and say, It's your fault that he's dying of AIDS and you can't be in this room. You know, You're the mistake that he made that killed him. You have no rights. And they're being... you know, they're being treated horrifically. And that *also* contributes. So so the recognition and the horror of the onset of the epidemic coupled with this legal political awareness they *galvanize* they they together push us through the 90s and the 21st Century towards same sex marriage.

Tyler: There would be many fights ahead for marriage equality. In the 1990s, there was Amendment 2 in Colorado. Backed by a Colorado Springs-based religious organization called "Colorado for Family Values", that ballot measure sought to prohibit local governments from extending protected status to same sex couples.

[Excerpt from Amendment 2 commercial]

These people would call it a hate crime if you speak out against their lifestyle. Do we want to protect freedom of speech in Colorado? Yes, we do. Vote "yes" on 2.

[End of Amendment 2 commercial]

Tyler: When it passed in 1992, some people branded Colorado as the "The Hate State" and called for a boycott.

Noel: Then there was the Defense of Marriage Act, or DOMA, in 1996, which defined

marriage at the national level as between one man and one woman. It was signed into Law by Bill Clinton.

Tyler: And there was California's Proposition 8. It sought to prohibit same sex marriage, and passed in 2008.

[Excerpt from DOMA Commercial]

Adult: No sweetheart, you don't have to be married to have a baby.

Child: Then, what's marriage for?

Other Adult: Let's not confuse our kids. Protect marriage by protecting the real meaning of marriage: only between a man and a woman. Vote "yes" on Proposition 8.

[End of excerpt]

Noel: Not to mention the Masterpiece Bakery incident, in which a Colorado baker refused to make a wedding cake for a same sex couple in 2012, and then later for a transgender person.

[Beginning of excerpt, Audio of the baker explaining his reasoning]

They were asking me to create a cake that would celebrate a view of marriage that goes against the core values of my faith's view on marriage.

[End of excerpt]

Noel: The wedding cake case went all the way to the US Supreme Court. The bakery owner only recently came to an agreement with the State of Colorado to end all state and federal litigation.

Noel: All of these controversies ultimately helped bring the LGBTQ community together around marriage equality -- a cause that was once seen as unimportant, unrealistic, and undesirable. But again, for many, including Tony and Richard, the fight was never just about marriage itself. It was about the most expedient way to get equal rights.

Tony Sullivan: I do not see marriage as a requirement, and I do not believe marriage should be a requirement for the dispensation of rights, favors, and benefits by the government. And while I'm very glad that we were major players in bringing about marriage equality, marriage equality is not good enough, because at the moment there are whole lots of people who get discriminated against because they don't get married.

Noel: Sadly, Tony and Richard never got to enjoy those rights together.

[Music fades in]

Noel: Richard Adams died of cancer on December 17, 2012, less than three years before the Supreme Court struck down DOMA and granted marriage equality in the case of *Obergefell vs. Hodges*.

Tyler: In 2016, still living illegally without a green card, Tony wrote to President Obama asking that the US government apologize for the obscene letter that the INS had sent. Leon Rodriguez, the head of U.S. Citizenship and Immigration Services at the time wrote back to Tony, saying: “This agency should never treat any individual with the disrespect shown toward you and Mr. Adams. You have my sincerest apology for the years of hurt caused by the deeply offensive and hateful language used in the November 24, 1975, decision and my deepest condolences on your loss.”

[Music fades out]

Noel: Tony accepted the apology on Richard’s behalf. And that wasn’t all.

Tony Sullivan: They opened up the thing for me to be able to stay in the country as the widower of an American citizen. And eventually I had the interview and then what they did which is something very nice (and I was told it was deliberate): on the actual anniversary of our marriage they issued my green card, which I thought was very lovely.

Tyler: Clela Rorex resigned her job as County Clerk and Recorder on May 16, 1977 before her term was up. She knew she’d never get re-elected, and she’d gotten engaged to a man in California. She never served in public office again, but she continued to work for LGBTQ and American Indian rights.

[Audio from Clela's house, ambient noises - Clela rifling through papers, quiet conversation between Clela, Tyler, and Noel]

Tyler: Back at Clela's house in Longmont, she shows us some of the artifacts, photographs, and newspaper clippings she's collected over the years, including the original 6 marriage licenses.

[Clela Rorex: Tony and Richard's]

[Noel: And this is an official copy?]

[Clela Rorex: Yes.]

Noel: All told, Clela herself was married and divorced three times.

Clela Rorex: I just wasn't ever able to make a marriage work. But I know so many same-gender married couples now, and they are having children in many different ways. And they are so... [long pause] tight, somehow, in their marriage to each other. It makes me a bit melancholy wondering why I never could quite do that. Many of them waited so long to actually be married.

[Fade in excerpt from audio of Colorado Governor Jared Polis inauguration]

Ladies and gentlemen, please welcome Governor elect Jared S. Polis, Marlon Reis and their children Caspian and Cora.

[fanfare, audience hooting]**[Fade out of excerpt]**

Noel: One of those couples with children is now the Governor of Colorado, Jared Polis. Shortly after his election, he sat down with us and told us about the moment he first met Clela.

Governor Jared Polis: For me, it was very exciting to meet her because it was just sort of amazing to contemplate that it was the same year that I was born, just a few blocks away in Boulder, that boulder allowed the same sex marriages, and I don't think anybody would have guessed in 1975 that there would be a Supreme Court case that would finally allow same-sex, loving couples, to marry one another in all 50 states.

Noel: I asked Governor Polis how he felt about his family photo, and what the world might be like for his kids growing up with gay dads.

Governor Jared Polis: You know it is becoming much more ordinary. I mean I think most schools in our state have kids with same sex parents right. And that would have been more unusual at the time in the 80s or 70s. But it you know it very rarely does a

same sex couple have to go through the experience of, Oh my gosh were the first ones ever to have a kid in our school.

[Audio excerpt from Polis inauguration]

... for every Colorado family, that like mine, is lucky enough to call this great state our home. Thank you, God Bless you, and God Bless the great state of Colorado.

[End of audio excerpt from Polis inauguration]

Tyler: For his part, Tony Sullivan credits Clela for where we are now:

Tony Sullivan: I honestly believe what Clela did and what we did is why we have marriage equality today.

Noel: Historian Shawn Fettig agrees. He, too, sees the long road between the licenses Clela issued in 1975 and marriage equality in 2015. When we asked him about Clela's place in history, he referred us to something Bill Wise -- the Assistant DA who gave Clela the official legal decision -- told him before he died.

Shawn Fettig: What he said when I asked him a question just like this was, and he took a minute, and I'll be frank, I'll use his language, "Clela was so far ahead of the rest of the country that it took the United States Supreme Court 40 f*&%ing years to catch up," and I think for me what that means and what he was trying to say is that where Clela

could be situated in something like this is that she took the long view. And she was already kind of sending the message that if the arc of history bends towards justice then we will get there.

[Music fades in]

Tyler: But for lots of people, the arc of history hasn't bent far enough. And for them, justice isn't necessarily inevitable. It's now been 50 years since the Stonewall riots, and for Daniel Rivers, there's still a long way to go.

[Music fades out]

Daniel Rivers: All we have to do is think about how unlikely it is that it's okay in second grade for a young male second grader to bring a valentine saying... expressing that he has a crush on another boy in the class and give it to that boy on Valentine's Day. Right? Now I'm not talking here about sex (just to speak to the idea the larger audience who may be listening to this); I didn't say anything about sex. This is about kids. I'm talking about a crush in elementary school, that would be celebrated if it was between a girl and a boy. We're still so far away from that.

Noel: Just this past November, Colorado Representative Brianna Titone became the first openly transgender person elected to state office. She says many transgender

people still feel left behind.

Brianna Titone: And that's really the crux of the challenge between really advancing transgender rights: is that people that were fighting for the gay rights things, they felt that they were done and they had achieved it and they didn't have to really fight anymore. And it seems that there's still a lot of people that we say like well hey it's LGBTQ. Don't forget about the T here.

[Music fades in]

Brianna Titone: You're still with us and we need your help.

Noel: When I talk to my mom about the photo of the *governor's* family, I think about the fact that we don't have a single picture of all of *us* as a family. Nothing with me, my mom and dad, and either of their partners. It was safer that way when I was a kid. It makes me think of something Daniel Rivers said in our interview with him.

Daniel Rivers: It's the kids sitting there who is front and center in the photograph-- those kids in that picture we've been talking about in this podcast, they're doing so much work by standing there. They are actually, arguably, the most important part of that picture, in terms of changing straight America's ideas about their fathers behind them.

[Music fades out]

Noel: My mom and I wonder what it would've been like to see a photo like that when she came out to me back in 1983.

[Noel and his mom on the phone]

Noel: *I definitely, you know, see that picture of the governor and his family and think OK, if that had if I had seen that when I was a kid and been like it's OK. Like look here the governor of Colorado is a gay man and he has two children who aren't that much younger than you, I mean, I think that would have made a huge impression just that visual impression. And to say, you know, that's not something that defines who you are either as a human being or as a parent or as the child of gay parents. I think it would have been incredibly powerful.*

Noel's Mom: *Yeah it's just an incidental sort of like which street you live on or what kind of car your parents drive or you know where they go to church or something. Just another fact.*

Noel: *Yeah. Exactly. And it would have diminished it in a way. So it's like it just would have sort of shrunken the whole thing down almost into nothing. I mean yeah, I look at*

that photo and it's just ...

Noel's Mom: *...put into the correct perspective.*

Noel: *Right.*

Noel's Mom: *Yeah well that didn't happen.*

Noel: *No it didn't. We had to go through a whole bunch of other stuff before that happened, didn't we?*

Noel's Mom: *Yeah, absolutely.*

[MUSIC]

Credits:

Tyler: *Lost Highways* is a production of History Colorado and History Colorado Studios. It is made possible by a generous grant from the Sturm Family Foundation, with particular thanks to Stephen Sturm and Emily Sturm.

Noel: If you like this episode and want to hear more, please support it by becoming a

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Tyler: And if you haven't already, please subscribe and leave a review on apple podcasts, or wherever you're listening.

Noel: Many thanks to Eric Whitney, our editor for this episode. And to Conor Bourgal and Brian Elyo who composed the music. Oral histories in this podcast came from Cyns Nelson at the Carnegie Library for Local History in Boulder, Colorado. Including Oral History Interview with Clela Rorex, OH2028, and Oral History Interview with Timothy Fuller, OH1550.

Tyler: Thanks to Michael McConnell, one of the recipients of what's -- to our knowledge -- the first same sex marriage license in US history... and to Thomas Miller who made the film "Limited Partnership" about Tony and Richard, and to LGBTQ historian David Duffield, all of whom spoke to us for background information.

Noel: Many thanks to our editorial team:

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Noel: Thanks for the entire staff at History Colorado. And to my mom. I'm Noel Black

Tyler: And I'm Tyler Hill. Thanks for listening.

[Music fades out]