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THIS LAND IS YOUR LAND—AND MY LAND

by Jonathan Wilson

You don't have to be a genius or constitutional law scholar to see where this is headed; where we are going to be in the immediately foreseeable future. At this point, five states, ten percent of the 50 states, have legalized same-gender marriage. That, in and of itself, is almost beyond belief, and it is happening quickly. Iowa, third among the five, lacked any legal protection whatsoever against discrimination based on sexual orientation just two years ago. Now same-gender couples are flocking here to tie the knot. The state of New York, while working on full legalization, has voted to recognize lawful gay marriages performed in other states. The District of Columbia has done the same. Gone is the day that the not-so-right Right condemned "activist" judges for ruling that equal treatment means just that; in New Hampshire and Vermont same-gender marriage was legalized by the state legislatures. In one case, even overriding a gubernatorial vote.

Those are the facts.

Now imagine a gay couple in California, one of the 18,000 that legally wed before the passage of Proposition 8, deciding to take a road trip from their California home to the state of Massachusetts. They see the redwood forests shrinking in their rearview mirror and, while they are enjoying the mountain scenery along the ribbon of highway I-80 as it crosses the state line into Nevada, they are imperceptibly but really transformed from a married couple to a couple of good friends. "Welcome to Nevada." As they watch the wonder of the amber waves of grain while crossing the central plains, they remain *just friends* -- as they have been treated, and introduced, by members of their families for the many years of their relationship.

But then they cross the Nebraska state line into the Congressional District of Steve King and, just like that and without taking the foot off the peddle or hitting the brakes, they are legally married again -- for about five hours -- the time it takes to get across the great state of Iowa to Illinois. There their status changes again and they won't be legally married until they hit New York.

If they're going to be in an automobile accident between California and the New York Island, they'd better hope it's in Iowa. In any other state along their route the unfortunate detour to the hospital for these law-abiding American citizens, injured and most in need of mutual support and, perhaps, surrogate healthcare decision-making, will be a rude awakening indeed. Believe it or not, the couple would have been safer and their rights better protected if they'd driven north and made the west-to-east transit across Canada.

Or imagine Wells Fargo Bank, or any other multi-state company, deciding that the interests of the firm and its customers will be best served by a couple of talented, key employees -- a *married* couple of key employees-- being transferred from headquarters in San Francisco to -- oh, let's say Illinois, or Florida, or any of 45 states that do not yet recognize the legitimacy of same-gender marriage. The prospects are poor that this capable couple -- these law-abiding American citizens -- are going to accept that transfer, cease to enjoy their status as a legally married couple, and go to the trouble of trying to replicate at least some of those marital rights and privileges with complicated, integrated, and expensive documentation like new wills, plenary powers of attorney, healthcare powers of attorney, and related contracts. Not going to happen.

Anyone who can simply understand the impracticality and un-workability of these two

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CALENDAR

▼ The next FFBC meeting is 7:00 A.M., Friday, June 5, 2009 at Hoyt Sherman Place.

Join Iowa House Speaker Pat Murphy and Iowa Senate Majority Leader Mike Gronstal along with our scholarship recipients.

▼ R.S.V.P. by Tuesday June 2 to JonathanWilson@davisbrownlaw.com or 288-2500 by phone.

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scenarios, understands the meaning and importance of the Full Faith and Credit Clause of the United States Constitution. It's there for a reason.

It's there so that this land is your land, so that this land is my land, from California to the New York Island; from the redwood forests to the gulf stream waters; yes, this land was made for you and me. And as we travel the ribbons of highway we'll see a sign there says no tress passin'. But on the other side, well, it don't say nothin' -- now that side was made for you and me.

"Be who you are and say what you feel because those who mind don't matter and those who matter don't mind." -Dr. Seuss

Featured Speaker for May

Brad Clark

Our speaker on May 1 was Brad Clark, Director of Policy and Education for One Iowa, who brought us an update on the marriage equality campaign since the Iowa Supreme Court's unanimous decision of April 3 to grant marriage rights to homosexual couples in the State of Iowa. Brad had three points to make before opening up for questions.



First, he reported what we all expected (and what Barney Frank had earlier correctly predicted for the Commonwealth of Massachusetts): the sky did not fall in. About 350 same-sex couples have applied for marriage licenses—in almost every Iowa county—and governmental processes and daily lives in the state have proceeded unimpeded. Sure, there has been lots of joyous celebration among those folks involved, but otherwise, hey, this is Iowa.

Second, he said, it ain't over. Christianists all over the US (having figured out that encouraging county clerks to break the law won't work here) have begun their campaign to get an amendment to the Iowa Constitution—however much time and money it takes. Therefore One Iowa has made a gigantic leap

Attorney: All your responses must be oral, OK? What school did you attend?

Witness: Oral.



into investing large sums in a media campaign intended to remind all Iowans that we are nothing if not fair-minded, and that we understand the Court ruling deals with civil marriages and NOT religious ones. Clark encouraged everyone to view—and to contribute to continued airing of—One Iowa's moving, 60-second TV ad called "This Place." You can do both of these at www.oneiowa.org.

Third, Clark paid tribute to two Iowa Senators who've been instrumental in making and keeping marriage equality legal. He thanked Matt McCoy for his leadership of the 2005 Legislative Event which showed Iowa legislators the necessity of defeating that year's proposed marriage amendment (to limit marriage to "one man, one woman"). And he praised Senate Majority Leader Mike Gronstal's strongly worded statements (which were widely U-tubed) blocking legislative attempts, in the wake of the Court's decision, to reverse or delay it.

Brad Clark began his career working on LGBT youth issues in Iowa. As the Executive Director of Iowa Safe Schools, he led a coalition of education leaders and civil rights advocates to help pass a statewide Safe Schools Law. It protects all students, including those who are LGBT, from bullying and harassment. In addition, Brad worked on adoption of a civil rights law to protect Iowans from discrimination in employment, housing, education, credit, and public accommodation based on sexual orientation and gender identity. Most recently, Clark served as Outreach and Advocacy Director with the Matthew Shepard Foundation in Denver.

Born and raised in Iowa, Brad Clark was graduated from Central College in 2003 with a BA in Economics and Political Science. At Central, he served as Student Body President and also as a member of Central College's Board of Trustees. It was at Central that he was first inspired to help other LGBT youth, and he was fired from a leadership position in InterVarsity Christian Fellowship because of his sexual orientation.

One Iowa, the state's largest LGBT advocacy organization, is dedicated to supporting full equality for gay, lesbian, bisexual, and transgender individuals living in Iowa through grassroots efforts and education.

Bruce Carr

To be idle is a short road to death and to be diligent is a way of life; foolish people are idle, wise people are diligent.—Oriental Saying

This for the form-follows-function crowd: What is the Divine purpose for nipples on men or, as we say in Iowa when we think something is useless, why are there tits on a boar?

Paris 36

Review by
Gary Kaufman

Paris 36 opens on New Year's Eve as 1935 turns into 1936 at the Chansonnia Theater. The theater is run by Pigoil who is concerned that the auditorium is not packed on New Year's Eve. He discovers that his wife, an actress at the theater, has been having affairs with other actors. However, even worse things are afoot. Galapiat and his henchmen are forcing the theater owner to sign over the theater to retire a debt. Unless the owner has enough money to pay back his debt that evening, the theater will be Galapiat's who intends to close the theater and find developers to tear it down and build something else. As the clock strikes midnight, the distraught theater owner shoots himself.

So the year 1936 finds the theater closed, and all those who worked there -- whose livelihood was the theater -- unemployed and destitute. Pigoil's wife had left him, leaving Pigoil with Jojo, his beloved son. When Jojo is found playing an accordion on the streets for money, the constable considers this begging, and the boy is taken from Pigoil and given to his estranged wife. Pigoil is not permitted even to visit his son until he is gainfully employed.

Paris in the year 1936 also finds the rise of the political party, Popular Front, which had just won election victories and established, for the first time, the 40-hour work week (Monday through Friday) and the 2-week paid holiday for all the country's workers.

This happened only after nationwide strikes — often put down by government thugs for the barons who owned the manufacturing companies. During this period of conflict, Pigoil and other fellow, unemployed actors and stage hands decide to take over the Chansonnia Theater and open it for business again. Galapiat decides that his popularity would be enhanced if he allowed the unemployed to re-open the theater.

It's a strange era to revisit. During all the financial turmoil there is even greater political turmoil. Galapiat is active in a fascist party, and the workers and enthusiasts of the Popular Front display

red flags and are considered communists by some. The theater struggles, a star is born, and many plot twists ensue. I'm sure the song lyrics are better in French than the English translations shown, and a few of the theater performances are intentionally bad, but the movie has a warm ending and is recommended to those who would like to visit the Paris of 1936.

Always try to fly with a gray haired captain in the cockpit.

It's not the danger that you can't see that's the problem; it's the danger that you don't see.

Given the negative reactions to pigs despite the lack of any connection between them and so-called "swine flu," perhaps we should start calling it "homophobic flu." No need to waste that irrational fear on innocent pigs; we might as well direct it toward irrational fear of gay people -- thus fighting fire with fire.

Attorney: Is your appearance today pursuant to a subpoena sent by your attorney.

Witness: No, this is how I dress everyday.

BRIEFS & SHORTS

Be sure to RSVP for the June 5 meeting no later than June 2. E-mail JonathanWilson@davisbrownlaw.com or call him at 288-2500. Our speakers will be Iowa Speaker of the House of Representatives Pat Murphy and Iowa Senate Majority Leader Mike Gronstal. This will be our scholarship presentation meeting, so make the students and their families feel welcome.

Thanks to Scott Kleinfelter for his introduction of our May speaker, Brad Clark of One Iowa .

Consider making a tax-deductible contribution to the First Friday Breakfast Club Scholarship Fund

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*First Friday
News & Views*

Des Moines, Iowa

JUNE 2009

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From the Editor

Herding Cats

Shortly before he left office, then-Governor Tom Vilsack and Christie brought a number of their out-of-state relatives to the Capitol for a tour. Christie told me at the beginning of the tour that keeping the group together would be like herding cats. It wasn't until recently that I came to know the true meaning of that phrase.

A friend of mine needed someone to look after his three cats while he was away for a few weeks searching for a place to live out of state. I volunteered to do so. I had no idea what I was in for! When I was a kid, my family had dogs—not a cat in sight. Until I moved into the building where I now live, I continued to have dogs. Dogs are not allowed at my current residence. We are allowed, however, to have cats.

When the cats were delivered to me, they were skittish and scared, hiding under whatever piece of furniture was closest at hand when let out of their portable cages. One by one, they emerged and began their quest to assuage their curiosity about their new surroundings.

Dogs don't have the physical makeup that allows them to look up to any great extent, but cats certainly do have that ability—in spades. Cats *love* to look up at the world around them. Not only do they *love* looking up at that world, they *long* to sit on top of it. Those three cats would climb onto any piece of furniture or appliance that they felt like conquering. Keeping them off the furniture and ledges became a full time occupation for me.

I also discovered the nocturnal nature of cats. Their first night in my place, they wandered all through it, knocking things off table tops and scurrying quickly away when the crashing noise let them know they had gone too far in their peregrinations. I probably got two hours' sleep that first night. I learned my lesson. The only room in my condo where I could sequester them was my bedroom, so from then on I ceded that territory to them and removed myself to the couch in the living room every night. The second night I managed to get more sleep, but around 3:30 a.m. the cats began a ceaseless chorus of meows that woke me up and kept me up despite efforts to drown out the noise with my pillow. The next night I employed ear plugs, and I began to have a fairly good night's sleep—at least as well as one can have on the couch.

The chink in the armor of my plan to keep them in the bedroom was the other key room in the condo that is just off the bedroom—the bathroom! If I had to get up during the night to use the facilities, the instant I opened the bedroom door, the cats were off like a shot to other parts of the house, and I had to go on an expedition to round them up one by one. I began to wonder why Noah would have carried two cats onto the ark when he could easily have left them out in the rain! And the bathroom! Once they discovered that place, they became enthralled with it. Jumping into and out of the tub, endeavoring to rip down the shower curtain, and hopping onto the vanity provided unequalled entertainment for them. One of them was even drawn to the water in the toilet.

It was a good experience for me, however, because I came to know each cat's "personality" and enjoyed having them around when I was home and could keep an eye on them. They loved sitting on my lap and being brushed and petted. They were never mean spirited. They just enjoyed being cats in their own unperturbed manner.

They are now back with their owner and have a new environment to conquer. I wish them well.

Steve Person