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FREEDOM OF RELIGION AND A MOSQUE AT GROUND ZERO

by Jonathan Wilson

The most recent purported debate over the meaning of our Constitutional guarantee of religious freedom arises from the effort of some Muslims to build or expand a mosque near ground zero in New York. And, wouldn't you know it, those opposing the idea are none other than those of a conservative *religious* bent; folks who would be logically expected to cherish and advocate for religious freedom. But religion and logic are largely mutually exclusive concepts.

The President has said unequivocally that he believes in religious freedom and the unqualified right of those who want that mosque to build it. He also said, unequivocally, that he doesn't think they should. The media, in an apparent attempt to milk the issue, has feigned an inability to recognize the distinction between the two statements the President has made. The constitutional right and its *prudent* exercise are decidedly different things. The President took a legitimate, and not inconsistent, position on both.

We enjoy constitutionally protected religious freedom in this country. We are also supposed to enjoy freedom *from* religion as well. Freedom of and from religion has little meaning if it's never tested by statements and practices that are unpopular. If it's only recognized for popular expressions and practices we're on a straight road to theocratic tyranny (pun intended), and cheerleaders are the only ones who have it. The infamous Fred Phelps has amply demonstrated the principle. He has more than once brought to central Iowa his protests against gay people, and done so with placards designed to shock. To the credit of our community, he's been permitted to do so, has been afforded police protection from those who don't fully understand the principle, and gone away – what – leaving behind him converts to our cause. The Lord works in mysterious ways and, sometimes, so does the Constitution. I firmly believe in the right of fanatics like Phelps to do what he's done, and I think he shouldn't have done it. But, having done so and left town unmolested, he did help teach an important lesson about our constitutionally guaranteed liberties of both religion and expression.

As an on-going testament to the failure of our public education system, we continue to have a remarkable, and remarkably vocal, number of fellow citizens who have not mastered the tenants of our democratic government taught beginning in about fifth grade. They don't get it when Phelps comes to town, when Muslims want a new mosque, or when the Iowa Supreme Court unanimously decides – drum roll please – that the term equal when used in the Iowa Constitution means *equal*. They say things like, "The right of same-gender couples to marry is not mentioned in the Constitution." And they're right, but "equal" is in there undeniably. They say things like, "It's just their *opinion*," and the Supreme Court Justices' opinion doesn't decide anything." They're wrong. When it comes to the Iowa Constitution their opinion means everything – or the Constitution has no meaning. And when a federal judge rules that California's Proposition 8 is unconstitutional under the *United States* Constitution, it should make folly the Vander Plaats initiative to amend the Iowa Constitution. A conservative United States Supreme Court struck down the anti-gay Colorado Constitutional Amendment 2, and there's every reason to be optimistic that when the Proposition 8 issue gets to the Court, as it almost certainly will, the freedom of *and from* religion will again be recognized. When the government chose to use the word "marriage" as shorthand for access to a whole list of rights and privileges – *fundamental* rights and privileges, the constitutional stage was set.

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CALENDAR

▼ The next FFBC meeting is 7:00 A.M., Friday, September 3, 2010 at Hoyt Sherman Place.

R.S.V.P. by August 31 to JonathanWilson@davisbrownlaw.com or 288-2500 by phone.

Perhaps it is time for a new mosque near ground zero and the constitutional lesson it brings with it. What a country!

In a democracy it's the vote that counts; in feudalism, it's the count that votes.

Life at Blank Park a Zoo for CEO Vukovich

By Randy Happel

Lured from a brief retirement, the former car dealer exec finds reward in leading the revitalization of Des Moines's wild kingdom.

When Directors of the Blank Park Zoo were able to coax Mark Vukovich out of a short-lived retirement and accept their offer to become the new CEO, none would have predicted the wild adventure that followed. Since becoming the new 'zoo guy' just over six months ago, Vukovich has orchestrated a transformation that is quickly changing a perception long held by many of this premier Iowa tourist attraction. In his opening remarks at the Aug. 6, 2010, meeting of the FFBC, guest speaker Vukovich shared a snippet from a conversation with outgoing Zoo CEO, Terry Rich, that was instrumental in his decision to take on the new role.

"Terry just happened to mention that among the many reasons he felt I would likely find the job so rewarding was because everyone who visits the zoo is happy," Vukovich said. "And he followed that by telling me everybody who works at the zoo is also happy. In my previous life [as car dealership exec] I can assure you this was certainly not the case! So far it has been a joyous experience."

Founded in 1964 by a coalition of prominent Des Moines families and philanthropic community enthusiasts, the Des Moines Children's Zoo (as originally named) endured a modest existence for more than two decades. In the early 1980's, the facility became endangered by several external threats and was in a struggle to survive. Unable to fend off the mounting challenges on its own, officials agreed to close the Zoo temporarily in 1986 on conditions specified in a proposed bond referendum led by then City councilmember Tim Urban that would resurrect the facility in three years as a 'true' zoo.

The referendum passed with overwhelming support and plans for revamping the zoo were underway. In 1989, after receiving a generous donation from the Blank family, it reopened as the Blank Park Zoo, and it has been making a sustained comeback ever since. Today the Zoo is operated by a private foundation represented by many of the same supporters who first made it a reality over 40 years ago.

Long considered by most as little more than a demure petting-zoo for young children — with a few lions, tigers and giraffe thrown in for good measure — visitors of late are describ-

ing a much different scenario of the Blank Park experience.

"The biggest misconception most people have about the Zoo is that all we do is focus on recreation," Vukovich says. "But we do so much more than just that. A critical component of our mission involves the role we play in helping educate kids — about the environment, species survival, and how it all affects their lives going forward. As the only accredited Zoological Park in Iowa, we feel it is our responsibility to help raise awareness about the importance of nature in people's lives, and we have a unique opportunity to do so by providing people of all ages a direct experience with animals."

Currently, the Zoo has five educators on staff for the sole purpose of teaching Iowa elementary-aged kids about environmental science using a State-approved Board of Education curriculum. And if the kids can't get to the zoo, the zoo will travel to them.

"Last year alone we were able to reach more than 100,000 Iowa kids," Vukovich says, "about half through field trip visits to the Zoo and the other 50,000 or so we took the Zoo to them. Three of our five dedicated teachers travel around the state to set up an environmental sciences classroom. The cool part is that they take actual zoo animals that are appropriate for the subject matter along with them. This methodology is very ef-

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A Walk in the... Iowa Country- side

By Fred Mount

On Sunday, July 18, 2010, three of us went on a ROAD TRIP INITIATIVE put together by FFBC member Chris Griffin. Chris is a friend and is interested in creating a healthy outdoor activity for FFBC members and guests with fresh air and camaraderie while learning more about the state of Iowa. Our first stop is listed in the book **Iowa Curiosities** and is located in Jasper County in the middle of an Iowa cornfield. It is a giant mobile built by a 90-something-year-old farmer gentleman back in the 1980s and made entirely of iron farm wheels. I would guess it to be a height of nearly 75 feet.

Our next stop was the main purpose of this particular trip -- a visit to the JACOB KRUMM PRAIRIE. The bachelor farmer of that name bequeathed his 300 acre farm to the Jasper County Conservation Board in order to return it to native prairie. The distance of the hike, if you take the short route, which we did not, is about 5.25 miles with an elevation gain of about 600 feet. Chris demonstrated that he is very knowledgeable of the native wildflowers and grasses, and he pointed them out and named them for other members of the group.

The next stop was Trainland USA in Colfax, Iowa, where we enjoyed, in wonderful air-conditioned comfort, watching 20 to 25 toy trains operating at one time with 4000 feet of track. This exhibit is designed for kids from 1 to 101. That age range easily covered our group. The visit was like the frosting on the cake for the end of a perfect day of good fellowship with great friends.

The Kids Are All Right

Review by Gary Kaufman

Lisa Cholodenko, while attending Columbia University, was mentored by Milos Forman and has written, produced, and directed two short films, **Souvenir** (1994) and **Dinner Party** (1996), both involving lesbian themes. Her first feature film, **High Art** (1998), explored same-gender romance and won the Waldo Salt Screenwriting Award at the 1998 Sundance Film Festival. Her latest movie, **The Kids Are All Right**, portrays a modern family – a lesbian couple, Nic and Jules, who have been together for decades and now have two children, Joni and Laser. Nic and Jules are one of those couples that talk everything out; are open with their feelings with each other; the type of couples that most should strive to be. They are sort of a Cagney and Lacy couple, with Nic (Annette Bening) being the tough disciplinarian of the family. She is often asking questions of all the family and is described as “the griller of the family” by one of the characters in the film after being subjected to her usual thorough interrogation technique. Jules (Julianne Moore) is more of the touchy-feely artist of the family that never has quite succeeded in anything she has undertaken. Julianne Moore, in portraying Jules, seems to have adopted all the speaking mannerisms and appearance of Diane Keaton during her **Annie Hall** period, so much so that I had to keep looking at the credits to make sure it wasn't somehow Keaton. But this Jules character is also quirky, funny, energetic, and sexy all at the same time, and is a delight to get to know.

The film begins on Joni's (Mia Wasikowska) eighteenth birthday as Joni is graduating from high school and will be entering college the following fall. Since she has attained the age of eighteen, she was informed by letter that if she wanted to meet the man who donated sperm so that both moms could become pregnant, the agency that made those arrangements would be willing to contact him to see if he would be willing to meet. Her younger half-brother Laser (Josh Hutcherson) pleads with her to let them meet their biological father, and Joni acquiesces.

Two silk worms had a race. They ended up in a tie.

Paul (Mark Ruffalo), the previously anonymous sperm donor, is a strikingly handsome man who runs a restaurant and a small farm where he grows organic food for his restaurant. He has no family of his own and when confronted with the opportunity, decides that he would like to meet his biological offspring.

The film shows the awkwardness of people meeting for the first time under those conditions, and then demonstrates the problems that can be encountered when people who have previously been totally estranged decide to get closer to one another. It is a very good, positive gay-themed film that confronts issues not usually dealt with in the movies. It is emotional; it is funny; and I highly recommend it.

She was only a whiskey maker, but he loved her still.

BRIEFS & SHORTS

Be sure to RSVP for the September 3 meeting no later than August 31. E-mail JonathanWilson@davisbrownlaw.com or call him at 288-2500. Our speaker will be Dan Johnston, former Polk County Attorney.



You have another opportunity for a day trip to learn more about and enjoy central Iowa. There have been two such trips so far, organized by FFBC member Chris Griffin. The next one will be on **Sunday, 29 August, to The Ledges State Park**. FFBC members and friends are welcome. Mark your calendar; more details will follow.



Because he serves on the board of the Blank Park Zoo, Jonathan introduced our August speaker, Mark Vukovich, CEO of the zoo.



Check out the front table for a book you might like to read. Book donations are always welcome.



Consider making a tax-deductible donation to the FFBC Scholarship Fund.



The Limits of Capitalism & Government

By Tony E. Hansen

In recent public discourse there has been a persistent suggestion that business and capital markets are inherently better at serving the public than government. While capital markets and business can provide some things efficiently, they have different objectives than government. At the same time, government cannot provide some services that private firms can. There are some problems with the idea that a private sector firm is always better equipped to provide services: (1) profit motive, (2) equitable delivery of services and (3) limitations inherent in the fact that they also operate in reliance on fallible people.

The assumption that capital markets provide better services all of the time assumes that business serves with altruistic aims rather than accumulation of wealth. The essential property of mercantilism is trading, but trading is done with the intention of gaining value with each trade. Further, capitalism aims to use the capital of others in a competitive game of wealth accumulation at the lowest costs (especially with regard to labor). Therefore, capitalism seeks to trick consumers into believing that they are receiving value commensurate with the price, while enabling the vendor to gather wealth rather than providing any sort of social benefit. Add to that the complex ways to charge interest on debts or savings that have developed over the decades, and we are well beyond any constraints of Weber's "protestant ethic" to moderate capitalist spirits. With clever marketing, those interest-bearing accounts, or invented fees, capitalists are driven to search for revenue channels based more upon "what is in it for me" than any presumed social good or to do anything simply because that is "the right thing to do."

Greed is no virtue, but greed is an effective motivator. Because capitalism is based on greed, we simply cannot expect ethical or altruistic behaviors from people operating in that environment. Further, capitalism assumes that there are always growth and expansion opportunities rather than recognizing the imperative of energy conservation (or any laws for that matter). If there is a restriction somewhere (e.g. government regulation, patent protection, costs, ethics), the capitalist is motivated to find a way around the restriction to create a market. The underlying greed gets touted as a virtue called "business savvy."

The assumption that private sector firms can provide services to more people with more efficiency than government presupposes the fiction that profit-motivated firms are willing to provide high cost services to people that may or may not have the means to pay for them at the same (or more affordable) price. Such altruism is a more typical characteristic of government-delivered services, especially those provided to rural areas, to the elderly, or to low-income popula-

tions. The question is whether a private sector company will provide the same level of services to those service consumers at the same price they do for more accessible and, therefore, more profitable consumers. Chances are they will not.

The evidence of profit-motivated services and pricing is readily seen, for example, in UPS operations and rate schedules. The same is true of airlines; we see the price and convenience differences from flying out of Des Moines versus Atlanta. Likewise, for-profit schools should be able to offer degree programs at substantial savings from public institutions, but they do not. With private-run, profit-motivated services, we can expect multi-tiered service, and we can assume that people with greater means (wealth) will make sure they get better services and, ironically, at lower costs. This will assure a lack of equal opportunity and increase social class disparities and hostilities.

The suggestion that people employed in government do not know how to do things, as some claim, conveniently ignores the fact that private businesses are made up of the same type of people that are in government. A typical worker at a private firm has operating limitations, personal ambitions, company culture, and assigned duties just like one would have in government employment. Calling technical support for a computer is little different than calling to get a road repaired. Whether you pay for the service directly or through taxes, you get human-based delivery of services, and you get a wide variety of quality regardless. As well, both are going to be interested in service costs, but government has a duty to provide equal services to citizens while a for-profit firm will not have that expectation, unless you pay the fees. Additionally, private firms are not required to be as transparent about their activities as government entities, which creates an entirely different difficulty in relying upon and dealing with them.

Perpetuating myths and playing upon fears about government essentially makes government the scapegoat for business's lack of innovation, poor training, resistance to taxes, and handling the problematic economy or customers. Worse, the myths avoid addressing real issues.

The issue thus becomes, what should government be responsible for providing and what is properly to be expected of private firms. The answer depends upon how important we consider equal access or equal opportunity; once we give service delivery to private firms, there is no equal access or opportunity for the disadvantaged among us. A workable answer might be to assign to government all public "domains" (e.g. individual rights, roads, fire service, education, health care or, recently, Internet neutrality). Private firms should not be tasked to manage such public "domains" because they can inject their bias toward profit into those realms regardless of the social benefit of doing so.

Further, the assumptions that government cannot do anything right blindly assumes that private firms can, and that capitalism has the best interests of the public at heart, which is simply not true. Capitalism is good for economic growth, but some things do not belong in that arena. As well, we need a referee, such as government, to keep over-zealous firms from hurting or denying basic services to the individual.

There Oughta Be a Law

By Jonathan Wilson

I had an article appear in **The Des Moines Register** not long ago. A friend read it on-line and mentioned that it had generated a large number of on-line reader comments and considerable controversy. Believing the article was, if I do say so myself, to the point and quite compelling, I was curious about the substance of the criticisms and controversy. I went on line to see what cogent contrary views might have been expressed.

I found scores of *anonymous* comments; three or four were actually responsive to my article, and *all* of the remainder were between and among those writing comments reacting to one another's comments. They were insulting to one another and, typically, far afield from even the subject of my article, let alone being responsive to the point I'd made in it. The exchanges among them, quite simply, were not only ill-informed but also less than civil. The betrayed ignorance and utter contempt shown for others did not approach the level of discourse conducive to a vibrant democracy. I was struck with the absurdity of a stupid person calling another one stupid, and with obvious self-righteous conviction.

On reflection, I decided that the anonymous feature of the comment forum was the culprit. We all occasionally have less than charitable thoughts about others. When our expressions of whatever sentiments can be attributed to us – because we're face-to-face or otherwise, we tend to moderate what we say. We do this for two good reasons: (1) we just might be wrong and an intemperate remark can come back to haunt us, and (2) if something untrue is said of another, it just might be actionable as libel or slander. In short, the potential for being held accountable constrains us, as it should.

It ought to be illegal to publish anonymous statements in political discourse. It ought to be illegal to hide the identity of those who fund public positions on political topics. The law should encourage the exercise of the right to free expression and to support popular *and unpopular* political positions, but it should require the courage of one's convictions. It should not empower the cowardly and the conniving. Lack of accountability is an invitation to incivility and, worse, a prescription for tyranny.

"Anything that contradicts experience and logic should be abandoned."

~His Holiness the Dalai Lama

No matter how much you push the envelope, it'll still be stationery.

Old woman to a friend, "Guess what. I'm having an affair." Reply, "Really, are you having it catered?"

Wanted FFBC Treasurer

Qualifications: Honest; pays attention to detail; can add and subtract (generally, no multiplication or division is required); willing to be at the FFBC registration table regularly; and, preferably, has some transferable bookkeeping and computer skill sets.

The long-time and highly competent FFBC Treasurer, David Teachout, is interested in finding a suitable replacement. He will provide training and will remain available for consultation as needed. The Treasurer, in addition to staffing the registration table at our meetings, handles the FFBC financial affairs in cooperation with the FFBC president and his faithful secretary, Brenda Pringle. The Treasurer is also a member of the FFBC Board of Directors.

If you have the qualifications and an interest, *please* contact Jonathan Wilson (515-288-2500 or 515-991-8881).

The Right and Responsibility to Vote

By Jonathan Wilson

When my mother was born in 1919, women didn't have the right to vote. It's hard even to imagine. Suffragists were imprisoned and beaten, and attempts were made to institutionalize them for being insane. No woman, no one with a daughter, no one with a sister, no one with a woman they admire or respect, and no one with a mother-- having this reminder -- could ever again NOT vote anytime the polls are open. Got a mom? Then vote.

Guest Speaker (cont..)

fective since kids become more engaged having the ability to interact directly with the animals."

Vukovich's dedication to upholding the Zoo's mission was apparent early in his remarks as he shared several examples of educational initiatives that have been implemented to provide visitors the opportunity to connect with animals and learn more about the environmental issues affecting their habitat and survival. Additional programs emphasize the importance of wild-life habitat conservation and creating a recreational environment that engages visitors and enhances the overall zoo experience.

"Mark has accomplished as much in six months as most CEO's are able to realize in six years," said FFBC President, Jonathan Wilson, who also serves as a director on the Blank Park Zoo Board. "He has almost single-handedly championed a resurgence of the Zoo with vision, energy, and determination. It has been a joy serving on the Board to witness his most capable leadership."

FFBC

First Friday News & Views

Des Moines, Iowa

SEPTEMBER 2010

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My M.O. (Monthly Observations)

By Steve Person

It was great to have Mark Vukovich of the Blank Park Zoo as our August speaker. A few weeks before that meeting, I made my first visit to the zoo in many years. Even though it rained fairly hard on the Monday I visited, enough of the zoo was open that it still was an enjoyable experience. While **Jersey Boys** was in Des Moines for its three-week run, I received a phone call from Larry Baker, Production Stage Manager of the road show. He asked if I could give him a tour of the Capitol on his first Monday off, and I did so. On his second Monday off, he wanted to go to the zoo. Both he and I were impressed with the wide variety of animals that the zoo houses, and we marveled at the access patrons have to wild life, especially in the Australian Outback section. I was surprised to learn that the Blank Park Zoo provides jellyfish to other zoos across the United States. Who would have figured that? What I thought would be the cheesiest of experiences—the parakeet feeding cage—turned out to be one of the most fun times I ever had for the cost of a mere dollar! If you get a chance to visit the zoo, I highly recommend the parakeet cage. You won't be disappointed. There are many opportunities to help the Blank Park Zoo, from volunteering to adopting the care of an animal to making a tax-deductible contribution.

Also at the last meeting, I was fortunate to receive a pair of tickets to the Melissa Etheridge concert on August 14. Although I am not a fan of most rock music, I have to admit that I really enjoyed the concert. I was especially happy to see the great number of lesbians and gay men who showed up at the concert. It was good to witness people enjoying each other's company while being entertained by an open lesbian who champions the cause of freedom for all people. It was a memorable evening at the Civic Center.

I just finished reading an interesting book. Entitled **The Year of Living Biblically: One Man's Humble Quest to Follow the Bible as Literally as Possible**, the author tries to incorporate the 3,000-plus "rules" laid down in the Old and New Testaments in his daily life for one year. How he manages to achieve his goal in twenty-first-century New York City and other places makes for sometimes hilarious and at other times thought-provoking reading. The author, A. J. Jacobs, is a writer for **Esquire** and previously published the **New York Times** bestseller, **The Know-It-All**, an account of his reading the entire **Encyclopedia Britannica** and his reactions to that many-volume publication. Jacobs tried to commit the first eight months of his experiment to the laws of the Old Testament and the final four months to the New Testament. Inevitably, overlaps occurred, but I couldn't help but be impressed by his tenacity toward the project and how he emerged from it as a better human being. Of course, a project of this nature depends entirely on which translation of the **Bible** the person is going to use—not a problem when dealing with an encyclopedia. Jacobs chose the Revised Standard Version, thus robbing himself of the beautiful poetry of the King James Version even though that translation sacrificed accuracy for more effective language. Since I am not a believer in any organized religion, I was surprised that I liked this book as much as I did. Jacobs, the author, is a self-proclaimed non-practicing Jew and believer in science, and yet he could not help but be changed by his year-long experience. I know I wouldn't be able to wear a white robe and sandals for an entire year just in order to write a book. I'm glad Jacobs did.

Great love and achievement involve great risk.

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