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Liberty Project

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Michael Biel

Robert Sammons

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Michael Biel Interview

Interviewer: This is a conversation with Michael Biel for the Kentucky Marriage Equality and Religious Liberty Oral History Project. We are in the seminar room of Camden-Carroll Library on the campus of Morehead State University in Rowan County, Kentucky. Today's date is July 27th of 2016. The time is 2 pm. My name is Rob Sammons.

Hello Mr. Biel and thank you for being with us today.

Response: It's Dr. Biel. (laughs)

I: Excuse me, Dr. Biel. I meant to ask you how you prefer to be addressed beforehand. My bad. Dr. Biel, let's start a little bit with some biographical information, for example where were you born and where did you grow up?

R: I was born in New York City, so I'm a "durn furner" (laughs). I grew up in suburban New Jersey, in Teaneck, New Jersey and from there I went to Temple University in Philadelphia. That's where I got my bachelor's. And I got my master's and doctorate at Northwestern University in Evanston, Illinois and taught for a couple years and University of Missouri Columbia and also Lehman College in New York City before I came here to Morehead. But I've been here in Morehead since 1977, so actually the longest place that I have lived in is here in Kentucky, but I'm still a "durn furner." I'm a Yankee (laughs). And that might have, of course, something to do with my points of view of this whole situation.

I: If you would please expand a little bit on your formative years, for example did you have a religious upbringing or what was some of your ideological background in your formative years?

R: Well, I'm Jewish. Not a, not really practicing now. I consider Judaism really more of the ethnic, the social, the way of life. Although I was, you know, had a fairly full religious background, education, bar mitzvah, things like that. And, you know, through confirmation, kept going to religious school through my senior year in high school. And so that was, yeah so, I'm not non-religious, but it does have a bearing on the situation here in Morehead where, in Rowan County I'm practically the only Jew that's here. When we lived, for some years, in Owingsville in Bath County, we were the only Jewish family in the county. We knew that. So, that does make a difference.

I: What about your current occupation?

R: Well, I'm retired. Happily retired. So, my occupation is living life, being retired, traveling, writing, fooling around on the Internet, and things like that.

I: Let's get right into the subject at hand. How did you become involved in either the religious liberty movement or marriage equality movement?

R: Well, I've always felt that religion has no business being involved in any way, shape, or form, in government. And when this started, when this particular situation started, I was visiting with my daughter in Brooklyn. I usually spend several months at a time, a couple times a year there.

So, when the situation broke out here, I was not here. But I read about it. Somebody posted something on the Internet and I made a comment about Kim Davis. It was a very negative comment. It was something concerning that this is going to ruin the reputation of Rowan County, Morehead, and Morehead State University. That this is going to be a well-publicized, nationwide, and eventually I was right, a worldwide controversy, and it was not going to look good for the county. And I get a email message from my next-door neighbor. And she said "I just wanted to tell you think Kim is Jean Bailey's daughter." I had completely forgotten that. Jean lives across the street from me. And we're not close neighbors, you know, never see them socially or never really see them around the block. And I knew nothing of Kim as Kim was growing up. Not a thing about her. So, it was a complete surprise to me. Both Jean and Kim knew who I was, and that's part of the problem of being a professor and looking a little different than others, except that Jay Flippin and I always were mistaken for each other so I can't that I was the only one that looked like this. But, more people know me than I know them and I'm not very good at remembering people's names. So, I had no way of being anonymously involved in this. It was about three weeks or so before I was able to, until I left Brooklyn and came back here to Morehead. So, I was not involved in the start of the movement at all. All I knew was that there were people that would be in front of the courthouse and protest. And so, I figured that, you know, I emailed, or really, Facebook messaged people and posted that I was gonna be coming back to Morehead and I'll see some of you guys there. And so, that's what happened. I came back into Morehead on a day when it was not a real scorching hot day, I went down there and introduced myself and I did not know any of the people at all. And, in reality, there was one person in the group who my daughter and my wife knew. But I didn't know her. And in messaging around, one of the women that I did know through her father, who had been a professor here, she lives out of town but she has become part of the group as well. Everybody else, all the other locals I did not know at all.

I: So, what was your first reaction when you heard to U.S. Supreme Court's decision on marriage equality?

R: Well, I thought that that was absolutely great. I was really pleased at that. Now, you know, as I said, my feelings mostly in this situation was not so much about the marriage equality side, but the religious liberty side. But that does not mean that I have not been involved with, at least peripherally, the gay scene, to a certain extent. I'm straight, but I have friends who are gay. I know a lot of people in the theatre, on Broadway as well as, of course, here at Morehead State. But I knew when I was, it was 1960, so it was when I was 13 or 14. I knew one of the, a person who became one of the leaders in the national gay movement. His name was Tom Waddell. W-A-D-D-E-L-L. And he was my camp counselor. Bunk 4 in Camp To-Ho-Ne in 1960. And 1960 was the year of the Olympics, and he was an Olympic decathlon athlete. And he was given a week off to go out to Eugene, Oregon, in the middle of summer, and try out for the Olympics. And, as far as we knew, we kids in the bunk, he had a girlfriend who was a counselor for the little, like 4, 5 year old kids. And so, I remember the first day of the Olympic trials, I was the only one in the camp that had a radio. And so, I heard the news that Tom had been the leader in the first heat the first day. So, I went over and I found her and I told her, you know, Tom is leading, you know, and of course, that was the year of Rafer Johnson, and he was the one who broke all records in the decathlon, both at the trials in Oregon but also at the Olympics itself. And so, as soon as, Johnson was the second heat, so as soon as he was competing, Tom was

completely wiped out. And Tom came in fourth, and so was not able to go to the Olympics. He came back to us, spent the rest of the summer with us.

Years later, I found out, through an article as well as a book about him, that that summer was the summer that he came out. And it was happening while we were there at camp. The camp was owned by a man named Peter Meneca. And his brother was the, owned a little variety shop near the camp, near Lake Buel in Massachusetts in Great Barrington, Massachusetts. And his brother hosted after-hours parties at the shop and that was where Tom was introduced to the gay lifestyle. And we kids in the bunk knew absolutely nothing about this. And for years we knew absolutely nothing about this. Tom did get to compete in the 1968 Olympics. I believe those were the ones down in Mexico City. He didn't medal, though. But after that, he came out and formed an organization called the Gay Olympics. So that was, you know, where I first heard about him and where I first read an article about him and thought well, that was going on at Meneca's store, oh my goodness. And so, the U.S. Olympic Committee owns the word Olympics, and so they sued, and so Tom had to change it to the Gay Games. And when the AIDS situation began, by this time Tom was a leader, one of the leaders of the gay movement both nationally and in San Francisco, and he was a physician. He was a doctor. And he contracted AIDS. And it was something. ABC had a program, it was one of the documentaries, magazines like 20/20, I don't remember if it was that particular one though, that had a story. They were talking about a couple who, a gay couple who adopted a child that was a nurse bore. And, you know, my wife was a nurse, said "don't change the channel, I want to see that." So, we watched that, and they started showing and talking about who these people were, and I said "I know him. That's Tom Waddell." And I explained to her the story about that. And I figured that if anybody was gonna beat this, it would've been Tom. But he didn't. It was, you know, too early, even though he's a physician and knew what was going on sooner than anybody else did. He could not beat it. And so, he did pass away and he is, he's on many, many squares in the AIDS quilt. And he was mentioned in, he was on one or two of the squares in the AIDS quilt that was here on campus, at the Buford Crager Room. Many, you know, decades ago when it was still fairly small.

And so, I've always, not been involved with it, but I always had empathy towards it because of this, you know, this fellow that I knew. An ordinary guy, just like anybody else, and he never tried to push anything on anybody. I knew all of the propaganda that was being said about gays was a lie. And so, it turns out that one of my high school buddies was gay. None of us knew that. None of us knew that until, I think, the 25th reunion, he shows up with his significant other who was a man. And we all said "Steve's gay? Okay, fine. How you doing, Steve?" And so, and I've, in the last five or ten years I've found a few other friends of mine who I've known for 30, 40 years but didn't know they were gay. And, you know, several of them are happily married. They lived in New York and they were able to get married 7, 8, 10 years ago. I forget when it was first made legal there. And so, I've realized that there was actually nothing wrong with the gay lifestyle, there's nothing wrong with gay marriage, and, you know.

So, I was incensed when I heard what was happening. And then I realized two things. One was, this was not, strictly speaking, a gay situation. And I tried to remind people over and over again, especially reporters that were doing stories, and the headlines would sometimes did not match the stories, where it said that Kim Davis was refusing to issue marriage licenses to gay couples. No. She was refusing to issue marriage licenses. And so, as the lawsuit began, and there were four couples, two gay, two straight, my emphasis was always on the straight couples, because that's where, I felt, the legal liability and the weakness in her position was, because of the fact

that there was no reason in the world for her to refuse to issue those licenses to those straight couples. They had nothing to do with the gays who were, or transsexuals, because there's a couple that's involved here that one of them is a transsexual. So, they had nothing to do with it and they're caught up in this. And they would probably have more legal standing than the gay and transsexual couples. Although, of course, obviously, after the Supreme Court decision they did have full standing. But, if anybody refused to issue marriage licenses to a straight couple before the Supreme Court decision, or after it, it would be unfathomable.

And so, I started to realize what was happening. That this was a religious situation. And it wasn't that she said "it's my own personal feelings that I can't allow myself to issue marriage licenses to gays. It's my religious feeling that I cannot do it." And so, at that point, that changes it entirely. If she had not mentioned or brought up that there was a religious connection, my only feeling would be that this is an affront to these people who I knew from 30 years' experience, who are not evil people. They were perfectly proper people that are just, they have different ideas, different relationships than she, what she would say to be the normal people. I've been trying to avoid using that term because every time someone says "well, normal people are," no. That's not the proper concept. But I realized that this was her religious interpretation. And what was worse is that there were five workers under her. And we knew from the beginning that one of them would have issued marriage licenses, had no problem with it at all. Another one was her son, and I'll get back to nepotism in a second. But the other three were being coerced in some manner to follow Kim Davis' religious point of view. And so in reality, what she had done was she created a religious doctrine in her office in the county courthouse. And so, she had not only brought, you know, religion to her own personal work, she had brought religion to her office. And she now was the high priestess of "Davisism." Her own personal religion was now the official religion of the clerk's office, the county clerk's office of the county, of Rowan County, Kentucky. And so, this was something that was, I think, totally unconstitutional. She could have her own personal beliefs. She cannot bring those personal beliefs, A. to her official duties and B. to the official duties of other people. She was coercing them. They did not believe in her religion but, especially the person who had no objection to issuing licenses. And he also was now made to bow down to her religious point of view. And I've got to admit that it was a religion that I've never heard of before. I had to Google it and look it up and see what the, it is a sub-cult of a cult, in reality.

Then I started hearing rumors. You know, "she's been married four times" and...woah. Then starting to hear the details of it. I realized what was happening. She had had children out of wedlock, then married a second husband after divorcing the first husband, which, you know, she had gotten pregnant while she was married to the first husband. She divorces him, I don't blame him if he (laughs) wanted to divorce her. But the father of the kids was, I've heard several different aspects of this, was quote unquote indisposed, so she found somebody else to marry her. So, she marries, you know, husband number two, who adopts the kids. Then when the one that she had conceived the children with got un-disposed, un-indisposed, she divorces husband number two, marries the father of the kids, husband number three, who she eventually divorces and goes back and remarries husband number two who she is currently married to. And that it is the mother of husband number two/four that introduces her to this cult. I really can't call it a religion. It really isn't, really is more of a cult. And so, when we realized this, it got to the point where she was counting on, for her personal salvation, her total adherence to this cult, and that part of the total adherence to the cult was that she had to do everything in her power to dissuade or disallow homosexuality, other aberrant sexual situations, because she herself was involved in

an aberrant sexual situation, and the only way – you know, when you would bring this up, oh, my sins, and I did plenty of sins, are forgiven. Not only are my sins forgiven, she's used this other term, my sins have been forgotten. Now, if God is omnipotent, all-knowing, how can God forget? Forgiving is one thing. Forgetting is something else. That's really why I think this is a cult rather than a religion. You know, the audacity to say that God will forget what my sins were. And so, I think this whole thing comes about because she was scared that if she did not follow along and destroy any other aberrant sexuality, that she would come across her own aberrant sexuality and the fact that her kids were born out of wedlock and they were conceived out of wedlock, they were born in wedlock, so to speak. But that these sins of hers in the past would now be remembered and she would be condemned. So, in order to save herself, she has to destroy the sins that she perceives to be sins of others. That is taking upon herself more than the average parishioner in a church. You deal with your own personal sins if you are a member of a church. You don't go out and deal with other peoples' problems that you perceive and being sins, and that their problems, their situation would be now have effect on your situation is really what was involved with this. So, that is why I felt that this is more of a religious liberty situation than a sexual liberty situation. Because it had been moved into a governmental, a formation of a governmental religion, that you step into the county clerk's office and you are now stepping into the county clerk's sanctuary. And that those five workers of hers were working in her religious sanctuary. There wasn't anything over the door that said that you were entering anything more than a Rowan County clerk's office, but essentially you were now beholden, if you wanted to get a marriage license, to her religious, her interpretation of her religion. And I would think that if there were people in her church who had lived a chaste, righteous life, and were not involved in sexual deviances and multiple marriages, that that was one of their problems, then I would assume that if they were in this position instead of her, that they were not involved in that church in order to get salvation from their own personal aberrant sexual problems, then they probably would not have done the same thing that Kim did as far as refusing to issue licenses. So, that's where my philosophy was with this.

So, the type of signs that I gravitated towards as far as, you know, which signs to hold up, which signs to plaster all over my car, which was, when I realized that I didn't have to park in the parking lot, that the whole main street in front of the courthouse was a parking zone, I figured oh, I could put my car there right on Main Street and I put four or five of the signs on the car. I was the first one in the group to do that. I still have some of the tape marks from the first time that I did it, not knowing that that tape was not going to come off smoothly. After that I had to do it a different way because some of the marks on that car are from the tape, from the first time I did that. This is the type of signs that I did were the, the "do you job," that, not, they were anti-religion and you, know separation of church and state, you know, type of signs.

I did have a "Love wins" on there also, because it was a nice sign and it would fit, and as a matter of fact that is the sign that my daughter and I took with us to Europe and we took pictures, and we never got around to sending to the Herald-Leader. They're in Reykjavik, Iceland. There is a street which they painted in rainbow. A whole street, about three blocks long going down a hill. It's a major street and it leads from the major Lutheran church in the city, which is the landmark, the Hallgrimskirkja. And so, it leads down from there, you know, down to one of the main shopping streets. And so, we took, had pictures taken of my daughter and I holding the "love wins" sign, but we also took a picture of the Lexington Herald-Leader with the headline and the picture when David and David, the two Davids, got their marriage license. And so, im holding the Herald-Leader and Leah's holding the "love wins." It turns out that there is a

religious freedom movement also in Iceland that the fellow that, the family we were staying with was a friend of mine who went on Facebook as a record collector, and realized that I had these messages about what was happening here with Rowan County and so, we got into political discussions as well. He's one of the leaders of a newly emerging political party in Iceland called the Pirate Party. So, one of the things which he did when we were there is we took a petition to the head bishop of the Lutheran church, which happens to be a state church. And, you know, there's no separation of church and state there. The Lutheran church is the state church. So, the priests are government employees. And so, they were having a vote the week after we were there as to whether the Lutheran ministers, as a government official, would be forced to issue and perform marriage ceremonies. Now, of course, here in the United States, we feel that there should be no coercion on ministers as far as issuing or officiated at a ceremony that they do not believe in, but that's not the case when it comes to...in their feeling, the government employees would be just like the justice of the peace, and we had a case a couple weeks ago. I think in Louisiana, I think, where a justice of the peace, you know, said he would not perform a ceremony. But he's not a clergy, he's a government employee. So, it was the same feeling that they had as far as Iceland was concerned. And so, we stood in front of the office of the bishop holding up the "love wins" sign that we had imported all the way from Rowan County, Kentucky to Reykjavik, Iceland. And so, it turns out that, by the way, the letter that we handed in that day was successful. The following week, the bishops had a, you know, had their meeting, had their election, their vote, and they voted to enforce the measure that the bishops and the priests, being government employees, they had to perform the ceremonies. So, it was successful. But we had, you know, pictures taken in Reykjavik, Iceland, with the "love wins" sign that we brought all the way here from Morehead, Kentucky. As a matter of fact, that sign is now in Brooklyn, so that's why it's not in your collection (laughs). You got the pictures of it but the sign itself, my daughter wanted so keep it. So, it's in Brooklyn.

I: That's great. What an interesting take on the separation of church and state and freedom of, and maybe even from, religion. It's not an angle I had considered before.

R: Well, you will find that, if you haven't interviewed them yet, that there are several non-religious people in the group, several Wiccans. And so, they're, they are even more adamant than I am of, you know, separation and freedom from religion. I've had the, you know, these feelings, these tendencies, all the way from when I was in school. And the only, back when I was in school, in the 1950s, we still had the prayers and Bible reading in our school. And we would have a verse from the Old Testament to make things proper, and then the Lord's Prayer, and Pledge of Allegiance. And I did not have any concept of what "Lord" meant in the Lord's Prayer, because to me, Lord is God. No. Lord, in that case, is Jesus Christ, who is not God. Or at least, in my religion, it is an extreme sacrilege to even consider the possibility that Jesus Christ is God. So, I did not realize that we were being fed something from the Old and the New Testament. Once I found out, when I was probably in eighth or ninth grade, I just stopped reciting the Lord's Prayer. I had no qualms about the Old Testament reading, which usually was from a Psalm. The first time I had any understanding that those prayers could be a problem to anybody, was when I was in third grade, one of the girls, Pat Caputo, who I find out later, was Catholic, and she would not read from the Bible that they provided. Because what they did, each kid did the, you know, led the ceremony in the classroom for a week, and when it was her week, she brought in her own Bible and used it. So, we didn't have any situation of anybody like, being

a Mormon and bringing the Book of Mormon, or anything else. This was just something that was, you know, fairly mundane. It was definitely in third grade, and it was the first time I had really, you know, noticed anything about that.

And the other thing which I finally now, when I was in high school was able to protest against, was when they had their Christmas choral assembly, that everybody would stand up when they, when Handel's Messiah, the Hallelujah Chorus. It's a normal piece of classical music. Why should I stand during a part of an oratorio written by a Englishman who was not clergy? This is not a prayer or anything. So, I just would not stand during it. And I think I may have caused an objection or two from a faculty member, and I, you know, would just brush it off and say, you know, the first time it happened, there's no reason for me to stand. It's an ordinary piece of classical music.

And it's the same point now also, as far as God Bless America, which happens to be a piece of music that I have done the research on. I've gone through Irving Berlin's papers about the writing of the song and did a 5-hour broadcast about that on the anniversary of the song and partially because Michael Finestein helped me locate the original recording of, or the recording of the original broadcast introduction of the song which had been sorta one of the holy grails of old-time radio, finding that broadcast. And we don't have the broadcast, we've got that segment from the broadcast from Irving Berlin's own personal record library. So, you know, after making that discovery I started doing the full research on it and it's a secular song. It is, yes it has the word "god" in it, it has the word "bless" in it, but it is not a prayer and Irving Berlin did not consider it to be a prayer. He considered it to be a serious song. He did not want it to be treated frivolously. He did not want it to be a pop song that would be on the charts for six weeks and then be forgotten. And so, he had a plan on how to make the song, you know, eternally popular, so to speak, and I have all the background information on it. And he would be appalled at what they do at Yankee Stadium, for example, seventh inning stretch, where they have tossed people out of the ballpark for walking to the men's room during the playing of Kate Smith's recording of God Bless America. And people that didn't stand during it. He would have been appalled by this. And, additionally, he refused to even consider anybody that would say that this should be made the national anthem. The Star-Spangled Banner had only been put into law as national anthem just a few years earlier in 1931. So, we're not going to change the national anthem so soon to one of my songs. So, that also was, that's the same type of situation. Making religious things that are secular is another objection that I have.

I: Dr. Biel, were you an activist before these protests?

R: Oh, yeah. I'm a child of the 60's. I was more of hanger-on and voyeur of the activism. But, the, we were, I've realized now that I probably was kinda naïve about the world situation. You know, I watched the news. I read the news on the air, in the broadcast when I was in undergraduate, but didn't fully understand things and one day, a teach-in was announced at Temple University. And it was going to be held in the auditorium in the building where our radio station was. It was an old church in the 1880s, Thomas Hall. And this sanctuary was very, very rarely used. That's the only time I really remember, in the four years I was there, that that sanctuary was used. And we decided we were going to broadcast the teach-in because it was easy to do. All we had to do was snake the wires up the stairs from the basement up to the sanctuary and, you know, rig up two or three microphones. And there was Alan Ginsburg. And, it turns out, also, his gay significant other, who's name I forget. And the honchos, head honchos of the

Hari Krishna movement of New York, of Greenwich Village was there, right in Thomas Hall at Temple University. And I have the tape of that. I really need to do something with that tape. And so, it was a Vietnam teach-in and it was the first time that I really started to pay attention to what was happening as far as Vietnam is concerned. And the following summer there was a be-in in Central Park, and that was being discussed and advertised on WBAI in New York, which was a Pacifica Foundation sponsored station. The hippie station, so to speak. And so, my fiancée and I went to it just to be there amongst all the flower children. But, when it came to, I forget whether, you know, what the situation was, there was a sit-in at the administration building at the university. And we broadcast it. We found a, we knew a steam tunnel that could get us from our building to that building. And so, we got one of our thousand-foot telephone, coils of telephone wire, and set up a line to that building and we broadcast that.

When I was at Northwestern University, manager of the radio station there as a grad student, for one year, that was the spring of 1970, and that was the Kent State killings. And I remember I heard, I was driving up campus. We had a seminar with, a weekly seminar with a broadcast professional. Large auditorium about a mile away from the main part of campus. I was driving up there when we heard the news about it. And I came in and I started telling the kids in the class, there were four college students shot at Kent State University in Ohio. And we didn't know any more details than that, but there were protests. Well, by the time our class was finished, two or three-hour seminar, I go out there. The whole campus was in an uproar. And students closed down the university. We declared it, well, they declared it, I'm a hanger-on here, acting after a little bit as a broadcast reporter, looking at the events and reporting on the events, closed down the university. There was an eight-foot wrought iron fence surrounding the whole Northwestern campus. They tore it down. You know, we always wanted to be able to go in and out of the university, across the lawns, without having to go a quarter of a mile to get into the gate. So, this was, it made a lot easier. Get rid of the damn gate, the damn fence. And they used that to barricade Sheridan Road. Sheridan Road is a road that went from the southern border of Chicago, snaking its way up along Lake Michigan, through Evanston, through Wilmette and Winnetka and Kenilworth all the way up to the Wisconsin border. And we blockaded it. And so, you know, of course it didn't close the entire road for that distance, it just meant a detour of two or three blocks around the, around were the huge pile of all these wrought iron gates were. But the station had been off the air for like, two weeks with transmitter troubles. And we were completely rebuilding the transmitters, so the evening of Kent State, I and the chief engineer who was an engineer at WGN got the transmitter working again. We got ourselves back on the air. And we stayed on the air 24 hours a day for the remainder of, what would have been the remainder of the quarter. Classes were called off for that, it was something like five, six weeks or so. And we recorded the whole thing and I left the tapes there, stupidly, and of course, a few years later the kids erased the tapes and reused them so those tapes were gone.

It's interesting that one of the people that was involved in that was just on CSPAN over the weekend. He became the, one of his jobs every four years, the media coordinator for the Democratic conventions. And so, Wally Petrovic, and so, they interviewed Wally over the weekend and I, last night I sent the link of that interview to my daughter for her to watch this four-minute interview with him. But Wally was one of the people that was on the staff at the radio station during that strike. And one of the other people was Fawn Williams, who became the real main engineer of National Public Radio. So, have a lot of influential people that were involved in that. But this was something that, you know, I got involved in the protest but I was not the one carrying the signs. I'm the one watching everybody who was carrying the signs.

I: And documenting.

R: And trying to document it. Which, again, is where my point was in this situation. That yeah, I sat there with the signs, I had the signs plastered all over my car, but I was with the camera. And I've always been like that. Since I was a little kid. I took the family pictures and the family movies and the organizations that I'm involved with, Association for Recorded Sound Collections and the International Association of Sound Archives. They never recorded their conferences. So, I started doing audio recordings of the conferences and when I got my video camera, my portable video recorder in 1984, I started recording the conferences. So, I started recording our (didn't catch this word) in 1985, and we had our 50th anniversary conference two or three months ago and my daughter and I put together a 25-minute piece calling out a few interesting things from the 35 years of tapes that we have. But it was only just scratching the surface and one of the guys that we had that's included in that video passed away just last week at the age of 94. So, it was, I've been involved in documenting these types of things, not on a, you know, not on a professional basis, although that was, in a sense, my profession of teaching broadcasting. But I was the radio person here at Morehead State. I was not the TV person. Yet I'm the guy with the TV camera all over the place, or, I've been using the iPhone since I got it, and I was using regular, a pocket digital camera, both, taking both stills as well as motion pictures. And I did a little bit with a video camera, which is the same model as you guys are using, as a matter of fact. And so, it was something that took, I really didn't take a lot of video because it's a lot easier to upload still pictures than it is to upload the videos. The videos are just a smattering of them. But as far as, like, doing my stuff with the organizations, I recorded the whole conference from beginning to end and our group now has coordinate sessions, two sessions at once, and so we end up, now, I'm in one room and my daughter's in the other room doing the videos. Except for the time, the one conference that I missed because I had, was recovering from a heart condition. She had to handle both rooms and that was the one conference where they had the two rooms in two different buildings. Oh, that was a mess. But, she gallantly did that.

So, that's part of what was happening here. That I showed up, as I said, like three, four weeks after everything began, and joined, and I started taking pictures of people. And when the group organized, I took pictures of the organizing meetings. And I was not sure whether the people involved would want to have their pictures taken. So, I did not take a lot of pictures. What I would try to do was as the meeting would start, snap. A few snaps so I'd get pictures of the surroundings and everybody was there like, put the camera away. And if something interesting did happen as the group was closing up, I would possibly take a few more pictures. So, I have maybe only ten or twelve pictures from some of those early meetings. And I didn't do any video, I didn't do any audio recording.

R: Were you present at the protests here in Morehead as well as the verdicts in Ashland and verdicts in Covington? Did you get to go to those?

R: Yes. Yeah. And there was a total of three. It was Ashland, Covington, and then another one at Ashland. As a matter of fact, I was taking video at the first of these. It was a preacher who was standing up and he was going like this and I looked at this guy, I said "that guy's just like Billy Sunday." Billy Sunday was a preacher back in the teens and twenties, sort of like Billy Graham.

He would travel around the country with huge ensembles. But Billy Sunday had been a baseball star. And so, he would do his baseball moves, you know, wind up. So, he would dance around and he would throw his arm. This guy looked like he was doing that. So, I was having trouble getting the camera set up. I got the camera set up. I started to record him, about maybe 15 seconds. At that point, a guy comes, crosses my path, and just as I'm about to press the stop button, he says, because I'm standing in the middle of the opposing group, he said to a couple of them there "she's going to jail." And I got that on the video. So, and I think you probably have it on your site. If you don't, it's something that I did post. So, and the thing is, he crosses, he says, you know, "she's going to jail," and I already pressed the stop button. And so, it stopped right after he said the word jail but it was there. So, I took pictures and I panned across our group of ten, fifteen, twenty people standing by the wall with our signs. And then some of the arguments that would ensue and some of the most argumentative were the outsiders.

And that's one of the other points. Our group of people that were protesting what was happening here in Rowan County were all local people. Everybody was from Rowan County, with a couple of people who were live in Bath County but had been part of Morehead State University. One or two of them even worked at the university who just happened to live in Owingsville or Bath County. We were all local people. This woman that I was talking about that I had known because she was the daughter of one of my late colleagues, she lives up in Maysville. So, she's one of the people who would drive down here an hour to, so, she's not living in Morehead but she couldn't be more Morehead because she grew up here in Morehead and her father was David Brown who was the, who formed, founded the journalism program here at the university. So, she knows what reporting was and her father had been involved in the desegregation down in Mississippi. So, and was deeply involved in that, back in the 1950s and 60s. So, this was something that she also had a background to be involved in. But we were all locals and it seemed, to us, that the people who were defending her were not locals. Nobody recognized anybody. They all seemed to be bussed in from Grayson. Including their bald leader. And he was a temp preacher who would get a gig every once in a while, with this church or that church in Grayson, occasionally in Morehead, and up in Maysville and Ashland from what I would see on his webpage. But he was located in Grayson. He was a painter at the school in Grayson. It's a Bible school. Yeah, Kentucky Christian, yeah. He was a painter there. And I don't mean a scenic painter. He was the wall painter in Grayson. And on his Facebook page he had his location, Grayson. And we started calling him the carpet bagger. And after about a month, he started to realize this. And so, he changed his settings from living in Grayson to living in Morehead. But he didn't live in Morehead. He lived in Grayson. So, I think he finally found, like, an apartment or something. I think he had moved in maybe to have a Morehead address with one of his friends. He also, however, had been involved in Bath County as well. He had gone to some of his, I think before, I don't remember exactly, I think it was before he was in Morehead. He had taken classes at Morehead State for about a year but then he graduated from Bath County High School or something, and there was one of the members in our group said "the things that I could tell you about him, but I can't tell you about them." So, he has a background not only here in Morehead but also going one county over, to Bath County. So, in a sense, okay, maybe he's not that much of a carpet bagger, but boy, it sure seemed like that when it started out.

Our group would be there every day. Well, at least somebody from our group would be there every day. And they would only show up, the opposition, the supporting of Kim, would only show up on special occasions. And so, and it seemed obvious. They would come in, they would do their singing and chanting and pontificating and hold up a couple signs and tell all of us that

we were going to hell and then they would leave. So, it, from what we could see from that, it was no real reaction on the part of supporting what Kim Davis was doing from the people in Rowan County. That the only people that were making any points about what was happening were the people that objected to what she did. I couldn't see any support. You know, as to what was being said in the churches, that I didn't know.

I: At these protests or rallies, did you, what was the environment like? Did you feel safe at them?

R: Oh, yeah. We would, you know, nobody really threatened us. We would sit, some of us would bring lawn chairs and umbrellas because, you know, just like it is a scorching hot day here, scorching hot week or two as well. It was in the upper 80s and lower 90s for quite a bit of that summer. And having a heart condition, the heat was not very good for me. And so that was part of the value of my being able to park the car right there on Main Street in front of the courthouse instead of back in the parking lot, so I could go and sit in the car and sit in the air conditioning every once in a while, if I needed to. So, it was, there would be, well there were two or three people that were trying to show up every day. And there would be between maybe five and ten people that would be there from off and on, coming and going, between 8:30 and 9 in the morning, as the office would open, till around noon, 12:30 or so, and then, more or less, we would, you know, disband. I don't know if any of them were there too often at 2 or 3 or 4 in the afternoon. But, if there were, if this was a time when the support group would have a rally, a church service or whatever, you know, we would try to be there, make sure that we, if not equal numbers, because what they would do is they would bus in like about ten or twelve people and, but we would try to have a presence there to show that we were, we hadn't abandoned the fight. What also was happening is that they had a, when I say a service, they sang like five hymns. Always in the order, always the same five hymns. So, this was, you know, I don't know whether they had a rehearsal, you know, the night before, or whatever, but this was their set pattern. And their bald preacher would do some sort of a sermon. A little bit later on, as it got to the granting of the licenses, and it started to get media attention, two groups would sort of line up on the opposing sides, opposite sides of the sidewalk that led to the courthouse. So, we were on the Main Street side, they were on the parking lot side because they would be coming with their van or two of people that would be in the parking lot. And eventually, as it got to the point where the licenses were being court-ordered to be issued and the national media showed up, CNN and Fox and MSNBC and two or three of the TV stations would show up to be there the whole day and would bring their satellite trucks. They were across the street on the other courthouse's lawn and they had their satellite trucks parked in the lot for that building.

I: Alright. So, in your opinion, was the media attention at this event, was it appropriate? Was it overkill? Was it underrepresented?

R: I felt, you know, we always wanted to have media attention. We always wanted to make sure there would be somebody there. If someone from the media was sort of hinting that they were gonna be there we wanted to make sure that we were gonna be there. We did not want them to only be able to interview the supporters. And after about a week or two, when there would be maybe one reporter and then maybe one or two other reporters would come in after that, in order to sort of unify the message, and make it so that it wouldn't be a problem for somebody who really didn't know all the details of what was going on, was just a casual member of the group,

that they would not really be able to do a good interview, we sort of, you know. Mary Hargis took it on herself and we sort of appointed her to be the media spokesperson so that we could always say she's the one to talk to.

I: Yeah, Mary is well spoken. She also did an oral history with us. Do you think this person, Kim Davis, the Rowan County clerk, was she the best representative for the cause of religious liberty?

R: (laughs) She was too easy to make fun of. Partially, her dress, which is the Apostolic dress code, so to speak. Look it up, you look up Apostolic clothing and you will see websites and stores that sell the type of costume, the three layers, at least, that, you know, there always had to be a jacket on top of a top on top of you know, another layer that, and then the certain length of skirt and type of skirt. That made her just stick out like a sore thumb in this hot, hot, hot summer. So, that was part of it. So, it made her, made it very easy for people who didn't know her, for the national media, to, and the television comedians, to easily make fun of her. Some of which was unfair, but we can't say that she didn't bring it upon herself. The one who really brought the most ridicule, nationally and internationally, was her husband. The fact that his go to meet clothes included this floppy straw hat and big overalls, it made it so to have him look like the scarecrow in The Wizard of Oz. And you would think that, you know, okay, they're country folk. But they weren't really unsophisticated country folk. She had a fine upbringing. Jean Bailey's the salt of the Earth, wonderful woman. And there was no reason for her to, it seemed like they were dressing down. And as to whether they did it on purpose or whether it was, they just didn't realize what it was going to look like, the group pictures of her with Huckabee and the two of them with Huckabee, and Huckabee's wife as a group, the four of them, and a couple of the other politicians that were there, they just looked so, it's just so easy to make fun of and create Facebook memes. And so, she might not have been the best person to take this fight upon herself. Now, I don't know who, about the one other court clerk, who's also named Davis but no relation. And I don't know how well-spoken he was because I don't remember really hearing him, as to whether he might have been a more appropriate, tag you're it. She came out, immediate, knee-jerk reaction that she was not going to do this and she made her point and she got tagged with the publicity. Now, maybe she thought there were gonna be twenty or thirty others that were gonna back her up and, as it was, that one other guy, that other Davis from one of the counties on the other side of the I-65, as to whether she expected at least him to help her along. Even he didn't. So, I understand that she had been writing letters to Governor Bashir before the court case, in case this happens, you know, this is more or less what my plans are, and that she had sent a letter out to all 137, or the other 136 court clerks, to try to get them to form a group and was not able to. So, she was always, she was the ringleader as far as that was concerned, and nobody followed through to help her. So, she got in over her head, really. And something that you don't understand until it actually happens to you is what national media attention means.

I: Do you believe that she deserved to be imprisoned?

R: (pause) She was not imprisoned for her beliefs. She was imprisoned in contempt of court. Now, judges have been known to do all sorts of things as far as putting people in prison for contempt of court. Just this week, there is a case somewhere, I think, in Pennsylvania, of a lawyer who wore a Black Lives Matter pin and she was slapped with a week's imprisonment in

contempt of court. It was stayed for her to do an appeal, but I seem to recall seeing last night that she is going to jail for it. But I didn't read the article, I just saw the "Lawyer Jailed for Wearing Black Lives Matter." So, judges have a large leeway in what they can do. For that matter, after she was put in jail, I was dumbfounded that he let her out so soon. And, because as it turns out, she did not follow the judge's instructions. She did not issue any of the licenses. She did not sign any of the licenses that were issued. All she did was, in a sense, allow the licenses to be issued in the same manner that if she had just kept quiet and just said "Brian, issue the licenses" and not do anything. Brian would've done the licenses and would've just signed, you know, Rowan County clerk, and no one would have been any the wiser. And it would've been, you know, because that's exactly what she ended up doing after she gets out of prison. The things were not signed in the court to the ones, the way they should've been. So, I've always had a personal dislike in the requirement that the person who holds the position of the clerk, or the Secretary of State in Illinois, be the one that your check should be made out to.

When I went to Northwestern, the first football game I went to, which I went to because OJ Simpson was on the opposing team (laughs) so I wanted to see this guy, you hear a lot about him. We were all given, as we came in, cardboard visors that had written across them "Paul Powell, Secretary of State of Illinois." And I would not wear them with the name up, I wore them because the sun was in our eyes, we needed those visors, it was clever. So, I had it with the white side facing up, not his name. And then I found out in the next few weeks when I went in for a driver's license or to renew the car, you make out your check to Paul Powell. Not "Secretary of State Paul Powell." Paul Powell. And I wouldn't do that. I put "Secretary of State, Paul Powell" or I just put "Secretary of State." They would take the check anyway. And, it comes to pass, about four or five years later, Paul Powell goes out to Mayo Clinic for some illness, never returns. Comes back in a box. And when they went to his apartment, they found shoeboxes, cardboard cartons, packs in foil in his freezers, of checks and cash. The checks went back twenty or twenty-five years. He had been just taking things and not cashing a lot of checks and people would, you know, my bank book is not balanced because the check for my auto renewal or driver's license hasn't been cashed. And this had been going on for a decade or two in Illinois. So, I've always felt don't make the check out to the person. So, even though I knew Jean, I would not write my check out to Jean Bailey. And I would not write the check out to Kim Davis. By the way, I gotta get my registrations done in the next two days as we get to the end of July. And of course, now we're doing it by credit card, but still, it's something that I would've objected to. And so, it's the same thing that, she's objecting to having to put her name, Kim Davis, on the certificate. And I would think it would make more sense for it to really be "Rowan County Court Clerk" on the certificate. Which would, I hope, have solved her problem. It might not have. But, if it didn't make any difference whether Brian wrote "Rowan County" or whether she wrote "Rowan County," fine. I think, though, at the very beginning, because of the fact that she could've had Brian do the licenses from the very beginning, but she now held sway over her office and all of the people in her office had to obey what she was, the way she ran her office that it would not have been okay for her to just put, or have Brian just put the court, you know, "Rowan County Court." But after she came out of jail, that's what it was. Now, one of the times, I forget what it was, the first license or the second license, Brian would type something into the computer, would get a printout, he'd look at it, take the printout, march into Kim's office. He would come back, type into the computer again, do the printout, take it, march back into her office. I've got video of this, five or six times, before, finally, something came out of the computer that was agreeable to him. And I don't know what those other ones were. What were

the forms of her identifications that you felt were not appropriate, that you made her do it again. Now, as to what connection she had with her computer on her desk to how the licenses were going to be filled out, that I don't know. But, this happened at least once, where he had to march back and forth, back and forth, like five times with a printout before there was a good one that he could turn to the couple and say "okay, you sign here and you sign here."

I: Well, thinking back to the day of her release, what are your thoughts on the events?

R: Well, I and the rest of the group had agreed we were not going to go, because we knew that this was going to be an event where it was gonna be all outsiders. There were people coming up from Florida and from the Carolinas and, you know, Mississippi maybe even. They were gonna be out of towners, out of staters, and that it was of course, gonna be also a political thing with both Mike Huckabee and, as it turns out, also what's his name, from Texas.

I: Ted Cruz.

R: Ted Cruz. And I thought that was so funny the way they elbowed him off (laughs) from getting on to the stage. I'm glad that somebody had a camera, a video camera, behind the stage where Cruz was. And, you know, he looks so sad. But this was Mike Huckabee's ballgame and it just last week, cost him \$25,000 because it was his ballgame. Because of the use of the music, the theme from Rocky was finally adjudicated and they made a settlement of, they didn't announce but it was, because of the paperwork of court filings that he had to pay \$25,000 for the use of the theme from Rocky. And I would assume that if he had let somebody else onstage you know, he may have been able to share it. But he also tried to say "well this should be fair use because this was not a political campaign" except that he had charged all the expenses to his political campaign. So, it became obvious that this, he was using it and using her for his political campaign for running for president. So, we were not going to end up being a part of it. We did not want to be involved in any of the fisticuffs, either verbal or physical, that might have resulted. So, we sort of let them have their day. And, you know, just vicariously watched it on television and, see I'm also, you know, as far as the music is concerned, that also is one of my areas of interest about the legalities of the use of music and the situation of one piece of music after another after another after another being yanked away from whatever public that wants to use it. There's only two or three musicians that will let a Republican use their music. And so, when Trump comes out of the smoke and fog to Queen, "We Are The Champions," which is so ironic, because Reagan had screwed up with using Bruce Springsteen's "Born In The U.S.A." because the song is an anti-American song, so to speak, that Reagan did not understand. Did you ever listen to the words of the song? So, Bruce Springsteen was able to embarrass Reagan into not using it anymore. I don't know if any payment was made. But, you know, the fact that the group's name is Queen. Doesn't that, shouldn't that say something to you? And you end up having a voice, the lead singer, turns out he's bisexual, was bisexual. And that he was not only British, he was a immigrant. I forget which island, Madagascar or Barbados or something, some foreign island. So, it just, everything that could possibly be wrong about the use of that song, or use of any song from him, from Freddie Mercury and that group, you know, is just absolutely stupid.

I: Layers of irony.

R: Yes, yes. And of course, last night a comedian, and I don't remember who it is, produced that smoke, you know, and the blue, and the rising up of the podium and the teleprompters. I just thought that was so funny that the teleprompters were the first things that you saw because they're taller than the podium. The rising up. Somebody did a video with replacing the music with the Darth Vader entrance music. I immediately, while that was still happening, said "Oh what we really need is the Funeral March of the Marionettes," (humming tune). That is Alfred Hitchcock's entrance. Nobody's done that yet, at least, I haven't found that yet. And you know, maybe I should still end up doing that but it's something that the improper use of music, and this is something I taught in class. As it turns out, it's not raw political use. Music is licensed as a venue. In other words, the location. Morehead State University has a venue license for any of the concerts, any of the classroom uses and student use and the radio station. We could use any piece of music. But a commercial radio station, I had to teach this to my students. A commercial radio station also has these licenses. That does not mean you can use music as background music in a commercial, in an advertisement. That has to be a separate, separate permissions. Advertising use is not included in a blanket ASCAP and BMI licenses. One other situation, of course, is with political advertisements. If you wanted to use it in a political commercial, if they, for example, if Trump were wanting to use that entrance in one of his commercials with that music, that, they could very easily, you know, sue him and win. As to whether he would win, whether they would win because of the use in the venue, the assumption is the hall has a blanket license and this was sort of background music, it wasn't overtly political. The answer, of course, is that they could withdraw the permissions for that piece of music to be included in the blanket license. But that means, for that duration, then, no radio station, TV station, concert hall could use that piece of music either during that period of time for any use whatsoever. So, that would make things kinda difficult. The other thing that was funny was they used The Turtles' "Happy Together." And that has been in a lawsuit for the past two years with the digital satellite broadcasters. Sirius and XM. That they have not been being royalty uses for it because it's a pre-1972 recording. And so, The Turtles have sued them for like a couple hundred thousand dollars for improper use of "Happy Together" and they ended up playing "Happy Together" to start the Republican Convention. It was the first piece of music they played after the national anthem.

I: That's interesting. Thinking back to last summer and the other local elected officials. Do you believe that they did what they could do? Do you approve of their actions or reactions?

R: Supposedly, Walter Blevins tried to tell her, "really, you gotta do your job." But when it turns out that she's away from the office, supposedly, at that point, absent, would mean that the judge executive would be the one that could take over and sign it. He backed away and wouldn't do it. One of the contentions of her lawyers was from the very beginning, as soon as she said she wasn't going to do it, that made her quote unquote absent, at least as far as that part of her job is concerned. So, from the very beginning, they said, that Walter Blevins should have been able to go and do the licenses because she was theoretically absent. Even if she was physically there, if she wasn't gonna do that part of her job, she was absent. So, as to whether that was the case or not, either when she was there or not there, Walter really could have done it, but it was something that he probably felt was not politically expedient. Now, as far as the mayor is concerned, Jim Tom Trent, his postings on Facebook were totally inappropriate and it's the sort of thing that all of us have been saying, we're gonna remember it when it comes time for the

election. Now, as far as what Kim is going to be doing, supposedly she has realigned herself as a Republican. I don't know if she has resigned from the Democratic Party yet or not. But I'm surprised she didn't show up at the Republican Convention. And that might be a point as to whether the national Republicans realize that she is an embarrassment, and it could very well be that they do.

I: Let's think about outcomes for just a moment. What are your opinions on the outcome of the religious liberty or the marriage equality movement? And would you call your efforts a victory?

R: No, because of the fact that the wrong guy became the governor. And this probably would've happened even if a Democrat got in as governor because of the legislature. The ruling, the law was changed to the point where what she had originally wanted, not having to put her signature on there, is no longer a part of the law, so she won. I think, from the beginning, that she had asked Governor Bashir to make an executive order that the person's name would not have to appear. And, to be honest with you, I think that's reasonable. For the same reasons that I talked about as far as Paul Powell is concerned. Why should the name have to appear? It's not the person who has issued the license. It's the position that is issuing the license. It is the office that is issuing the license. And that office is permanent. That position is permanent. That is a temporary person. However, when you get down to, let's say, when a law is passed for the country, the United States, the President signs his actual, or her, actual name. Even if they do it one little scratch at a time and change pens. You never get to see what those signatures look like. You can imagine what they would look like. But, they're not just signed President of the United States. They are signing their actual name. So, keeping that in mind, well then yeah, maybe her name should have been on there. We do get out driver's license renewals and our registration renewals from Kim Davis or Jean Bailey, in the past years. So, the name is, the person's name is an important part of the license form but I wish it wasn't.

I wanna tell one little story, because I wanna get this in. When the first license was issued to David and David, it was something that, you know, we weren't, anybody wasn't really sure what she was going to do. I think this was the one where he had to go back and forth for that. So, I'm there, I'm leaning over, taking pictures, and every, all the other photographers are there as well. And I can see in the picture there was on the front page of the Herald-Leader, that I was another foot or two off from the picture. And so, it didn't get it, but I was there. And I was taking pictures from a different angle, but I wanted to, when the licenses were signed, I wanted to, because I knew they were gonna be going out and we were trying to, our group to surround him and protect him, protect them and move them off of the sidewalk onto the lawn, because the police wanted to try to keep the sidewalk free but if it wasn't going to work then the reporters would grab them quickly on the sidewalk, which is what happened. I wanted to be able to be first out so I could see them coming out. So, I was one of the first people out of the courthouse when this happened. And I get out there, everybody's just standing there. I thought maybe someone would be peeking in the window or something. Nobody knew. So, I'm standing there and I say "They got it!" And everybody, at least on this side, started cheering. That was the first, my announcement of it, was the first that everybody knew outside what the result was of it. And I don't, I have yet to find anybody that has any recording (laughs) of it, because I didn't have my camera running or even if it wasn't gonna be a good picture the audio would be there. So, nobody has my shout, "They got it!" But that was what, you know, that was the beginning of the celebration that morning.

I: We're gonna have to pause it there, sir.