WISCONSIN magazine of history

Vel Phillips: Making History in Milwaukee

> Religion and Gay Rights in Wisconsin

BOOK EXCERPT Milwaukee Mayhem



WISCONSIN MAGAZINE OF HISTORY



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On the front cover: Vel Phillips, 2013

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God Loves Them As

How Religion Helped Pass Gay Rights in Wisconsin

They Are



BY ANDREA ROTTMANN

n February 25, 1982, Wisconsin became the first US state to protect lesbians and gay men from discrimination in employment, housing, and public accommodations. In the 1981–1982 legislative session, the nondiscrimination bill passed both houses of the state legislature with bipartisan support. When Republican governor Lee Sherman Dreyfus added his signature to the bill, it became Wisconsin law and added sexual orientation to the list of existing nondiscrimination categories including political or religious opinion or affiliation, age, sex, handicap, race, color, national origin, and ancestry.¹

Until Massachusetts passed a similar bill in 1989, the Badger State remained the only state with a nondiscrimination law for gay men and women.2 As of August 2015, only twenty-one states and the District of Columbia have followed suit. In July 2015, several US senators (including Tammy Baldwin) introduced the Equality Act, federal legislation that would prohibit discrimination based on an individual's sexual orientation or gender identity, but there is currently no federal law,3 Wisconsin thus stands out in the time line of the expansion of rights to gay people. Who and what made the bill's passage possible at a time better known for the rise of the religious right and a national backlash against gay rights?⁴ In the Wisconsin case, religion worked in favor of gay rights, rather than in opposition to them. The state had a tradition of religious social activism combined with determined advocates for gay and lesbian rights inside and outside a state legislature characterized by bipartisan collaboration,

Civil Rights and Gay Rights: First Efforts in the State Legislature

In 1967, the state of Wisconsin, like almost all other US states, regarded homosexuals as criminals.⁵ Wisconsin's statutes detailed the list of prohibited sexual activities punishable by fines or jail time: "Fornication," or sex out of wedlock; "Sexual perversion," which included anal and oral sex and sex with an animal; and "Lewd and lascivious behaviour," which included the cohabitation of unmarried partners "under circumstances that imply sexual intercourse,"⁶ Since the law did not specify the gender of those engaged in the activities, it applied not only to gay people, but also to straight, and even married, couples.⁷ The laws were still enforced, if not on a regular basis. For instance, a 1979 study conducted by Professor Martha Fineman of the University of Wisconsin Law School found that there had been ninety prosecutions for cohabitation in all of Wisconsin in the period from 1973 to 1979.⁸

Governor Lee Sherman Dreyfus signs the nondiscrimination bill into law as activist Leon Rouse (left) and State Representative David Clarenbach (right) look on.



State Assemblyman Lloyd Barbee poses in front of the Wisconsin state capitol in 1968. Barbee introduced a bill to decriminalize sexual relations between consenting adults in 1967 and, though it did not pass, continued to advocate for it, reintroducing the draft bill in 1969, 1971, and 1973.

Lloyd Barbee, the African American lawyer and state representative who led the decades-long fight to desegregate Milwaukee's public school system, was the first legislator to challenge Wisconsin's sex laws. A civil rights advocate committed to social justice and personal freedom for everyone, Barbee first introduced a bill to decriminalize all sexual relations of consenting adults in 1967.⁹ The bill did not pass, but he reintroduced it in 1969, 1971, and 1973, gaining significant support in each session.¹⁰ Asked about his motivation to change sex laws in a 1971 radio interview, he explained, "I think sex is essentially personal and should be treated that way.... The state has no business proscribing sexual activities of parties who will consent to them."¹¹



Pins from the 1980s supporting gay and lesbian activists

Barbee's efforts to change the state's sex laws came at a time when gay people in Wisconsin and around the United States began to demand freedom from prosecution and discrimination more visibly than ever before. Gay people had been organizing in the homophile movement since the 1950s, educating the public about homosexuality and working for legal change. In Chicago, a chapter of the Mattachine Society, a homosexual rights organization with small branches in cities around the country, had existed since 1965.12 In 1969, a police raid on a New York bar, the Stonewall Inn in Greenwich Village, catapulted gay activism in a new, more confrontational direction and made it a visible actor in local, state, and national politics. Gay, lesbian, and transgender patrons of the bar resisted the raid, and coverage of the event and the ensuing riots mobilized thousands of gay people across the country to join the movement.13 In Wisconsin, gay and lesbian groups were founded in 1969 in Madison and in 1970 in Milwaukee.14 Barbee was in touch with some of the organizations. He asked members of Midwest Mattachine for their opinion on his 1971 sex reform bill, and he actively supported Milwaukee's Gay People's Union by distributing their publication, the GPU News, to members of the state assembly and senate.15

Apart from making homosexuality legal, protecting gays and lesbians from discrimination in employment, housing, and public accommodations was one of the central demands of the gay rights movement. In the early 1970s, gay and civil rights groups in Wisconsin began to challenge discriminatory practices. They documented instances of discrimination in employment in Wisconsin, bringing the issue to the attention of the press.¹⁶ In the state legislature, Lloyd Barbee introduced the first bill to ban discrimination on the basis of sexual orientation in 1971. It sought to amend Wisconsin's "fair employment statutes by prohibiting discrimination based on an individual's sexual conduct, practices or preferences."ⁿ

When Barbee left the legislature in 1976, his work for sex law reform and nondiscrimination legislation was taken over by freshman legislator David Clarenbach. At just twenty-one years old, Clarenbach was already a political veteran, having served on both the Dane County Board of Supervisors and the Madison City Council.¹⁸ During their one mutual legislative session, Barbee and Clarenbach worked together on a 6

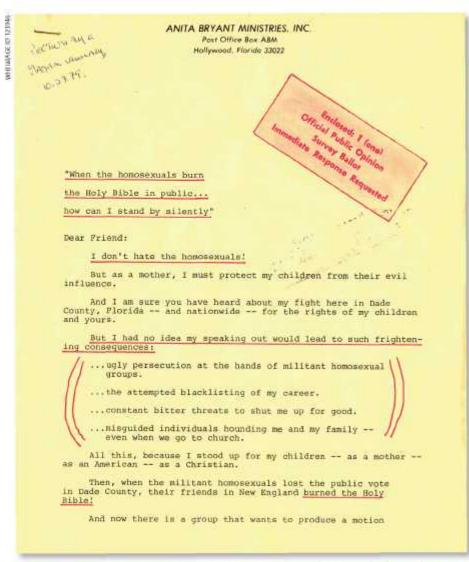
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sweeping sexual reform bill that, among other things, sought to repeal obscenity, abortion, and prostitution laws, abolish criminal sanctions against consensual sex acts, and introduce same-sex marriage.19 Clarenbach also attempted to have "sexual preference" included as a nondiscrimination category in an open housing bill. Although neither effort succeeded, both got press coverage-enough to stimulate a public discussion on whether, and how, Wisconsin's sex laws and nondiscrimination policies ought to be changed. Clarenbach continued working on both bills throughout the 1970s. He focused his efforts on the sex law reform bill, building support by taking out the most radical changes and reducing the bill's content to noncommercial, consenting sex between adults. Each time he introduced the bill, it lost by a smaller margin. The nondiscrimination bill, however, appeared more controversial to Clarenbach. He believed that there would "be only one chance to bring the bill up for debate and for a vote."20 Until he could be certain he had the votes necessary for passage, he kept the bill in committee.²¹

Leon Rouse Organizes **Clergy for Gay Rights**

As the 1970s came to a close, the two gay and lesbian rights issues were stalled in the legislature. The consenting adults bill was defeated repeatedly, and the nondiscrimi-

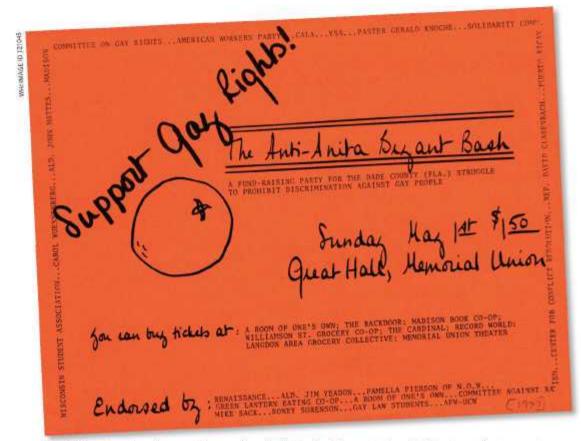
nation bill was not voted on, which frustrated the lesbian and gay communities. The swift progress that gay rights initiatives had made in many cities around the country in the early- to mid-seventies, where local ordinances had been passed against discrimination and openly gay and lesbian candidates had been elected to public office, stopped abruptly in 1977, when popular singer Anita Bryant and her husband Bob Green launched a repeal drive against the local gay rights ordinance in Dade County, Florida. Bryant and Green headed a religious coalition called Save Our Children, which was made up of Catholic, Protestant, and Jewish representativesthe first time that opposition to a gay rights ordinance was framed strongly in religious terms.²² In the June 1977 repeal referendum, voters rejected the ordinance by almost 70 to 30 percent.25 With national media casting the referendum as "a crucial test of whether the country was willing to extend civil rights legislation to homosexuals," as Newsweek put it, the defeat was crushing.24 Subsequent repeal drives around



A mailing from Anita Bryant Ministries displays the acrimony between the former beauty queen and gay rights advocates.

the country showed the fragility of gay rights achievements. Especially frightening to gay people in Wisconsin was the fact that voters in Saint Paul, Minnesota, a state very similar to Wisconsin in its political and religious make-up, repealed the city's gay rights ordinance.25 But despite taking away many of the accomplishments that gays and leshians had achieved at this point, Bryant had also done a service to the gay rights movement: she had inadvertently become its biggest recruiter. Her campaign gave an enormous push to gay organizing across the country, and in Wisconsin, she inspired a young gay Milwaukeean to become politically active.

On the night of the Florida vote, University of Wisconsin-Milwaukee student Leon Rouse watched Anita Bryant celebrate her victory on the news. Pounding on her podium, she proclaimed "The 'normal' majority have said, 'Enough! Enough! Enough!"26 When he later recalled that night in an interview, Rouse said: "Those were the words that got me into action."27 Anita Bryant had recruited the man whose church-



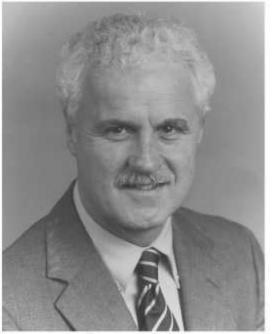
David Clarenbach and many others endorsed this fundraising party for activists attempting to counter Anita Bryant's campaign to repeal a gay rights ordinance in Dade County, Florida.

based activism would result in Wisconsin's passage of the first statewide gay rights law five years later.

Leon Rouse was born into a conservative Catholic family in northern Wisconsin in 1957. At seventeen, he came out to his parents, who committed him to a mental hospital for four months in hopes of a cure. When he turned eighteen, Rouse left home and moved to Milwaukee. As a student at the University of Wisconsin–Milwaukee, he won his first fight for gay rights. In 1978, he succeeded in getting a public statement from the University of Wisconsin System that there would be no discrimination against a person on the basis of sexual preference.²⁸

In his search for ways to advance sex law reform and nondiscrimination legislation, he found that in Seattle, Washington, the mainline Protestant and Catholic churches had spoken out against repeal of the city's gay rights ordinance. Voters had followed their advice,²⁹ Rouse set off to emulate this success. Milwaukee promised to be fertile ground for a church-based strategy, as the city had seen a strong movement for social justice both in the Catholic Church and across denominations. Interfaith and ecumenical movements had become strong in Milwaukee after World War II, as Jewish, Catholic, and Protestant congregations all faced the challenges of demographic change and racial discrimination in the city,³⁰ In 1963, almost all of the city's religious congregations, as well as numerous nonreligious civil rights groups, participated in the two-day Greater Milwaukee Conference on Religion and Race, attended by nearly five thousand Milwaukeeans,³¹ The conference became a yearly event and exists to this day, now called the Interfaith Conference of Greater Milwaukee.³²

Whereas some clergy were aware of discrimination in their own communities, others were motivated to become active in politics via media broadcasts and their own personal experience of the violent struggle for civil rights in the South. Many northern clergy heeded Martin Luther King Ir.'s call to join him in his 1965 Alabama march from Selma to Montgomery, and this encouraged them toward political activism at home.33 As the struggle against segregation escalated, some Catholic clergy emerged as leading figures in the city's militant racial justice activism, though the Milwaukee Catholic Church was in no way united in its stance toward questions of civil rights.34 From August 1967 to the spring of 1968, Father James Groppi, a white Catholic priest in the African American inner core, led members of the NAACP Youth Council in marches into Milwaukee's predominantly white South Side calling for open housing. The violent opposition of the area's residents infamously earned Milwaukee the nickname "the Selma of the North."35 Another Catholic priest active in the civil rights movement, Dismas Becker, who left priesthood and went into state politics in 1977, would become one of the sponsors of





State Senator Jim Moody directed Leon Rouse to the Legislative Reference Bureau to draft what would become the nondiscrimination bill.

the gay rights bills in the legislature.³⁶ The religious network for social justice that Jewish and Christian clergy built during these years thus prepared the groundwork for later support of the nondiscrimination law for lesbians and gays.

Rouse contacted two religious organizations committed to social justice: the Greater Milwaukee Conference on Religion and Urban Affairs, an interfaith organization devoted to fighting racial and economic injustice in the highly segregated city, and the Wisconsin Conference of Churches, which assembled twelve mainstream Protestant churches.³⁷ Through these institutions, he found the allies he needed. In 1978, Rouse organized ministers from the Lutheran, United Methodist, Episcopal, United Church of Christ, and United Presbyterian denominations to join him on the board of a new organization, the Committee for Fundamental Judeo-Christian Human Rights.³⁸ As the committee's coordinator and strategist, Rouse asked the other members to obtain their national churches' positions on homosexuality and homosexuals' civil rights, as well as to arrange meetings with the state executives of their denominations.³⁹

The most influential denomination in Wisconsin was the Roman Catholic Church, with almost 50 percent of the state's worshippers.⁴⁰ As the head of the largest diocese, Rembert G. Weakland, Milwaukee's archbishop elected in 1977, was the most influential Catholic leader.⁴¹ He was unafraid to speak out on issues that were important to him, even if they were not completely in line with Catholic principles or the Pope's teachings. Heavily influenced by the Second Vatican Council of the early 1960s, he believed that the church had to open itself to the world and the massive social changes of the time. Weak-

Archbishop Rembert Weakland speaks at a graduation ceremony at Esperanza Unida in Milwaukee.

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Archbishop Weakland's article in the *Milwaukee Catholic Herald Citizen* from July 19, 1980, has an ambivalent message for readers: God loves homosexuals "as they are," and Catholics should be "concerned about their rights." But they have to "remain celibate."

Experience shows that very low.

land stressed the importance of listening to laypeople, questioned the institution's rigid hierarchy, and argued for allowing women to play a greater role in the Gatholic Ghurch.⁴² As he wrote in his 2009 autobiography, his understanding of sexuality also changed as a result of the Second Vatican Gouncil, from an inherently sinful and negative threat to a positive and beautiful part of the human condition.⁴³ ARCHDIOCESE

OF MILWAUKEE 345 NORTH NINETY FIFTH STREET . FO. BOX 2018 - MILWALKEP, WISCONSIN \$3201 - PHONE STATE 2101 OFFICE OF THE ARCHBISHOP March 2, 1981 The Reverend John Murtaugh Office for Human Concerns 731 West Washington Street Milwaukee, Wisconsin 53204 Dear Jack. It has recently been called to my attention that your office has been seeking my opinion concerning Assembly Bill #70 that is now being studied in the State Legislature. I feel that your commission can in good conscience support this legislation insofar as it bans discrimination because of sexual orientation in the areas of employment, housing, and public accommodations. You will recall that the National Conference of Catholic Bishops spoke to this issue in 1976. There has been no change in the Catholic position concerning homosexual activity, which has slways been considered as morally wrong; on the other hand, it has also been consistent with Catholic teaching that homosexuals should not be deprived of their basic human rights. For this reason I feel that support of this Bill would be indeed proper and consistent with previous positions that the Church has taken. Many thanks for your constant concern for so many delicate issues. Sincerely yours in the Lord. G.U.U.

> Most Reverend Rembert C. Weakland, O.S.B. Archbishop of Milwaukee

Archbishop Weakland's letter to the Reverend John Murtaugh endorsing the nondiscrimination bill

The archbishop's sometimes unorthodox opinions frequently put him at odds with his superiors, other clergy, and parts of his archdiocese, and they established his reputation as one of the most liberal bishops in the United States.⁴⁴ How was Leon Rouse able to get in touch with this unorthodox Catholic leader? After a fruitless attempt to make an appointment through his secretary, he came up with another, more direct strategy. After saying mass every day at the downtown cathedral, Weakland would stand at the back of the church, greeting parishioners as they left. Rouse approached him in person, and Weakland agreed to a meeting. He wanted to help, he told Rouse, but given the restrictions of the Catholic Church hierarchy, and the exposed position he had gained due to his liberal views, he could not take the lead. 45

Leon Rouse began to look for allies among the heads of the more liberal denominations in Wisconsin. Many of them indicated their support, but asked him for the bill draft, which did not exist at the time. To have a bill draft written, Rouse approached his state senator, James Moody, a Democrat who gave Rouse permission to contact the Legislative Reference Bureau, the state's bill drafting agency, on Moody's behalf. Together with the drafting attorney in charge of human rights legislation, Rouse drafted a bill that sought to add "sexual orientation" as a protected category to all Wisconsin laws dealing with discrimination.⁴⁶

To ensure the archbishop's support, Leon Rouse gave him the draft of the nondiscrimination bill, asking him to change anything that he could not support. The bill defined "sexual orientation" as "having a preference for or practicing of heterosexuality, homosexuality, bisexuality, or celibacy, being identified with such a preference or practice, or having a history of such preference or practice."47 The archbishop returned it with just a few words struck out: "practicing of" and "celibacy." Sexual orientation, he argued, was not the same as sexual activity. Homosexuals were discriminated against not because they were caught in a sex act, but because of what people assumed they were doing. He struck out celibacy because he understood it not as a separate sexual orientation, but simply as the nonpractice of sexuality.48 Weakland's corrections to the bill made it possible for him to support it and stay within the confines of

Catholic teaching. Because he was very cautious not to attract too much attention from the Vatican, he did not directly send a letter of support to the state representatives. Instead, he had the archdiocese's Office for Human Concerns ask him for a position on the bill in a formal inquiry.⁴⁹ His reply letter was later distributed among legislators and the governor. In it, he expressed his backing of the gay rights bill and stressed that his position followed the official stand that the National Conference of Catholic Bishops had delineated in 1976 in its pastoral letter "To Live in Christ Jesus,"⁵⁰

Despite his desire to keep a low profile, Weakland spoke out publicly in favor of gay rights in a column in the Milwaukee Catholic Herald Citizen, the weekly newspaper of the Milwaukee diocese. In the article, published in 1980, he clearly rejected efforts to "heal" homosexuals, affirmed the Catholic Church's stand that homosexuals were not sinners but must remain celibate, and asked his readers to support gay men and lesbians:

The bishops of the United States in a pastoral letter in 1976 called "To Live in Christ Jesus" officially stated that homosexuality as a condition is not sinful. This realization can be of immense help to the homosexual who thus knows that deep down there is nothing to separate him or her from God's love and care. . . . Many [homosexuals] are coming to the realization that God loves them as they are and that He invites them to open out in concern for others. Current Church teaching which we Catholics must adhere to expects Gay people to remain celibate, a position which is difficult for them to accept, but, frankly, one which I cannot sidestep. . . . We have to see Gay people, then, not as an enemy to be battered down, but as persons worthy of respect and friendship. . . . We must be concerned, also, about their rights. Consequently, I cannot believe it is a Christian attitude that would block them from holding responsible positions in the community. I invite all in the Catholic community to join me in showing this kind of respect ... so that we can assist all members of society in the exercise of their rights, so that no one is treated as a second-class citizen or as somehow "contaminated,"51

When Weakland wrote these words in July 1980, he expressed his theoretical position on homosexuality. In retrospect, he was also likely coming to terms with his own homosexuality and his struggle to stay true to the vow of celibacy he had taken. As he wrote in his 2009 autobiography, after a belated sexual awakening in the early 1970s, Weakland had accepted his homosexuality by the time he became archbishop of Milwaukee.³² In the summer of 1979, a time of loneliness and isolation for Weakland after the deaths of his mother and Pope Paul VI, with whom he had been close, he befriended a local gay man, and for a few months, their relationship involved sexual intimacy. One of the reasons Weakland ended the relationship was because he wanted to return to celibacy.⁵³

Once the bill received this key endorsement from Weakland, Rouse went back to the leaders of the state's other major denominations and asked them to write letters of support to the members of the legislature. They all cooperated, and in the end, the line of religious supporters included the whole spectrum of Protestant denominations, stretching from the

(Right) The Catholic Church was not alone in endorsing the nondiscrimination bill. Letters of endorsement from many other church organizations throughout Wisconsin are shown here.



New York Native 5/15-28/82 NUNS IN THE GALLERY The Church, David

Clarenbach, and Wisconsin's Gay Rights Bill

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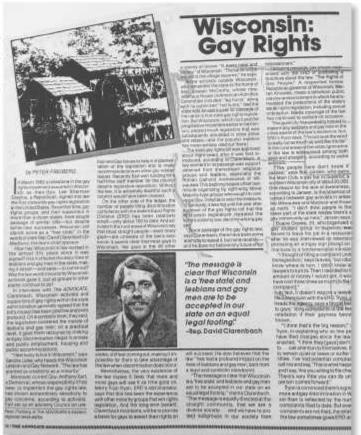
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Wisconsin's passing of the nondiscrimination bill drew attention from around the country and was covered extensively in gay and lesbian news outlets, such as the New York Native and the Advocate.



very liberal-including the Unitarian Universalist Congregations and the United Church of Christ-to the solidly mainstream presidents of the American Lutheran Church, the Lutheran Church in America, the executive presbyters of the Winnebago and Milwaukee Presbyteries, the Episcopalian bishops of Milwaukee and Eau Claire, and the bishop of the United Methodist church-and even to the fundamentalists, as represented by the executive minister of the Wisconsin Baptist State Convention.54 Once Rouse secured the backing of the congregational heads, he embarked on a mission to find clergy allies on the level of the electoral districts. He focused on the districts of legislators whose voting records suggested they might be swing voters, and he canvassed the church pages of the phone book for support. The members of his Committee for Fundamental Judeo-Christian Human Rights advised him which ministers to avoid and which would be sympathetic. Expanding outward, he queried any supportive local ministers about other clergy they knew.55 He asked each new supporter to contact their state representatives and urged them to vote in favor of the nondiscrimination bill. This way, Rouse knitted a dense network of religious support that stretched across the entire state and targeted legislators individually.

Rouse worked together with various state legislators from Milwaukee. He did not cooperate with Representative David Clarenbach, even though Clarenbach was the primary legislator who had been promoting the legislation related to gay rights. The two disagreed about which bill had a greater chance of passing: the consenting adults bill or the nondiscrimination bill. Clarenbach, like most people, believed that homosexual sex would have to be decriminalized before gays and lesbians could be protected from discrimination.56 In addition, he worried that legislators and the media might confuse the two bills if they were voted on during the same session.37 By contrast, Rouse was convinced that church support would bring success, and that, therefore, the nondiscrimination bill should go first. When he had researched how the national bodies of most mainstream congregations viewed homosexuality, he found a lot of support for nondiscrimination laws but little support for sexual activity outside of marriage.58

Though Rouse's bill was ready by 1979, it was not voted on until 1981.⁵⁹ Because Clarenbach had spent so many years garnering votes for gay rights legislation, the representatives that Rouse worked with respected Clarenbach's wish to get the sex reform bill passed first. However, this bill, which had been introduced in every legislative session since 1967, kept losing, if by increasingly smaller margins. In February 1981, Rouse's Milwaukee representative, Dismas Becker, decided to go forward with the nondiscrimination bill.⁶⁰

Over the course of the 1981–1982 legislative session, Rouse and Clarenbach combined efforts to make the bill a success despite their disagreements. All members of the legislature, as well as the governor, received letters from local

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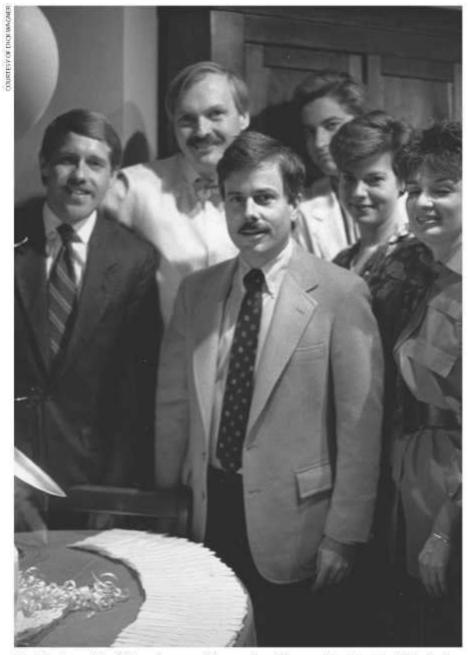


and executive clergy urging them to cast a positive vote. At public hearings for the bill, ministers, priests, and nuns from all major denominations testified in favor of it, whereas religious opposition was limited to one Madison Congregationalist preacher, one representative of the Christian political organization the Moral Majority, and four Wisconsin residents who were not affiliated with a church.61 For the representatives, supporting nondiscrimination legislation for gays and lesbians must have appeared to be the Christian thing to do. Members of the Committee for Fundamental Judeo-Christian Human Rights also came to the state capitol to lobby individual representatives. On the day of the vote in the assembly, as the legislators debated the bill, Father Gene Pocernich of the Milwaukee Archdiocese Office for Human Concerns called some of the socially conservative Milwaukee Democrats out of the assembly chamber to remind them that the archbishop would like them to support the legislation.62

In the meantime, David Clarenbach worked to secure support from other groups and organizations. For instance, to win over the conservative Milwaukee Democrats, he convinced organized labor and the union of Milwaukee police officers to back the bill.63 Since he had been a labor supporter throughout his career, he had no problem winning the unions' support. The police force was a different matter. The Milwaukee Police Department had a reputation for being brutal and racist.64 In1979, the police had repeatedly raided the city's gay baths,65 To rally their union behind the nondiscrimination bill. Clarenbach traded his vote. The union had great interest in a bill that sought to repeal residency requirements for police officers, and Clarenbach belonged to the

legislative committee that handled that bill. In exchange for the backing of the powerful police officers' union, he voted for the repeal of the residency requirements.⁶⁶

In February 1982, the nondiscrimination bill had passed both houses of the Wisconsin legislature and lacked only the governor's signature to become law. Governor Lee Sherman Dreyfus was an outsider in the Republican Party and was known to be more liberal than the party establishment.⁶⁷ When members of the Committee for Fundamental Judeo-Christian Human Rights met with him in February 1982, he indicated



A celebration of the fifth anniversary of the passing of the nondiscrimination bill includes State Representative Clarenbach (left), Clarenbach's legislative assistant Dan Curd (center), and County Board of Supervisors members Dick Wagner (second from left) and Tammy Baldwin (second from right), who is now a US senator.

that he was personally in favor of the legislation, remarking that he did not know who his children would grow up to be.⁶⁰ Despite a last-minute phone campaign directed by the Moral Majority and Christian radio stations in the state, Dreyfus did indeed sign the nondiscrimination bill on February 25, 1982. In an unusual move, he issued an explanatory statement with his reasons for signing it.⁶⁰ His main argument was in favor of privacy, but the religious support for the bill figured heavily in his reasoning. "This bill has a controversial history and my office has been under heavy pressure to veto it," he wrote. "It also, however, has the support of a wide-ranging group of religious leadership, including leadership of the Roman Catholic Church, several Lutheran synods, and the Jewish community."⁷⁰

Beyond Nondiscrimination for Lesbians and Gay Men

With the nondiscrimination bill passed, David Clarenbach felt new impetus for the consenting adults legislation. Many observers had noted the paradox that while lesbians and gays were now protected from discrimination in Wisconsin, the sex acts that created their category of protection were still illegal. Clarenbach brought up his sex reform bill in the next session, and on May 5, 1983, it became law through the governor's signature.71 Even if Clarenbach claimed that the "near unanimous endorsement by mainstream religious leaders of Wisconsin" had made the difference, the religious standpoint was less clear than it had been for the nondiscrimination bill,72 While support was broad, encompassing ministers from the United Methodist Church, the Episcopal Church, and the United Church of Christ, opposition could be found in the very same denominations. Many clergymen and women wrote to Clarenbach that they supported consenting adults legislation but were unable to take a public stand. Some religious leaders who had been part of the coalition for the nondiscrimination bill were unable or unwilling to back consenting adults legislation.73 Most notably, the president of the American Lutheran Church, Southern Wisconsin District, and Roman Catholic archbishop Rembert Weakland declined to take a stand for the bill.74 Rouse's strategy, tailored to fit the objective of prohibiting discrimination on the basis of sexual orientation, found its limitations once this goal had been reached. This was the case regarding consenting adults legislation, and it would be even more difficult to build a religious coalition in later efforts to legally recognize nonheterosexual relationships. When Wisconsinites voted to amend the state's constitution to outlaw recognition of same-sex marriages and civil unions in 2006, churches were split in their voting recommendations.75

More than thirty years after an unlikely coalition passed the nation's first statewide nondiscrimination law for gay people, lesbian, gay, bisexual, transgender, and queer (LGBTQ) people in the majority of US states have no legal remedy when they are fired from their jobs, lose their apartments, or are denied service because of their perceived or actual sexual orientation or gender identity. While Wisconsin had a pioneering role in the early 1980s, the state is no longer a leader in LGBTQ rights. Perhaps most strikingly, Wisconsin's nondiscrimination law lacks protections for transgender and gender-nonconforming people, despite their particular vulnerability to discrimination in all major areas of life.⁷⁰ Dane County, Milwaukee County, and the cities of Madison, Milwaukee, Appleton, and Cudahy have recently passed local ordinances to protect them, however, possibly paving the way for statewide legislation that will continue Wisconsin's remarkable LGBTQ history.²⁷ MM

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