COMMUNITY CINEMAFREE FILM SCREENINGS

DISCUSSION GUIDE



LIMITED PARTNERSHIP





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Using This Guide

Community Cinema is a rare public forum: a space for people to gather who are connected by a love of stories, and a belief in their power to change the world. This discussion guide is designed as a tool to facilitate dialogue, and deepen understanding of the complex issues in the film *Limited Partnership*. It is also an invitation to not only sit back and enjoy the show - but to step up and take action. This guide is not meant to be a comprehensive primer on a given topic. Rather, it provides important context, and raises thought provoking questions to encourage viewers to think more deeply. We provide suggestions for areas to explore in panel discussions, in the classroom, in communities, and online. We also provide valuable resources, and connections to organizations on the ground that are fighting to make a difference.

For information about the program, visit **communitycinema.org**







From the Filmmakers



Thomas G. Miller
Director/Producer, Limited Partnership



Kirk Marcolina
Producer, Limited Partnership



Karen Hori
Co-Producer, Limited Partnership

Many people think that marriage equality for gay and lesbian Americans has come quickly. Richard Adams and Tony Sullivan's four decades of struggle that is highlighted in *Limited Partnership* shows this isn't the case. As gay men, Tom and Kirk feel passionately about the need for an LGBT-inclusive immigration policy and for marriage equality, and were compelled to use their creative voice to help in the fight. When we first heard about Richard and Tony's story we knew it needed to be told and held up as an example of how two people can help change the world for the better.

Tom began filming in 2001, with Kirk joining as Producer in 2008 and Karen as Co-Producer in 2011. We shot many scenes with the couple over the past 14 years as the American landscape regarding marriage equality and immigration policies has evolved. Often we were deeply moved by Tony and Richard's love and commitment to each other and to the cause.

One of the most compelling moments was filming them watching the 2008 election when Barack Obama was elected president and California's Proposition 8 passed. By then, Tony was an undocumented immigrant who had been living "underground" with Richard for more than 20 years. Exasperated by seeing marriage rights in California being taken away from gay and lesbian couples, they vowed to become activists once again. A few months later, we witnessed them "coming out of the immigration closet" and Tony risking deportation, while addressing a huge crowd at a marriage equality rally in downtown Los Angeles. They believed it was important to stand up for their rights and to finally be recognized as a legally married, same-sex couple in America. We were struck by how courageous the two of them were—willing to do anything for years on end, just for the right to be together. It was this energy and passion that kept inspiring us to continue making the film.

Toward the middle of 2012 there was a lot of positive momentum in the country as President Obama and several states began supporting same-sex marriage and immigration reform. Then things changed dramatically. In November, Richard was diagnosed with terminal lung cancer and given

4 1/2 months to live. Simultaneously, the U.S. Supreme Court announced it would hear a case on the constitutionality of the Defense of Marriage Act (DOMA). If DOMA were to be ruled unconstitutional, then legally married same-sex couples would be granted the same federal marriage rights as heterosexual couples, including immigration rights.

A few days after this announcement, we shot an interview with Richard and Tony. They talked about their feelings for one another and having no regrets for taking on the government for 40 years. Their love for one another was palpable. Richard passed away that night. We couldn't believe how cruel it all seemed, just when it appeared that things might finally work out for them.

Later, Tony thanked us for asking those tough interview questions. He told us it keyed him in to just how sick Richard was, and it opened a dialogue between them where they expressed to each other everything they needed to say—enabling both of them to be at peace when Richard passed away.

This reinforced the power of documentary filmmaking and made these past 14 years entirely worth the ride. On a personal level, we have grown in many ways. Making this film has given us more confidence in ourselves as filmmakers. We can see that a few individuals like Richard and Tony can create social change, even if it takes decades to accomplish, and we aspire to be like them. The journey is frustrating, depressing, exhilarating, expensive, and exhausting, and we couldn't be happier that we have gone through it with Richard and Tony and our crew.

We are extremely happy that *Limited Partnership* will celebrate Richard and Tony's long path toward justice and citizenship as they challenged the traditional definitions of "spouse" and "family." Everyone will witness that they won the battle, as the government was never able to separate them, no matter how hard it tried. It is our hope that their journey as pioneers in marriage and immigration equality will now become part of the national conversation that will finally lead to full marriage equality in every state in this country.



The Film



Limited Partnership tells the story of the decades-long struggle of two gay men to have their marriage recognized by the federal government and to live together legally in the United States. When Richard Adams, a Filipino-American citizen, and Tony Sullivan, an Australian tourist, met in Los Angeles, California, in 1971 and fell in love, they entered a partnership that tested their courage and their beliefs, and their willingness to fight a system they felt was unjust. The film documents their unrelenting attempts to live their lives as a loving couple—from the time they met until final victory was within their grasp—despite discriminatory laws that sought to tear them apart.

Arriving in the United States with a multiple-entry visa, Tony extended his time in the country by leaving, going to Mexico, and reentering every three months. In 1975, when he and Richard learned that the county clerk in Boulder, Colorado, was issuing marriage licenses to same-sex couples, they immediately headed there and got married. Soon after, they became the focus of intense publicity as well as targets of homophobic actions and comments. When Richard applied for a Green Card for Tony, the director of the Los Angeles District Office of the Immigration and Naturalization Service (INS; now known as U.S. Citizenship and Immigration Services [USCIS]) wrote a terse denial letter containing offensive language. On a personal level, Richard lost his job and Tony received a letter from his mother, disinheriting him.

To prevent Tony's impending deportation, the couple sued the U.S. government, beginning a 10-year legal odyssey. In 1985, the final ruling of the U.S. Court of Appeals for the Ninth Circuit ended their appeals. The opinion, written by then Appellate Judge Anthony Kennedy, found that separating Tony and Richard would not cause extreme hardship and therefore ruled that Tony had to leave the country. (In 2013, Justice Kennedy became the swing vote when the Supreme



Court struck down the Defense of Marriage Act [DOMA].) Tony regretfully departed the United States, and so that they could stay together, Richard went with him. They traveled around Europe for almost a year before deciding they needed to return home. Once Tony reentered the United States by way of Mexico, he became an undocumented immigrant.

For more than two decades, the couple lived in hiding from the INS. When the Supreme Court struck down DOMA in 2013, there was jubilation amongst married binational gay couples because they could now legally apply for a Green Card for their spouses. But just months before, Richard had died of lung cancer without having had the chance to ensure that his 1975 marriage to Tony would be accepted as legal. Despite the Supreme Court ruling striking down DOMA, Tony is still an undocumented immigrant. He is now trying to gain permanent legal status as the widower of an American citizen, which would allow him to stay in the country where he's lived for over 40 years.

Hailed as pioneers for immigration rights and marriage equality, Richard and Tony were the first gay couple to sue the federal government for recognition of their marriage. Their struggle helped pave the way to the Supreme Court's ruling against DOMA and to its impending ruling in June 2015 that may legalize same-sex marriage in all 50 states. *Limited Partnership* describes the long and difficult road that Richard and Tony and others like them traveled to gain recognition and acceptance of their marriage. It is a testament to their courage and perseverance, and especially to their love.

Selected Individuals Featured in Limited Partnership



Richard Adams



Cathy Adams
Richard's sister

Tony Sullivan



David BrownFormer ACLU constitutional lawyer



Lavi S. Soloway Immigration lawyer



Clela RorexFormer county clerk in Boulder, Colorado



BACKGROUND INFORMATION

The lesbian, gay, bisexual, and transgender (LGBT) rights movement has been and continues to be a long and difficult one, fought by activists of all stripes - gay, straight, male, female, black, white, young, old - in a variety of arenas: politics, the military, faith-based organizations, and the workplace. Although great strides have been made in attaining equal rights for LGBT people, the struggle is far from over. Limited Partnership's broadcast premiere on Independent Lens on PBS in June 2015, with Community Cinema screenings and conversations taking place across the country in May 2015, comes at a key juncture in time. As of the writing of this guide, the Supreme Court is slated to hear arguments on the constitutionality of same-sex marriage laws in April 2015, with a decision expected in June 2015. Regardless of the outcome, this guide provides evergreen foundational information that is key to understanding the issues addressed in the film. The growing acceptance of same-sex marriage may seem to have occurred with astonishing speed, but it is not yet a complete victory. The rights that have been won so far have taken several decades, with the history of this unwavering activism often going untold. In addition, many state and local laws still allow discrimination against LGBT people, and in many communities they still face prejudice.

INTERSECTION OF RIGHTS: IMMIGRATION AND SAME-SEX MARRIAGE

LGBT people have been officially barred, either implicitly or explicitly, from immigrating to the United States since the late 19th century. After that ban was lifted in 1990, binational gay and lesbian couples still faced obstacles because their relationships were not recognized for immigration purposes. This was Richard and Tony's experience, and a review of the history of those two areas can help in understanding their predicament.

IMMIGRATION RESTRICTIONS FOR LGBT PEOPLE

Recent changes in both immigration and domestic law have made it easier for LGBT individuals to legally immigrate to the United States. Those changes took many years to achieve, and paralleled changes in societal attitudes toward homosexuality.

- The Page Law of 1875 excluded people who had been convicted of crimes involving "moral turpitude," which included sodomy. LGBT people were also considered to be mentally and physically degenerate, making them unable to care for themselves, and thus raising the possibility of them becoming "public charges" (ImmigrationinAmerica.org, 2011).
- The Immigration Act of 1917 continued to exclude individuals on medical and moral grounds, but now homosexuality was considered a permanent psychological defect. LGBT people were barred on the grounds that their "psychopathic" makeup would cause them to prey on American youth (ImmigrationinAmerica.org, 2011).
- The *Immigration and Nationality Act of 1952* identified people suffering from mental disorders or psychopathic personalities as an excludable category, but it did not specifically mention homosexuality. Nevertheless, the INS interpreted its language as prohibiting the immigration of "identifiable homosexuals," and it began deporting dozens of LGBT people each year (ImmigrationinAmerica.org, 2011).
- The *Hart-Celler Act of 1965* amended the Immigration and Nationality Act, specifically prohibiting the entry into the country of "sexual deviants," including LGBT people (Out4Immigration, 2013).
- The **1990 Immigration Act** removed homosexuality as a ground for exclusion from immigrating to the United States (Center for Immigration Studies, 1999).

Sources:

- » Center for Immigration Studies. 1999. "Homosexuals and Immigration: Developments in the United States and Abroad." cis.org/ Immigration%2526Homosexuals-PolicyTowardHomosexuals
- » ImmigrationinAmerica.org. 2011. "Gay and lesbian immigrants." immigrationinamerica. org/515-gay-and-lesbian-immigrants.html
- » Out4Immigration. 2013. "LGBT Immigration Highlights." out4immigration.org/history. html



Source:

» Freedom to Marry. 2015. "History and Timeline of the Freedom to Marry in the United States." freedomtomarry.org/pages/ history-and-timeline-of-marriage

A HISTORY OF SAME-SEX MARRIAGE

Note: The following is adapted from Freedom to Marry's (2015) "History and Timeline of the Freedom to Marry in the United States."

Like lifting the ban on the immigration of LGBT people, the legalizing of same-sex unions has been a long and arduous process. In 1970, a Minnesota couple—Richard Baker and James McConnell—applied for a marriage license in Hennepin County but were denied. They challenged the denial, taking their case all the way to the Supreme Court. In 1972, the Court dismissed their appeal, letting stand the lower court's ruling in *Baker v. Nelson* that the couple could be denied a marriage license. A string of court cases and legislative actions in the 1970s resulted in additional denials of the right of same-sex couples to marry. One of those cases was *Adams v. Howerton*, filed by Richard Adams and Tony Sullivan (the subjects of *Limited Partnership*), the first U.S. lawsuit to seek the federal government's recognition of a same-sex marriage.

In the 1990s it looked as though Hawai'i might become the first state to embrace same-sex marriage when the Hawai'i Supreme Court ruled in *Baehr v. Lewin* that denying marriage to same-sex couples violates the equal protection clause of the Hawai'i Constitution. Subsequently, however, antigay activists succeeded in amending the state constitution to say that only the legislature, not the courts, could end the ban on same-sex marriages.

In 1996, President Clinton signed the Defense of Marriage Act (DOMA) into law, which defined marriage as only between one man and one woman under federal law. This effectively denied LGBT couples any of the federal benefits afforded to opposite-sex married couples. By 1999, almost thirty years after the *Baker v. Nelson* lawsuit in Minnesota, a few states began recognizing civil unions and domestic partnerships and granting limited rights to individuals in these unions. But at the same time, campaigns in other states pushed through ballot measures and constitutional amendments barring same-sex marriage and prohibiting the recognition of these unions. Through the early 2000s, activists on both sides of this issue achieved victories, legalizing same-sex marriage in some states but restricting marriage to opposite-sex couples in others. Most notable on the restrictive side was the passage of Proposition 8 in California. By 2009, however, the tide had begun to turn as a number of states and the District of Columbia passed laws allowing same-sex marriage.

Starting in early 2012, a spate of court cases overturned bans on same-sex marriage. In June 2013, the Supreme Court added impetus to this trend when it overturned a section of DOMA, making married same-sex couples eligible for federal benefits. In a companion case, the Supreme Court also allowed a lower court ruling on Proposition 8 to stand, thereby restoring same-sex marriage rights in California. Throughout 2014, multiple courts ruled that denying same-sex couples the right to marry is unconstitutional, and most of those decisions were held up on appeal. One exception was a decision by the U.S. Court of Appeals for the Sixth Circuit, which reversed several lower court rulings affecting Kentucky, Ohio, Michigan, and Tennessee. In November 2014, the Supreme Court reviewed the ruling of the court of appeals and decided to take the case. Forty-five years after the first lawsuit in Hennepin County, Minnesota, and 40 years after Tony and Richard were married in Colorado, the Supreme Court's impending decision could make recognition of same-sex marriage the law of the land in June 2015.



Sources:

- » Center for American Progress. 2011. "Gay and Transgender Discrimination outside the Workplace." americanprogress.org/issues/ Igbt/report/2011/07/19/9927/gay-andtransgender-discrimination-outside-theworkplace
- » GLAAD. 2015. "Frequently Asked Questions: Defense of Marriage Act (DOMA)." glaad.org/marriage/doma
- » Human Rights Campaign. 2015a. "Employment Non-Discrimination Act." hrc.org/resources/entry/employment-non-discrimination-act
- » Human Rights Campaign. 2015b. "Overview of Federal Benefits Granted to Married Couples." hrc.org/resources/entry/anoverview-of-federal-rights-and-protectionsgranted-to-married-couples

DOMA - BEFORE AND AFTER

In federal law, there are 1,138 benefits, rights, and protections provided on the basis of marital status (Human Rights Campaign, 2015b). Under the Defense of Marriage Act (DOMA), which defined marriage as only a legal union between one man and one woman, same-sex couples—even if legally married in their state—were affected on the federal level in the following areas (Human Rights Campaign, 2015b):

- Social security. The spousal retirement benefit and survival benefits for family members were unavailable.
- Tax. There were undue burdens and disadvantages in several areas: taxes
 on employer-provided health benefits; income taxes that rely on certain
 definitions of "head of household" and biological relationships between
 parents and children; gain from the sale of a principal residence; retirement
 income; and estate tax.
- Family and medical leave. This was not applicable to the individual caring for a spouse or a partner's parent or child.
- Immigration. Individuals were unable to sponsor a same-sex partner.
- Other health benefits, such as those for partners of federal workers and continued health coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA), were unavailable.

After the Supreme Court ruled in 2013 that Section 3 of DOMA (which prevented the federal government from recognizing any marriages between gay or lesbian couples for the purpose of federal laws or programs) was unconstitutional, federal benefits tied to marriage became available to legally married same-sex couples with limited exceptions (GLAAD, 2015). However, federal law does not cover all situations, most notably, employment. Federal laws ban workplace discrimination based on race, sex, national origin, age, religion, pregnancy status, and disability, but there is no federal law prohibiting discrimination based on sexual orientation (Human Rights Campaign, 2015a). Currently, there are 29 states where there are no laws that explicitly prohibit discrimination based on sexual orientation (Human Rights Campaign, 2015a). That means that in the majority of states and in many localities, LGBT individuals, whether married or not, still can face legal discrimination not only in employment, but also in rental housing, medical treatment (depending on the provider's religious beliefs), and other situations (Center for American Progress, 2011).

THE U.S. IMMIGRATION SYSTEM

Immigration to the United States is a complex system based upon the following principles: the reunification of families; admission of immigrants with skills that are valuable to the U.S. economy; protection of refugees; and promoting diversity (Immigration Policy Center, 2014). Below is additional information about each of these principles, adapted directly from the Immigration Policy Centers' resource "How the United States Immigration System Works: A Fact Sheet."

1. Family-Based Immigration. Under this principle, *immediate relatives* of U.S. citizens are given priority. Family-based immigrants are admitted to the United States either as immediate relatives of U.S. citizens, which includes spouses, unmarried minor children, and parents, or through the *family preference system*, which includes adult children and siblings of U.S. citizens, and the spouses and minor children of legal permanent residents. There are four hundred and eighty thousand family-based visas available each year.



Sources:

- » Davis, Tracy. 1999. "Opening the Doors of Immigration: Sexual Orientation and Asylum in the United States." wcl.american.edu/ hrbrief/v6i3/immigration.htm
- » Immigration Policy Center. 2014. "How the United States Immigration System Works: A Fact Sheet." immigrationpolicy.org/ just-facts/how-united-states-immigrationsystem-works-fact-sheet

Sources:

- » American Foundation for Equal Rights. 2012. "14 Supreme Court Cases: Marriage Is a Fundamental Right." afer.org/blog/14supreme-court-cases-marriage-is-a-fundamental-right
- » Exploring Constitutional Conflicts, University of Missouri-Kansas City, School of Law. 2015. "The Gay Rights Controversy." law2.umkc. edu/faculty/projects/ftrials/conlaw/gayrights.htm
- » U.S. Supreme Court. 2015. "Order List: 574 U.S.: Certiorari Granted." supremecourt.gov/ orders/courtorders/011615zr_f2q3.pdf

- **2. Employment-Based Immigration.** This falls into two types: temporary and permanent. Temporary workers are usually highly skilled and are sponsored by an employer. Permanent employment-based immigration is divided into categories, among which are professionals with advanced degrees; individuals with exceptional abilities in the arts, science, or business; and investors in job-creating enterprises. The total number of permanent employment visas is one hundred and forty thousand per year.
- **3. Refugees and Asylum-Seekers.** These are individuals who are unable to return to their country of origin because of a well-founded fear of persecution based on their race, membership in a social group, political opinion, religion, or national origin. Each year Congress and the president determine the number of refugee admissions. Asylum-seekers are persons who are already in the United States and face the same fear of persecution as refugees, but they generally must apply for asylum within one year of their arrival in this country or be eligible for an exception to file beyond that deadline. There is no limit on the number of individuals who may be granted asylum in a given year.

Note: In 1994, Attorney General Janet Reno released an order declaring that an individual "who has been identified as homosexual and persecuted by his or her government for that reason alone may be eligible for relief under the refugee laws on the basis of persecution because of membership in a social group" (Davis, 1999).

4. The Diversity Visa Program. This is a lottery that is dedicated to immigrants from countries with low rates of immigration to the United States. Each year fifty-five thousand visas are allocated randomly to nationals from countries that have sent fewer than fifty thousand immigrants to the United States in the previous five years.

THE SUPREME COURT AND LGBT ISSUES

The Supreme Court has ruled on LGBT issues over half a dozen times since the 1950s, including the ones below (Exploring Constitutional Conflicts, 2015):

- In *One, Inc. v. Olesen (1958)*, the Court ruled that an LGBT magazine, which the U.S. Post Office and the Federal Bureau of Investigation (FBI) had deemed obscene, could be delivered via the U.S. mail.
- In **Bowers v. Hardwick (1986)**, the Court ruled that consenting adults do not have a constitutional right to engage in homosexual acts in private, upholding a Georgia antisodomy law.
- In *Romer v. Evans (1996)*, the Court struck down Colorado's Amendment 2, which denied gays and lesbians protections against discrimination.
- In **Boy Scouts of America v. Dale (2000)**, the Court ruled that the Boy Scouts of America have a constitutional right to ban gay people from joining.
- The *Lawrence v. Texas (2003)* decision overruled a Texas sodomy law and overturned the Court's 1986 Bowers v. Hardwick decision.
- In *Windsor v. United States (2013),* the Court's first case dealing with same-sex marriage, the Court ruled that DOMA, passed in 1996, violated the rights of gays and lesbians and is unconstitutional.
- In Hollingsworth v. Perry (2013), the Court ruled that same-sex marriage
 opponents in California did not have standing to appeal the lower court ruling that
 overturned the state's ban, known as Proposition 8, allowing same-sex marriages
 to resume in California.

The review of four same-sex marriage lawsuits, expected to result in a ruling by the Supreme Court in June 2015, is the latest case to deal with LGBT issues. In November 2014, the U.S. Court of Appeals for the Sixth Circuit upheld marriage bans in Ohio, Michigan, Kentucky, and Tennessee. Combining the appeals of all four cases, the Supreme Court decision seeks to answer two questions, both based on



the Fourteenth Amendment: 1) Is a state required to license a marriage between two people of the same sex? 2) Is a state required to recognize a marriage between two people of the same sex that was lawfully licensed and performed in another state? (U.S. Supreme Court, 2015). The Court has delivered opinions numerous times over the years in cases that involved the question of marriage (American Foundation for Equal Rights, 2012), but the 2015 decision is the first one of its kind focused on same-sex marriage.

Changes in the Landscape

SAME-SEX MARRIAGE

From June 2013 (when the Supreme Court ruled in *Windsor v. United States* that DOMA violated the rights of gays and lesbians and was unconstitutional) to March 2015, there have been 65 cases in court in which judges have ruled in favor of same-sex marriage (Freedom to Marry, 2015a). The Pew Research Center's timeline "Same-Sex Marriage State-by-State" (2015) shows that during that same time frame, the number of U.S. *states* where same-sex marriage is legal increased by 23, jumping from 14 to 37. Looking at this period internationally, the number of *countries* that legalized same-sex marriage grew from 11 to 18, with another three taking steps toward legalization or allowing same-sex marriage in some parts of the country (Freedom to Marry, 2015b).

PUBLIC ATTITUDES

Results from surveys conducted by the Public Religion Research Institute (2014) show dramatic changes in support for same-sex marriage compared to a decade earlier. In 2013, 53 percent of Americans favored allowing gay and lesbian couples to legally marry, compared to 41 percent opposed. In 2003, only 32 percent of Americans supported same-sex marriage, while 59 percent were opposed. In 2013, roughly the same number of Americans said they strongly favor (22 percent) legalizing same-sex marriage as strongly oppose (20 percent) it. A decade earlier, strong opponents (35 percent) far outnumbered strong supporters (9 percent).

The survey found significant increases in support for same-sex marriage in a broad range of groups:

Political. Although divisions between Democrats and Republicans on the issue of same-sex marriage have widened, support has increased within both groups, with Democratic support growing from 39 percent to 64 percent, and Republican from 18 percent to 34 percent.

Religious. In 2003, all major religious groups, except the religiously unaffiliated, opposed same-sex marriage. In 2013, major religious groups were found on both sides of the issue. Among the groups showing support for legalizing same-sex marriage: the unaffiliated, 73 percent; white mainline Protestants, 62 percent; white Catholics, 58 percent; Hispanic Catholics, 56 percent; and Jewish Americans, 83 percent. The strongest opposition to legalizing same-sex marriage came from white evangelical Protestants (69 percent) and black Protestants (59 percent), with support at only 27 percent and 35 percent, respectively.

Age cohorts. In 2013, 69 percent of Millennials (ages 18 to 33) favored same-sex marriage, compared to 37 percent of Americans ages 68 and older. The age differential holds across groups. Among Republicans, 50 percent of Millennials support same-sex marriage, compared to 18 percent of older Republicans. Among African Americans, the numbers in favor are 59 percent of the Millennials and 39 percent of the older individuals. And for white evangelical Protestants, those in favor are 43 percent of the group's Millennials and 19 percent of the oldest generation.

Sources:

- » Freedom to Marry. 2015a. "Marriage Rulings in the Courts." freedomtomarry.org/pages/ marriage-rulings-in-the-courts
- » Freedom to Marry. 2015b. "The Freedom to Marry Internationally." freedomtomarry.org/ landscape/entry/c/international
- » Pew Research Center. 2015. "Same-Sex Marriage State-by-State." pewforum. org/2015/02/09/same-sex-marriage-stateby-state

Sources:

» Public Religion Research Institute. 2014. "A Shifting Landscape: A Decade of Change in American Attitudes about Same-Sex Marriage and LGBT Issues." publicreligion.org/site/wp-content/ uploads/2014/02/2014.LGBT_REPORT.pdf



A Love Story within the Struggle for Same-Sex Marriage:

A Timeline of Richard and Tony in a Broader Context of LGBT Rights in the United States

- 1973 The American Psychiatric Association removes homosexuality from its official list of mental disorders.
- April 21, 1975 Richard and Tony become legally married in Boulder, Colorado, when County Clerk Clela Rorex begins issuing marriage licenses to same-sex couples for the first time in U.S. history. Soon after, Richard files for Tony to be granted a Green Card based on their marriage.
- November 24, 1975 The director of the Los Angeles District Office of the Immigration and Naturalization Service (INS) mails a letter denying Tony a Green Card, crudely stating, "You have failed to establish that a bona fide marital relationship can exist between two faggots."
- March 13, 1979 Richard and Tony file suit against the U.S. government, claiming the INS should recognize their Colorado marriage as valid for immigration purposes. The case, *Adams* v. Howerton, was the first U.S. lawsuit to seek the federal government's recognition of a same-sex marriage.
- October 1979 About seventy-five thousand people participate in the National March for Lesbian and Gay Rights in Washington, D.C., the largest political gathering in support of LGBT rights to date.
- December 18, 1979 The ruling in Adams v. Howerton goes against Tony and Richard, Judge Irving Hill stating in part that, "marriage exists for purposes of propagating the species." This ruling is appealed to the U.S. Court of Appeals for the Ninth Circuit.
- Early 1980 Richard and Tony file a suit with the Board of Immigration Appeals (BIA) arguing that Tony's deportation should be halted because a separation of the couple would cause them "extreme hardship." In February 1980, the BIA rejects their suit.
- October 7, 1981 (argued and submitted)/February 25, 1982 (decided) - Tony and Richard appeal the Adams v. Howerton decision. The court of appeals rules against them.
- · 1982 Wisconsin becomes the first state to outlaw discrimination on the basis of sexual orientation.
- May 26, 1982 (application submitted)/June 28, 1982 (denial of application) - Richard and Tony appeal the Adams v. Howerton decision to the U.S. Supreme Court, which declines to hear their case.
- December 5, 1984 (argued and submitted)/September 30, 1985 (decided) - Tony and Richard take their "hardship" case to » Limited Partnership Electronic Press Kit (EPK). 2015. limitedpartnerthe U.S. Court of Appeals for the Ninth Circuit. A three-judge panel, in a ruling written by Judge Anthony Kennedy, rules against the couple. Tony is ordered to leave the country.

- May 5, 1971 Richard and Tony meet at a gay bar in Los Angeles. November 23, 1985 Richard and Tony leave the United States and travel around Europe searching for a place to settle until October 1986 when they reenter the United States via the Mexican border. Tony becomes an undocumented immigrant.
 - November 29, 1990 The Immigration Act of 1990 is signed into law by President George H.W. Bush, removing homosexuality as a ground for exclusion from immigrating to the United States.
 - November 30, 1993 President Bill Clinton signs the "Don't Ask." Don't Tell" policy permitting gays and lesbians to serve in the U.S. military, but banning homosexual activity.
 - September 21, 1996 DOMA is passed in Congress and signed by President Bill Clinton, which bars recognition of same-sex marriage.
 - March 15, 2000 Vermont becomes the first state in the country to legally recognize civil unions between gay or lesbian couples.
 - May 17, 2004 Massachusetts becomes the first state to legalize same-sex marriage.
 - November 4, 2008 Voters approve California's Proposition 8, which eliminates the right of same-sex couples to marry in that state.
 - February 23. 2011 President Barack Obama and his administration announce that the administration will no longer defend DOMA.
 - December 17, 2012 Richard passes away from lung cancer.
 - June 26, 2013 DOMA is ruled unconstitutional by the U.S. Supreme Court in a 5-4 decision, written by Justice Anthony Kennedy. Proposition 8 is overturned, allowing same-sex couples the right to marry in California.
 - April 21, 2014 On the 39th anniversary of his marriage in Boulder, Colorado, Tony asks the Los Angeles Field Office of U.S. Citizenship and Immigration Services (USCIS), the successor agency to the INS, to reopen his marriage-based Green Card petition. On August 27, 2014, León Rodríguez, the director of USCIS, wrote Tony an official apology letter for the offensive language used in the Green Card denial letter the INS sent him nearly 40 years ago. In late 2014 Tony received a working permit and a notice that the immigration service would like to interview him about the possibility of getting his Green Card.

Sources:

- American Experience. 2013. "Timeline: Milestones in the American Gay Rights Movement." pbs.org/wgbh/americanexperience/features/ timeline/stonewall
- shipmovie.com/press
- » NBC News. 2013. "Gay Rights Timeline: Key Dates in the Fight for Equality." usnews.nbcnews.com/_news/2013/03/23/17418872-gayrights-timeline-key-dates-in-the-fight-for-equality



Topics and Issues Relevant to *Limited Partnership*

A screening of *Limited Partnership* can be used to spark interest in any of the following topics and inspire both individual and community action. In planning a screening, consider finding speakers, panelists, or discussion leaders who have expertise in one or more of the following areas:

U.S. IMMIGRATION POLICY
INTERSECTION OF IMMIGRATION
AND MARRIAGE RIGHTS
SAME-SEX MARRIAGE
PUBLIC OPINION OF SAME-SEX
MARRIAGE
LGBT ACTIVISM AND SOCIETAL

CHANGES

CIVIL RIGHTS OF LGBT INDIVIDUALS
POWER OF A LOVING RELATIONSHIP
COURAGE OF ONE'S CONVICTIONS

Thinking More Deeply

- 1. For many years the U.S. Supreme Court avoided cases pertaining to same-sex marriage, with the exception of the DOMA and Proposition 8 cases. Why do you think the U.S. Supreme Court decided to hear the consolidated appeals of the U.S. Court of Appeals for the Sixth Circuit's ruling upholding state bans on same-sex marriage in April 2015?
- **2.** What would a Supreme Court ruling in favor of same-sex marriage in June 2015 mean for your community or state? What about for Tony, and LGBT people across the United States? What about for the country as a whole? What would a ruling against same-sex marriage mean to each of these groups?
- **3.** In spite of the many recent court rulings in favor of same-sex marriage, many people remain opposed to it, arguing that acceptance of such unions undermines the institution of marriage. From that viewpoint, what do you think are the perceived threats to marriage? Compare and contrast arguments from both perspectives around this issue.
- **4.** Although there is still significant opposition to the acceptance of same-sex marriage, why do you think public opinion has shifted so much in favor of the idea in recent years?
- **5.** What issues would still remain to be addressed in the fight for LGBT equality if same-sex marriage becomes legally recognized in all states? What issues would still remain in the fight for immigration equality?
- 6. Is same-sex marriage a civil rights issue? Why or why not?
- **7.** If you had been in Richard and Tony's position—in a binational relationship overshadowed by the threat of permanent separation—what would you have done? How do you think the legal battles they faced affected their relationship and commitment to each other?
- **8.** What do you think should happen to Tony now? Do you think he should be granted permanent legal status, which entitles him to a Green Card?
- **9.** Clela Rorex, the Boulder, Colorado, county clerk who issued a marriage license to Richard and Tony, did not identify as LGBT but was considered an "ally" to the LGBT community, and identified as a feminist activist. Why do you think she chose to issue marriage licenses to same-sex couples when nobody else was? What did she stand to lose, and what did she stand to gain? What impact did her actions have on Tony and Richard's life? What about on the LGBT rights movement?
- **10.** Do you think immigration equality receives adequate attention in LGBT rights movements? Why or why not?
- 11. As Limited Partnership shows, the struggle to attain equal rights for LGBT people has been a long one, illustrating that societal change takes time. What does it take to stay committed to a cause? How do you remain steadfast, especially in the face of adversity, when you're striving for a specific goal? What are some of the best ways to prepare young people for the long-term commitment that most activism requires?
- **12.** In February 2015, Kansas Governor Sam Brownback removed job discrimination protection for LGBT state employees. Kansas will again join more than half the nation's states where it is legal to fire, harass, or deny jobs because one is gay, lesbian, or transgender. Do you think there should be state or federal laws protecting your job based on your sexuality or gender identity? Why or why not?



Suggestions for Action

- 1. Start a conversation about marriage with your family, co-workers, neighbors, friends, and other people in your life. Resources to help support dialogue about marriage are available from organizations such as GLAAD (glaad.org/publications/talkingabout/marriageguide) and Freedom to Marry (freedomtomarry.org/pages/talking-about-marriage-equality). The "Friends & Family Plan" created by the team behind the *Independent Lens* film *Love Free* or *Die* (friendsandfamilyplan.org) is a customizable resource to support conversations specifically in faith-based settings around a variety of LGBT issues.
- 2. Learn more about your state's laws around same-sex marriage, LGBT rights, and immigration rights. Review the organizations listed under "Immigration and LGBT Rights" in the "Resources" section of this guide to explore the intersections of immigration rights and LGBT rights. The Freedom to Marry site (freedomtomarry.org) includes detailed and up-to-date information on state-by-state laws around same-sex marriage, as well as resources and opportunities to get involved in the marriage equality movement. Visit the Human Rights Campaign's (HRC) website that outlines each state's laws and policies on issues that affect the LGBT community, and see where your state stands: hrc.org/state_maps. You can check out the National Conference of State Legislatures' annual reports on state laws related to immigration and immigrants; ncsl.org/ research/immigration/state-laws-related-to-immigrationand-immigrants.aspx.
- **3.** Stay up to date on Tony Sullivan's story. The DOMA Project (co-founded by Lavi S. Soloway, the immigration lawyer featured in *Limited Partnership*) provides updates on Tony's legal battles, and other binational LGBT couples facing similar situations. Visit: **domaproject.org**. You can also follow Tony's progress on the *Limited Partnership* website (limitedpartnershipmovie.com).
- **4.** Lend your efforts to promoting the social welfare of the LGBT community through the HRC. In addition to marriage equality, immigration, and parenting rights of

- LGBT individuals, the HRC works on workplace issues, hate crimes, health and aging, and other issues. Visit their website (hrc.org) for more information and to learn how you can get involved in the HRC's fight for equality in your community.
- **5.** Volunteer your time with Lambda Legal to help achieve full recognition of the civil rights of LGBT people. Lambda Legal welcomes volunteers for its events and campaigns, which take place in communities all over the country. Find out more about specific issues and how you can help at lambdalegal.org/get-involved.
- **6.** Support LGBT families. Parents, Families and Friends of Lesbians and Gays (PFLAG) is a nonprofit organization that supports people who are LGBTQ and their families, friends, and allies through a variety of programs. Learn about their work and how you can become involved in working with schools, diverse families, faith communities, and others at **community.pflag.org**. The website contains links to local chapters as well as multiple resources.
- 7. Raise awareness in your own family about prejudice and discrimination. Have a discussion to identify where you and your family members have seen discrimination in your daily lives (e.g., at work, at school, in a store). Who is the target of discrimination (LGBT people, women, people of color, etc.)? Is that discrimination on an institutional level, mostly by individuals, or both? Why do you think the discrimination exists? Talk about what you can do as individuals to eliminate the prejudice and discrimination you have witnessed. Two sources of ideas are the Greater Good Science Center (greatergood.berkeley.edu/article/item/top_10_strategies_for_reducing_prejudice) and the Citizen's Action Guide from the Anti-Defamation League (archive.adl.org/prejudice/print.html).

For additional outreach and engagement ideas, visit **pbs.org/independentlens/limited-partnership**. For local information, check the website of your PBS station.



Resources

Note: Each resource's description is primarily adapted from language provided on the organization's website.

limitedpartnershipmovie.com - This is the film's official website.

facebook.com/LimitedPartnershipMovie - This is the film's official Facebook page.

pbs.org/independentlens/limited-partnership - This is the Independent Lens broadcast companion website for the film.

cnn.com/2014/06/26/us/gay-rights-immigration-struggle/index.html - The CNN.com article "Love wins in gay couple's 40-year immigration fight" by Moni Basu, chronicles Tony and Richard's 40-year struggle.

storycorps.org/listen/clela-rorex-and-sue-larson - This is a link to a podcast with Clela Rorex on the StoryCorps website.

soundcloud.com/queerpublic/anthony-sullivan-speaks and soundcloud.com/queerpublic/qp-exclusive-interview-with-anthony-sullivan - These are links to podcasts with Tony Sullivan on the Queer Public website.

HISTORY AND FACTS ABOUT IMMIGRATION

flowofhistory.org/themes/movement_settlement/ uspolicytimeline.php - This website presents a timeline of U.S. immigration laws and policy.

nbclatino.com/?s=gay+immigration - The articles on the NBC Latino website provide some background surrounding proposed changes in immigration law on issues that affect LGBT people.

IMMIGRATION AND LGBT RIGHTS

domaproject.org - The DOMA Project is a campaign launched in October 2010 by a group of married binational couples working with attorneys Lavi S. Soloway (the immigration lawyer featured in *Limited Partnership*) and Noemi Masliah, who are founders of Immigration Equality and partners in the law firm Masliah & Soloway. The campaign's purpose is to raise awareness of the impact of DOMA on married gay and lesbian binational couples and to bring an end to that discrimination.

ilrc.org - The Immigrant Legal Resource Center (ILRC) is a national nonprofit resource center that provides legal trainings, educational materials, and advocacy to advance immigrant rights, including those of LGBT immigrants.

cis.org - The Center for Immigration Studies is an independent, nonpartisan, nonprofit research organization whose mission is to provide policymakers, the academic community, news media, and concerned citizens with reliable

information about the social, economic, environmental, security, and fiscal consequences of legal and illegal immigration into the United States.

immigrationequality.org – Immigration Equality, the only LGBT organization with a staff of immigration attorneys, supports and represents LGBT and HIV-positive immigrants seeking safety, fair treatment, and freedom.

lambdalegal.org - Lambda Legal is the oldest and largest national legal organization working to achieve full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people, and those with HIV through impact litigation, education, and public policy work.

immigrationpolicy.org - The Immigration Policy Center (IPC), the research and policy arm of the American Immigration Council, provides policymakers, the media, and the general public with accurate information about the role of immigrants and immigration policy in U.S. society, with the aim of shaping a rational conversation on immigration and immigrant integration.

immigrationpolicy.org/just-facts/how-united-statesimmigration-system-works-fact-sheet – This page of the IPC website is a fact sheet outlining the basic information about how the U.S. legal immigration system is designed.

out4immigration.org - Out4Immigration is an all-volunteer grassroots group that works to raise awareness about the discrimination same-sex binational couples face under current U.S. laws when trying to keep their families together.

americanimmigrationcouncil.org - Established in 1987 as a not-for-profit organization, the American Immigration Council exists to promote the prosperity and cultural richness of our diverse nation by existing to: honor the enduring contributions of America's immigrants, protect fundamental constitutional and human rights, and promote sensible and humane immigration policies that reflect American values.

SAME-SEX MARRIAGE

freedomtomarry.org/pages/take-action - Freedom to Marry is the campaign to win marriage equality nationwide, partnering with individuals and organizations across the country to end the exclusion of same-sex couples from marriage and the protections, responsibilities, and commitment that marriage brings.

respectformarriage.org - The Respect for Marriage Coalition is a partnership of more than a hundred civil rights, faith, health, labor, business, legal, LGBT, student, and women's organizations working together to end DOMA and grow support for the freedom to marry.



Resources

The following articles provide background on the 2015 Supreme Court decision on same-sex marriage:

usatoday.com/story/news/nation/2015/01/08/supremecourt-gay-marriage/21385269 - "It's High Noon for High Court on Gay Marriage" by Richard Wolf

forbes.com/sites/danielfisher/2015/01/17/supreme-court-is-finally-forced-to-decide-gay-marriage-question - "Supreme Court Is Finally Forced to Decide Gay Marriage Question" by Daniel Fisher.

LGBT RIGHTS AND ACTIVISM (GENERAL)

hrc.org - The Human Rights Campaign (HRC) is the largest civil rights organization working to end discrimination against LGBT people and achieve equality for LGBT Americans.

community.pflag.org - Parents, Families and Friends of Lesbians and Gays (PFLAG) is a grassroots organization with chapters and members in all 50 states. It unites people who are lesbian, gay, bisexual, transgender, and queer (LGBTQ) with families, friends, and allies, and is committed to advancing equality and full societal affirmation of LGBTQ people through its threefold mission of support, education, and advocacy.

thetaskforce.org - The National LGBTQ Task Force (formerly the National Gay and Lesbian Task Force) builds the grassroots power of the LGBT community by training activists, and equipping state and local organizations with the skills needed to organize broad-based campaigns to defeat anti-LGBT referenda and advance pro-LGBT legislation.

gsanetwork.org - The Gay-Straight Alliance Network (GSA Network) is a next-generation LGBTQ racial and gender justice organization that empowers and trains queer, trans, and allied youth leaders to advocate, organize, and mobilize an intersectional movement for safer schools and healthier communities.

glaad.org - GLAAD (formerly the Gay & Lesbian Alliance Against Defamation) works with news, entertainment, and social media to tell the stories of LGBT people in order to promote understanding, increase acceptance, and advance equality.

aclu.org - The American Civil Liberties Union (ACLU) is a national nonprofit organization that works to safeguard the individual rights and liberties that the Constitution and laws of the United States guarantee to all Americans. One of its key areas of action is to secure marriage for same-sex couples and win legal recognition for LGBT relationships.

couragecampaign.org - The Courage Campaign is a California-based nonprofit organization that works to promote progressive causes, including LGBT rights.

williamsinstitute.law.ucla.edu - The Williams Institute, a national think tank at the UCLA School of Law, is dedicated to conducting rigorous, independent research on sexual orientation and gender identity law and public policy, which it disseminates to judges, legislators, policymakers, the media, and the public. The website contains an interactive map with state-level data on LGBT demographics, marriage, parenting, and workplace issues.



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ITVS

Independent Television Service (ITVS) funds, presents, and promotes award-winning documentaries on public television, innovative new media projects on the Web, and the Emmy' Award-winning weekly series *Independent Lens* on Monday nights at 10 pm on PBS. Mandated by Congress in 1988 and funded by the Corporation for Public Broadcasting, ITVS has brought thousands of independently produced programs to American audiences. Learn more at itvs.org.

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Independent Lens is an Emmy* Award-winning weekly series airing on PBS Monday nights at 10 pm. The acclaimed series features documentaries united by the creative freedom, artistic achievement, and unflinching visions of independent filmmakers. Presented by Independent Television Service, the series is funded by the Corporation for Public Broadcasting, a private corporation funded by the American people, with additional funding from PBS and the John D. and Catherine T. MacArthur Foundation. For more visit pbs.org/independentlens. Join the conversation at facebook.com/independentlens and @IndependentLens.











