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A DEBATE NOT WORTH OUR TIME AND TAXES

by Jonathan Wilson

Even assuming that the House-passed resolution calling for a vote on amending the Iowa Constitution fails to pass the Senate, it would still be possible for the two parties to take non-partisan action to address “gay marriage” in this legislative session, and move on. The first step to solving any problem is to define the problem accurately. Our present dilemma is no exception.

The crux of our problem lies with the fact that the Iowa Legislature co-opted the term “marriage,” a *religious* term, as shorthand for access to a whole body of *civil* rights and privileges denied to those not married. That makes things particularly vexing for those who believe *as a religious matter* that “marriage” should only be between one man and one woman when a unanimous Iowa Supreme Court finds the legislative shorthand unconstitutional. I’d have been irked if the Court had decided otherwise.

There’s really no denying that the legislative shorthand wreaks havoc with two Constitutional principles: (1) equal treatment among all law-abiding citizens, and (2) separation of church and state. We’d have the same problem if the Legislature used “full immersion baptism” as shorthand for rights and privileges denied to those who baptize by sprinkling or who don’t baptize at all. It would similarly involve the state in treating citizens unequally, which is supposed to be unconstitutional; and it would similarly have the state inappropriately taking sides in a religious dispute that divides both Christians from non-Christians and denominations within the Christian tradition.

If that’s the problem, and I think it undeniably is, then the bipartisan solution becomes fairly obvious and perhaps even compelling. The state should get itself out of the “marriage” business altogether. The state should pass legislation that both parties should be able to support, i.e., Civil Unions for any two adults who want the corresponding civil benefits and are willing to make a commitment to one another. Then, individual churches/denominations can opt to “marry” all such couples or only selected couples (one man and one woman only; no interracial couples, no same-gender couples, no interfaith couples, no couples who are not church members, no couples lacking the maturity of judgment that the pastor finds essential, or what-have-you). As far as the state would be concerned, all citizens would have equal access to identical benefits through Civil Unions, and the state would not be taking a position on religious differences among us about what “marriage” should be.

Most Iowans are “Iowa Nice” and would prefer not to be fighting out our sincerely held religious differences in a legislative context. Such differences can never be satisfactorily resolved in that context, which is why our constitutional form of government seeks to assure freedom of *and from* religion, prohibits religious tests to qualify for public office, and promises equality under the law. The only reason that Iowans have been thrown into such contention is because of the way the issue has been improperly framed.

The irony is that we can continue on the present, contentious course; seek or resist an amendment to the Iowa Constitution; spend countless dollars for and against; endure stressed nerves; and create enemies -- all for naught. In the final analysis, there is still the United States Constitution that guarantees equal protection and religious freedom no matter what the Iowa Constitution is made to say. One federal court has already declared a similar state constitutional

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CALENDAR

▼ The next FFBC meeting is 7:00 A.M., Friday, March 4, 2011 at Hoyt Sherman Place.

R.S.V.P. by March 1 to JonathanWilson@davisbrownlaw.com or 288-2500 by phone.



Wayne Besen

By Bruce Carr

Our speaker on February 4 was Wayne Besen, founding executive director of the advocacy group Truth Wins Out (TWO), and author of the book **Anything But Straight: Unmasking the Scandals and Lies behind the Ex-Gay Myth** (published by Haworth in 2003).

TWO is a non-profit organization that fights anti-gay religious extremism; its stated purpose is to monitor anti-LGBT organizations, document their lies and expose their leaders as charlatans, and to organize, advocate, and fight for LGBT equality -- to create a world where LGBT individuals can live openly, honestly, and true to themselves.

Besen, who has spoken at more than 100 universities, churches, business groups, and community organizations on this topic, regaled us with a collection of hilarious and sad stories about the attempts of quasi-religious groups and individuals to “cure” homosexuality, and exposing their follies.

He pointed out that what he (justly) calls “the Ex-Gay Industry” is not just some local cottage industry, but an international, multi-million-dollar movement. At its height, for example, the group Exodus International alone had a budget of \$1 million and a staff of 13. All of this in support of a campaign that has done great damage to young gays and lesbians as they struggle to find their place in a fundamentally heterosexual world -- and most professional psychological associations have repeatedly documented this harm.

Besen is best known for revealing that ex-gays are not who they purport to be. He has an unparalleled record of exposing ex-gay ministries as a hoax, for example :

- In a joint investigation with **South Florida Gay News** in 2010, he exposed JONAH’s Arthur Goldberg as a Wall Street con-artist who served time in jail for stealing millions of dollars
- He photographed Focus on the Family’s ex-gay poster boy, John Paulk, in a gay bar in September 2000. Before his downfall, Paulk had been on the cover of **Newsweek** and appeared on **60 Minutes**, **Good Morning America** and **Oprah**. Paulk was only there, Besen told us he said, “to use the bathroom.”
- He helped uncover Rev. Jerry Falwell’s personal ex-gay leader, Michael Johnston, who got caught picking up men on the Internet and having unsafe sex. Johnston, who had also worked for American Family Association and Coral Ridge Ministries, was forced to step down and enter a sex addiction facility in Kentucky.
- He helped orchestrate the public coming out of ex-gay poster boy, Wade Richards, who formerly worked with right-wing activist Peter LaBarbera, Love in Action, and The Savior’s Alliance for Lifting the Truth (SALT).

- He revealed that PFOX’s president, ex-gay therapist Richard Cohen, had been kicked out of the American Counseling Association.

In 2006 Besen was recognized in **Advocate’s** “People of the Year” issue and in 2009 he was named in **Instinct Magazine** as a Leading Man. He has appeared as a guest on leading news and political talk shows, including the **NBC Nightly News**, MSNBC’s **The Rachel Maddow Show**, CNN’s **Talk Back Live** and **The Point**, Fox’s **O’Reilly Factor** and **Hannity and Colmes**, and Comedy Central’s **The Daily Show with Jon Stewart**.

Prior to founding TWO, Wayne Besen served as a PR person for five years with the Human Rights Campaign (HRC). He also worked in corporate communications for Edelman Public Relations Worldwide and served and as spokesman for Democratic Maine State Senator Sean Faircloth’s bid for the U.S. Senate. Before that Besen co-founded Sons & Daughters of America (SDA), a gay and lesbian public-awareness campaign based in Fort Lauderdale. He graduated from the University of Florida with a B.S. in broadcast journalism in 1993. A native of Fort Lauderdale, he has also lived in Houston, Washington DC, and New York, and he graduated from Kaiser High School in Honolulu, where he was captain of the basketball team. He began his own coming-out process during high school and was startled to be praised by his basketball coach one day after losing a game: the rest of the team, Coach said, “had played like a bunch of fairies.” He’s now based in Vermont, where he lives with his partner, Jamie. His hobbies include playing and watching basketball, traveling, reading, and writing.

Debate (cont.)

By Jonathan Wilson

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amendment invalid under the United States Constitution. Ultimately, it’s going to be decided by the United States Supreme Court. A similarly conservative United States Supreme Court struck down Colorado’s anti-gay Amendment 2 during the Clinton presidency. And when the Court does make the decision for us on “marriage,” I suspect that it may well be influenced by the right of all citizens, regardless of sexual orientation, to serve in our military and fight and die for the equal civil rights of all.

Without any potentially meaningless state constitutional amendment, the Iowa Legislature could, this year, adopt Civil Unions for any two, committed consenting adults. Churches could “marry” them or not. No matter. Some would; some wouldn’t. We could all get along, and we could watch the battle play out in the federal courts, as it will, at no expense to Iowa taxpayers.

Lynch mob: Absolute democracy in its rawest form.

Most who worship, worship a God of justice and mercy: mercy for themselves and justice for the other guy.

True Grit

Review by Gary Kaufman

In my youth my parents would take me to the movies to see westerns and Marilyn Monroe movies (including **The River of No Return** which combined both genres), and westerns permeated the television screens in those days. In fact, my brother and I were named after western stars, *Gary* Cooper and *Kirk* Douglas. The westerns are now a genre that is pretty much extinct, except for occasional returns such as this Coen brothers' remake of a 1969 John Wayne western, **True Grit**.

I was a little apprehensive to see what a Coen brothers' western would be like but, to my pleasant surprise, this film is true to the genre with none of the over-the-top material that is usually included in a Coen brothers' film. The cinematography is spectacular in depicting the towns and countryside of the Old West. In fact, the film's cinematographer, Roger Deakins, has been nominated for an Academy Award for his efforts. In almost every aspect of the film, the Coen brothers' version exceeds the original. Hailee Steinfeld, who was only thirteen years old when she made the film, far exceeds the Kim Darby version in portraying Mattie Ross, the daughter out to avenge the killing of her father by the outlaw Tom Chaney (Josh Brolin). Matt Damon far exceeds the somewhat pitiful Glenn Campbell version of La Boeuf, the Texas Ranger also in pursuit of Tom Chaney. Glenn Campbell was just a little too swishy to play a Texas Ranger. The only scene that does not exceed the original is the final showdown between Rooster Cogburn and the four outlaws Tom Chaney has hooked up with. Although portrayed almost word-for-word and shot-for-shot, it is impossible to beat the John Wayne version with his raspy voice and impeccable style.

So if you are like me and enjoy a good western, this is one not to miss. It has been nominated for ten Academy Awards, including Best Actor, Best Supporting Actress, Best Direction, Best Adapted Screenplay, Best Cinematography, and Best Picture, second only to the twelve nominations of **The King's Speech**. The Academy has taken notice.

HORRID MOVIE ALERT: If you want to keep your sanity, please stay away from **The Rite**, starring Anthony Hopkins. Sitting through that film was an excruciating ordeal with lots of Christian dribble that is hard to stand during our current period of the theocrats attacking our rights in Iowa. You have been warned!

GAY MOVIE ALERT: I have had several people tell me that they were sorry that they had missed seeing before it left Des Moines **I Love You Philip Morris**, the Jim Carrey and Ewan McGregor movie that I reviewed last month. For those who are interested, it is possible to pre-order the film from TLA video for \$21 at <http://www.tlavidео.com/gay-i-love-you-philipp-morris/p-318642-2>. A blu-ray version is also available.

According to the IRS, through use of deductions, credits, and exemptions, *52 million tax returns (or 37%) of all returns filed in 2008 paid zero federal income tax. Are taxes just for chumps?*

Confluence of Grace and Disgrace

By Jonathan Wilson

It was a morning to remember; a morning that would be nearly impossible to forget. Some members of the First Friday Breakfast Club attended the Point of Grace Church in Waukee on January 30, 2011. It's an evangelical, nondenominational mega-church wannabe. Our attendance had been prompted by the Senior Pastor's decision to compromise the church's tax exempt status by sending a letter encouraging parishioners to attend a legislative hearing to support an anti-gay amendment to the Iowa Constitution. A visit into the belly of the beast seemed appropriate and, perhaps, a touch courageous.

There was no intention to be disruptive or even conspicuous. As it happened, we were inadvertently conspicuous because we chose to wear coat and necktie for the occasion (to show respect), something eschewed by most other attendees as well as the pastors and others involved in putting on the performance. Were there to be a next time – which is highly unlikely – we'll know that you can't dress too casually for such an experience.

The closest we came to being disruptive was our placing in the offering plate pieces of paper with the following message:

A Gift to the Point of Grace Church

The Biblical writers believed that the earth is the center of the created universe. The Biblical writers believed that the moon *and* sun revolved around the earth. The Biblical writers believed that the earth was flat (and it remained so for approximately 1492 years). The Biblical writers believed that epilepsy was caused by demon possession. The Biblical writers believed in slavery as an institution, in having multiple wives, and

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BRIEFS & SHORTS

Be sure to RSVP for the March 4 meeting no later than March 1. E-mail JonathanWilson@davisbrownlaw.com or call him at 288-2500. Our speakers will be Frederique Boudouani and Brian Bruening, gay owners of Shera's Restaurant in Elkader, Iowa.

Be sure to peruse the front table for a book you might like to read. Book donations are always welcome. Thanks to Fred Mount for taking over the book table.

Thanks to Allen Vander Linden for his introduction of our February speaker, Wayne Besen, Executive Director of Truth Wins Out.

A special "Thank you" to all who helped make the February 4 Red Party such a great success! Approximately \$20,000 was raised for the First Friday Breakfast Club's Scholarship Fund.

Inspired and Motivated by the Spirit of Love

By Rev. Mark Stringer, First Unitarian Church of Des Moines

January 24, I attended the Subcommittee meeting at the Iowa Statehouse on the proposed ban on same-sex marriage and civil unions. In order to secure a seat in the small room where the meeting was originally scheduled, I arrived 90 minutes early, requiring me to sit for a previously scheduled, nearly 90 minute-long prayer meeting held by a non-denominational group that claimed it held these meetings on a regular basis.

I took my seat in a chair against the wall, along with some other marriage equality supporters who also wanted to be sure to have a seat for the meeting to follow. The dozen or so members of the group doing the praying sat at the big table in the middle of the room and traded off extemporaneous prayers for our legislators, for our country, for our state, for each other, for unborn children, confessing their love for all people and their desire that the meeting that would follow would be civil and that all voices would be heard.

At one point, the chairman of the subcommittee, Rep. Dwayne Alons, entered the room (apparently the prayer group had invited him) and they asked if they could pray for him. They put their hands on him and they prayed. Then he offered his insistence that he believed the people of Iowa should be allowed to vote on protecting marriage, which really means that he wants Iowans to be able to vote on taking away people's rights, even if he won't acknowledge it.

Soon he left, and the group continued their prayers. I remained silent, taking in the scene, thinking of my time in the room as an opportunity to meditate on the complicated humanity and inherent worth and dignity of my neighbors.

Just past the one hour mark, one of my friends and fellow marriage equality activists leaned over to me and said, "Mark, I'll give you five dollars if you offer a prayer."

I brushed off the offer. It wasn't my place to invade their prayer meeting when my theology is so clearly different. But just a few minutes later, around the time one of them offered a prayer for those "perverting the Lord's sexual intentions," I couldn't help myself.

I broke a moment of silence with a prayer for all those couples I have had the privilege to marry, and for their families, a prayer of celebration for them receiving the rights and benefits and equal treatment that they have deserved for so long. I offered my gratitude to live in a state where this is possible and to be able to be at the statehouse that day in support.

And I prayed that we could all be inspired and motivated by the spirit of love.

I didn't get that five dollars, but I got a lot more. You see, I was glad I spoke, that I offered my voice into the mix. It was, after all, the least I could do for my faith, for my friends, and for my hopes for our state.

Even with my friends beside me, I felt really alone in that prayer meeting until I was able to muster the courage to respectfully participate on my own terms, with my own terms.

In the days ahead, may all of us be inspired to share our voices, too. On behalf of those who came before us and those who will follow.

Confluence (cont.)

that women were mere property. They were wrong on all of these things and should be forgiven these errors as we seek to find Truth from the Scriptures. As the old hymn says, "Time makes ancient good uncouth."

The Biblical writers believed that all of God's children are straight. Wrong again. They should be forgiven this mistake also.

The loving, merciful God revealed in the Gospel did not become so because of Christ's ministry. God is constant and was merely misperceived by the Biblical writers and mischaracterized in the Old Testament.

This revelation from God is a gift to your church. It is more valuable than a contribution of money. It is given to you lovingly by gay children of God.

How that message may percolate disruptively post-service we will probably never know. We can only hope.

We did learn some things, or at least had some things reinforced that we'd already known. For example, homophobic bigots are a lot like closeted gay men; to a casual observer they appear to be just like everybody else. Surprisingly, on that Sunday they were NOT doing a war dance on the anti-gay stuff, and no mention was made of the legislative hearing scheduled for the next day. Instead they were focused on one of our allies, Planned Parenthood, and touting the myth that the moment of conception is the beginning a human life. Conveniently ignored was the fact that an IUD, one of the longest serving forms of birth control, aborts a fertilized egg. Also ignored was the fact that the God they tout as responsible for every conception, has built into our reproductive process a failure rate of 35-40%. That is, 35-40% of all human conceptions result in miscarriage. If human life begins at the moment of conception, God is managing to slaughter humans in the womb at a rate that is many multiples of the number of abortions performed by Planned Parenthood.

The experience was punctuated with LOUD music, heavy beat, 6-8 piece brass assemble, 5 back-up singers, rock, and repetitive religious phrases. It was all augmented with three large video screens – and did I mention LOUD?! You'd think God is deaf, and that those parishioners are going to be.



Never ascribe to malice what may be easily explained by stupidity.

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Marriage and the Freedom of Religion

By Tony E. Hansen

Among the many different arguments for and against equality in marriage, there is an often overlooked point about the freedom of religion. As framed by those supporting so-called “traditional marriages,” there is a direct correlation to principles of religious freedom, and the desire for one particular religious view to be endorsed in public law. These religious advocates want to codify in a constitutional amendment specific religious doctrines and thereby whittle away at the freedom of religion for everyone else.

The purpose of the Bill of Rights (both at the state level and the federal level) is to protect the minority from the whims of the majority. Further, religious advocates often claim that the media and the left are attacking their religious freedom by silencing religious speech or religious expressions in public, not to mention allowing LGBT people to have a voice in the discussion. The call for marriage to exclude same-gender couples is often based in a *particular* Christian tradition of heterosexual marriage. Yet, there are many so-called Christian denominations (as well as other religious faiths) that support same-gender marriage.

These same religious advocates have categorized those Christian churches supporting marriage equality with non-believers or not true followers of the “Word of God.” Sometimes those advocates argue that the churches that support equality in marriage are merely a disguise for some unholy ritualistic paganism (e.g. un-Christian). Incidentally, this is comparable to the Ayatollah of Iran or Osama bin Laden labeling groups as infidels because their brand of Islam or religious faith is not pure enough. This denigrates all such churches, synagogues, or mosques in terms of who has the correct belief system. By attempting to codify a religious belief system in the law, they subvert the reason for the Bill of Rights protections with respect to religion. It would be perfectly logical to follow that reasoning suggest that one church should receive preferential treatment since the law recognizes their particular faith tenets over those of others.

We must decide whether the state should be mixed up in religious debates. The rights of people in this country are founded upon the value of discourse among all religions with respect to life, liberty, and the pursuit of happiness, with people having equal rights to protect themselves and their property from unwarranted harm. We see this in the law with regard to murder, deprivation of property, and harassment. People, before the law, are to be treated equally. If the state defines its civil marriage in parallel with religious marriages, then we cannot exclude those religions that recognize same-gender marriages. To do otherwise is to protect some religious faiths while denying the religious belief of others and to inject a particular religion into public law. This consequence appears to be agreeable with the likes of Bob Vander Plaats and Chuck Hurley so long as it would be their brand of religion that gets codified.

The state could simply refuse to recognize all marriages, but we know from all sorts of studies that promotion of mar-

riages is a compelling interest of the state. Obviously, those on the religious right regard civil marriage to be a partial integration of civil and religious conduct (similar to how the Christmas holiday is recognized). Otherwise, the discussion over civil recognition of marriage for same-gender couples would not be an issue. We also know from a growing body of research that children growing up in households with couples (straight or gay) will do better in school and life. As well, there is no harm to others, or even other marriages, by allowing people to marry without the blessing of a church. Thus, civil marriage has a state purpose for cultivating a civilized and productive society. Yet, those on the religious right only want the state to recognize their brand of marriage and, therefore, they want to control the public law and protections by excluding those who do not share their particular belief system. Essentially, they want to use public law to persecute people for not following their self-avowed “true” faith.

The resulting erosion of rights harkens back to George Orwell’s **Animal Farm** where codified rights were slowly and systematically taken away and, eventually, eliminated on the pretext that some “are more equal than others.” Again, no person or group of people is more equal than others before the law and, likewise, no one religion is more equal than another under a constitution that purports to protect the free expression of religion. No majority should be permitted to redefine that protection in order to justify the persecution of minorities or to require those minorities to follow a particular religious doctrine.

If we limit marriage to that defined by only some religions, the next logical step is to question who gets to perform marriages, where are they performed, and whether non-conforming marriages can be nullified. Perhaps we could authorize only marriages and annulments recognized by the Vatican; only those marriages recognized by churches of over 1000 members; only marriages between people capable of reproduction; or only marriages recognized in exchange for an obligatory tithe to a specific church.

The law should not be subject to religious edicts or approvals reminiscent of the Salem witch trials. The arguments against marriage equality look more and more like thinly veiled disguises for the assertion that one religious faith is better (e.g. “more equal”) than others. Essentially, the state should not be in the business of arguing religious doctrines with respect to marriage given the state’s legitimate and independent interest in encouraging marriage commitments apart from religion.

Confluence (cont.)

The sermon, such as it was, was delivered by an associate pastor – none other than Rev. Tom Allen (formerly the senior pastor at First Federated Church until he was forced in disgrace to resign for alleged “indiscretions.” I’d always wondered where wayward protestant ministers go. Apparently, much like in the Catholic Church, they go to another parish, their disgrace duly forgiven by the grace of God, so as to do it all over again.

Better than a thousand hollow words, is one word that brings peace. ~ Oriental Saying

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MARCH 2011

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My M.O. (Monthly Observations)

The Return of the “Booboisie”

Steve Person

Generally, I try not to expound on current controversial topics in this monthly column, but this month I am making an exception. The mean-spirited, fundamentalist drivel emanating from the Iowa House of Representatives, the minority in the Iowa Senate, and the openly hostile environment from the office of our new/old – old/new Governor (whichever way one wants to categorize him) have transcended the realm of policy and descended into the abyss of fanaticism. These so-called “lawmakers” are nothing more than religious zealots and panderers who have failed to grasp the basic tenets of this country’s secular form of government, and who wish to impose their religious values on all Iowans. Such behavior can be categorized as nothing more than dead wrong.

House Resolution 6 not only defined marriage as only between one man and one woman, it went on to attack as illegal all civil unions and domestic partnerships that do not fit into that narrow definition. Such dogma attacks not only gay and lesbian Iowans, but also any straight couples who choose to live together. The new/old--old/new Governor lent his support to this outrageous resolution, defining himself even further as one who supports discrimination and who should have allowed himself to remain in the past where he so rightly belongs. Thank God for the Iowa Senate Majority Leader Mike Gronstal and his pledge not to bring any of this nonsense onto the Senate calendar. Many heroes are honored on the Iowa Capitol grounds in bronze—Senator Gronstal deserves to be among them!

These rubes, disguising themselves as legislators, remind me of the writings of the early twentieth century critic and journalist, H.L. Mencken. Mencken “notably attacked ignorance, intolerance, frauds, fundamentalist Christianity... and the “Booboisie,” his word for the ignorant middle class. According to R. Tripp Evans’s **Grant Wood: a Life** (see last month’s article), “Mencken located the center of this philistinism squarely in the Midwest.” Nearly a century later, Mencken’s geographical pinpoint accurately falls on the Iowa Statehouse, despite the best efforts of progressive thinkers such as our own Senator Matt McCoy.

One has to wonder if the majority of voters in the 2010 mid-term elections actually bothered to educate themselves about the candidates they voted for. I doubt it. The election ads last fall were the most reprehensible I have seen in all my years, and the outcome matched their rhetoric. What a shameful way to choose those charged with formulating our laws! We literally got what we paid for. In **Romeo and Juliet**, Mercutio shouts after being stabbed, “A plague on both your houses!” In Iowa, at least, he would have been fifty percent correct.

Thomas Jefferson, one of the Founding Fathers, condemned the “loathsome combination of Church and State.”

What are the odds: If you’re a good, careful driver 90% of the time, and everyone else is as good as you are, then 10% of the time you and they aren’t. That means at any given moment one out of every ten drivers is about to do something really stupid.
