



First Friday News & Views

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The Monthly Newsletter
of the First Friday
Breakfast Club, Inc.

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Calendar

▼ The next FFBC Meeting is 7:00am,
Friday, August 2, 2013, at Hoyt
Sherman Place, 15th & Woodland,
Des Moines, IA

▼ RSVP by July 30 to
JonathanWilson@davisbrownlaw.com,
or phone 515-288-2500

NEXT STOP: FULL FAITH AND CREDIT

By Jonathan Wilson

In the decision that the so-called Defense of Marriage Act (DOMA) is unconstitutional, the United States Supreme Court held only that §3 is unconstitutional. That section had denied *federal* recognition of same-sex marriages lawfully accomplished under the state law of New York. The Court held that DOMA was an unconstitutional federal infringement upon the right of the state of New York to protect the authenticity of marriages between its gay citizens.

The Court declined to rule on the constitutionality of §2 of the Act. That section purports to excuse states from recognizing marriages lawfully performed in another state. The failure to address silly section 2 was not because it was deemed constitutional, that it didn't need to be addressed, or that it won't be addressed in a proper case. The case before the Court simply made a ruling on §2 a proverbial "bridge too far" because the case was not brought for the purpose of challenging §2. The Court typically does not rule gratuitously; it does not answer questions that it has not been properly asked. And it shouldn't.

The challenge to silly §2 will most certainly come, and when it does, it will be brought under the Full Faith and Credit Clause of the United States Constitution (FFCC). The FFCC provides *constitutionally* that the several states must give full faith and credit (i.e., give recognition) to the laws of the other states. The framers obviously knew that, in order for us to have a single nation, the supposed sovereignty of the several states had to be circumscribed in a variety of ways, and this was one of them.

So, get lawfully married in state A, move to state B, and state B should recognize the marriage pursuant to the constitutional authority of FFCC. That example was the reality for the first couple of hundred years of the Republic until some more enlightened states began allowing mixed race marriages. The patchwork that followed led ultimately to *Loving v. Virginia*, in which the United States Supreme Court finally weighed in on the right side of history and declared unconstitutional the few remaining state laws prohibiting such marriages. You can see where this recital of history is going. Things went along swimmingly until additional enlightenment came along and some states began legalizing gay marriages.

Initially, that state-by-state legalization was by judicial decrees holding that "equal" means "equal." Duh. The radical right railed against it because no legislative body had agreed. Then state legislatures got on board, and the radical right railed against that because it supposedly should be decided by a vote of the people. Then, in state after state, the people voted to legalize gay marriage. That put the radical right on their heels and has those folks circling their wagons for one last stand around the purported sovereign right of individual states to decide such matters, and all the enlightened states be damned. A cry that, state-by-state, we get to be as ignorant as we want to be, stuck in the mindset of the First Century. And that is what implicates the FFCC with the question, "Can we have *one nation* with a patchwork of recognition and non-recognition of something like marriage that is so basic to life and living, so essential to interstate interactions both commercial and personal, so fundamental to multi-state property ownership and estate planning, so paramount as shorthand for a vast body of everyday rights and responsibilities?" Recognition of gay and straight marriages alike is literally a matter of life and death.

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Next Stop...Continued from Page 1

The answer is easy and undeniable, and even has a majority of our detractors convinced that the universality of gay marriage recognition is virtually inevitable. The answer springs irrepressibly from the principles underlying *Loving v. Virginia*. It's one thing when society agrees with the true Biblical model of marriage as a negotiated property transaction where wives were mere chattel. Society has undeniably moved away from that misguided model toward marriage premised on the mutual attraction, love, and choice of those being married. Couple that shift with the 21st Century recognition that all of God's children aren't straight, and gay marriage became inevitable.

Unlike issues addressed by the legislative branch, judicial rulings rely upon test cases. They rely upon genuine disputes over facts, disputes over the applicable law, or both. In the legislature legislators can raise and decide any issue that strikes their fancy constrained only by the constitution.

There is going to be an avalanche of test cases under the FFCC when it comes to recognition of gay marriage in the backward states that still refuse to recognize it. Some test cases can be difficult to set up; not so with gay marriage. It will be as simple as two residents of whatever backward state traveling by whatever means to a state where gay marriage is legal, getting married, and then going home. In their home state they will, thanks to the DOMA decision, be allowed to file a joint *federal* tax return. When they also seek to file a joint *state* tax return based upon their lawful marriage in another state, the FFCC die will be cast, the test case will be established, and Katie bar the door.

The Full Faith and Credit Clause is the singular constitutional principle that binds us together as one nation. It's the political equivalent of a marriage between and among the several states. It's the glue that holds us together. Without it there'd be utter chaos. Without it there'd be civil war. Without it we would not have one nation under God or otherwise.

Soon there are going to be a plethora of cases testing whether "this nation, or any nation so conceived and so dedicated, can long endure." DOMA's silly §2 is going down!! The legislature is powerless to amend the US Constitution single-handedly or to grant exemptions from FFCC, and any competent 5th grader should know it.

SCOTUS NIXES DOMA

Remarks of Iowa Senator and FFBC member Matt McCoy at the rally sponsored by One Iowa at the Capitol the evening that DOMA was overturned by SCOTUS.

Today is a great day for equality for the nation and Iowa. I would like to thank everyone for being here tonight and acknowledge Donna Red Wing from One Iowa for her work and all the efforts of this organization in support of full equality. Most importantly, we owe a debt of gratitude to Edith Windsor who, on behalf of her deceased partner of 42 years, Thea Clara Spyer, had the courage and audacity to demand equal treatment in inheritance tax law.

Additionally, I would be remiss not to thank all the men and women who have worked for this day for decades. Your courageous fight secured this victory.

Today's Supreme Court decision on the Federal legislation- the Defense of Marriage Act (DOMA) - is a monumental moment in American history. Civil rights leader Martin Luther King said that, "The arc of the moral universe is long but it bends toward justice." The fight never ceases. Today's rejection of DOMA by the Supreme Court closes a door on government sanctioned discrimination, and today the Court ruled that marriage equality is the law of the land. Our Federal Government cannot discriminate between gay and heterosexual married couples. Our love is equal. Our citizenship is equal. Today, more than 1,100 federal rights and benefits have been extended to gay families in pro-equality states across the nation, such as:

- Health insurance and pension protections for federal employees' spouses
- Social security benefits for widows and widowers
- Support and benefits for military spouses
- Joint income tax filing and exemption from federal estate taxes
- Immigration protections for bi-national couples

I know that Iowa's Supreme Court decision in *Varnum* was an important national legal precedent that served as a blueprint for the US Supreme Court. I wish to acknowledge the work of Camilla Taylor from Lambda Legal and Sharon Malheiro from the Davis Law Firm for their legal advocacy in this landmark case. The Iowa Supreme Court demonstrated tremendous courage with their unanimous decision in *Varnum*. Three justices, Marsha Ternus, Michael Streit, and David Baker, paid a dear price for having the courage to do their jobs with conviction.

There is more work that must be done across the nation. As of today, 38 states have yet to embrace full equality for all. In more than 29 states a person can be fired for being gay, and in 33 states a person can be fired for their gender identity. **SCOTUS...Cont'd on Page 3**



Sign on an electrician's truck: "Let us remove your shorts."

Sign in a towing company office: "We don't charge an arm and a leg. We want tows."

LOTS OF LIFE LEFT IN MICHAEL THOMPSON

By Bruce Carr



(photo by Gary Moore)

For our meeting in July, instead of waking up as usual with a breakfast guest, we WERE guests -- at the summer's premiere gay social event: the "Annual Michael L. Thompson Memorial Party, er, Picnic," celebrated on July 13 at the home of the said Michael L. Thompson and his husband Allen Vander Linden. [Thompson is pictured above.]

Although the word "memorial" seems to be something of a joke, the event itself -- co-presented with PROs -- was indeed no joke. Picnic fare was, as usual, scrumptious: excellent burgers and franks and fixins, potato salads, chips, deviled eggs, other salads and relishes, fine wine and punch, scintillating conversation. The day was sunny with a soft breeze, showing off the well laid-out and cared-for flower gardens at their fabulous best; I loved especially the gorgeous hosta plantings.

A most welcome picnic guest was the venerable Harold Wells, whisked away from Wesley Acres in Bob Schanke and Jack Barnhart's chariot to a place in the sun in Michael and Allen's back yard. Reverend Wells has been an icon in the gay community for decades. What a joy to connect and reminisce with Harold!

Many thanks to Michael and Allen for their generous hospitality. A grand time was had by all!

20 FEET FROM STARDOM

Movie Review by Gary Kaufman

20 Feet From Stardom is a documentary about the backup singers who have given their lives to singing their hearts out in the background of an incredible number of hits. From the singers being the colored girls on Lou Reed's **Walking on the Wild Side** singing "Do, Tado," etc., to the electric moment in the Rolling Stone song *Gimme Shelter* where the backup singer shouts, "Rape, Murder, It's just a shot away!" It is also about how some very talented people never make that leap 20 feet forward to stardom. It is a conceptual leap that many can't make. But it isn't from lack of talent.

The documentary is about musicians, and it is infused with music from beginning to end. There are interviews or performances by the Talking Heads, Ray Charles, Bette Midler, Stevie Wonder, Billy Preston, Sheryl Crow, Phil Spector, Bruce Springsteen, Joe Cocker, The Rolling Stones, Leon Russell, David Bowie, George Harrison, Luther Vandross, Elton John, Lou Adler, Tom Jones, Michael Jackson, and Lenard Skynard, to name a few. You will be amazed at the number of songs you have heard these people sing and enjoy listening to their very talented voices.

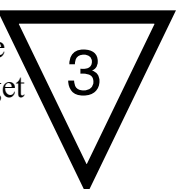
One of these performers, Darlene Love, would record records for Phil Spector, who would then release the record as a record by the Crystals (who would then have someone lip sync Darlene's voice). Eventually she escaped being under Phil Spector and could record on her own, but it took a long time. She eventually was duly elected into the Rock and Roll Hall of Fame in 2011.

I first saw **20 Feet from Stardom** at the True/False Film Festival this winter in Columbia, Missouri. By that time, the film had already been a hit at the Sundance Film Festival and had a contract to be released nationally. In Columbia, after the viewing of the film, the director and Darlene Love came out from behind the screen and talked to the audience, and Darlene sang backup with members of the audience. She was a delight, and I am sure you will find this film a delight. Incredible singing.



SCOTUS...Continued from Page 2

I have a message for those who have stood in the doorway blocking access to marriage equality. Your days are numbered. The future belongs to equality and equal rights for all. Today we celebrate our victory- tomorrow we get back to work!



THE DEMISE OF DOMA AND THE DEATH OF QUEER THEOLOGY

By Rev. Jonathan Page

Along with the entire gay community and its supporters, I rejoiced in the Supreme Court's decision to strike down the Defense of Marriage Act. For those of us in states that recognize gay marriage, we finally have our legal covenants recognized by the federal government. This is a huge victory for gay rights and will make a material difference in the lives of tens of thousands of gays and lesbians. The decision also sets up a legal battle for recognition in the remainder of the United States, which should lead to universal marriage equality in the near future. What a truly transformative moment for the movement!

In the midst of this well-deserved celebration, it is imperative that we also pause to consider consequences of our victories on gay marriage. For years there have been voices within the gay community expressing reservations that marriage equality had become the bellwether for gay rights. These critics complained that as soon as gay marriage became a reality, gays would be expected to be in committed, monogamous, life-long partnerships. Those who chose not to get married would be marginalized and critiqued for their presumed immorality and issues with commitment. Sure enough, within weeks of the DOMA decision I saw this reality firsthand.

At the beginning of July the United Church of Christ gathered in Long Beach, CA for our biennial national gathering, what we call General Synod. Since the UCC was the first mainline Christian denomination to recognize gay marriage and has been a supporter of gay rights for decades, there was great celebration at the demise of DOMA. At General Synod a minister and his long time partner became one of the first California couples to get married since Prop 8 became law. And it was at this same General Synod where I heard ministers openly criticize gay colleagues for being single and non-celibate. Their

comments made it explicit that they considered it a moral obligation for gay clergy, and by extension lay people as well, to be either married or celibate. That

was the first time in the UCC that I felt condescending judgment from other clergy for being gay. I was shocked.

What makes this all the more surprising is that the UCC's publishing house, Pilgrim Press, has for years printed books on gay and queer theology. The UCC, along with the Metropolitan Community Church, has had some of the best and most articulate gay voices within the church universal. At the core of queer theology is the rejection of moral judgment based on preconceived notions of sexuality and sexual expression. As Michel Foucault pointed out in his landmark work **The History of Sexuality, Volume I**, constructed categories of both sexual repression and liberation feed harmful power structures within society. According to Foucault's analysis, regulating sexuality became a means of social control in modern societies. Ironically, the 1970s call for sexual liberation actually reinforced these means of social control. Sexual liberation became a political act, and one with serious class and power implications. Foucault argued that we need to consider sexuality more holistically, and not just fetishize the sex act itself, if we are going to place sex in its appropriate moral and societal context.

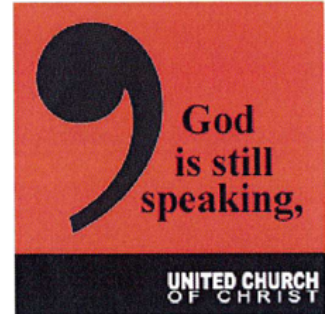
Building on Foucault's insights, if we take Jesus' call for true spiritual liberation seriously, we must resist creating clearly delineated categories for licit and illicit sex. This is true for straight as well as gay people. Unexamined assumptions about sex predominate in society and actively harm people through unnecessary judgment, excessive repression and, ultimately, self-destructive sexual behavior. Gay Christians have been shouting this from the treetops for years. Stoic, Neo-Platonic, and ancient Hebraic notions of desire, marriage, and the body do not and should not dictate our sexual mores. Period. Being slaves to an inherited and irrelevant Victorian morality does not lead to greater love of God or neighbor. UCC clergy should know this and insist on clearer thinking around sex and sexuality.

THE DEMISE OF DOMA AND THE DEATH OF QUEER THEOLOGY *Continued*

As you can tell, I am still trying to process the implications of the demise of DOMA. If I find the right person and if we decide to get married, I am overjoyed that we will have the option of a legitimate civil marriage. At the same time I have witnessed the effects that the marriage equality struggle has had on expectations within the gay community. Ten years ago, before Massachusetts or the UCC General Synod had recognized the legitimacy of gay marriage, I would never have witnessed UCC clergy confronting gays and lesbians within the church for not being married or celibate. Now, I am afraid, there will be an ever-increasing expectation of marriage for gays and lesbians and, more importantly, an increasing moral condemnation, especially within the church, for those who make other choices. I fear that the great strides we have made within the church, and the insights of queer theology, will be lost. We will

replace one form of repression with another. Perhaps in ten years you may not even be able to buy queer theology from Pilgrim Press. That is not a future that we want. We did not come this far for that outcome. We must continue to make our voices heard for acceptance, compassion, and a theologically examined life. That is the way for Christians to be true disciples of Jesus, himself a single man of ambiguous sexuality.

FFBC member, Jonathan Page, is senior pastor of the Ames United Church of Christ, 217 6th St., Ames, Iowa. Sunday service at 10:45. He can be reached at jon@Amesucc.org



FINDING AND DEFINING SEXUAL MORALITY

By Jonathan Wilson

The article by Rev. Jonathan Page contributes to a discussion that is an important one. Historically, the morality message from the church to gay children of God has been, "Whether you are in a committed, monogamous same-sex relationship for a life time or utterly promiscuous with as many of the same sex as you can handle until you drop dead from exhaustion or worse, it's a moral equivalent. You go to hell in either case."

That untenable "moral" lesson was indefensible. Part of the churches' reluctance to accept gay marriage has been the unspoken question about what comes next. If gay marriage is to be accepted, are gay people to be plugged into the anachronistic model of marriage v. celibacy that the church has used to define sexual morality and clung to tenaciously; a morality construct that straight people have been ignoring for centuries?

It is my hope that the discussion will lead to greater clarity about moral behavior in the arena of sexuality that will ultimately benefit gay couples and straight couples alike.

Briefs & Shorts

Be sure to RSVP for the August 2 meeting no later than July 31. Either call Jonathan at 288-2500 or send him an email at

JonathanWilson@davisbrownlaw.com.

Our speaker will be Ambassador Kenneth Quinn, head of the World Food Prize

Thanks to Michael Thompson and Allen Vander Linden for opening up their home for the annual July picnic.

Be sure to peruse the front table for a book you might like to read. Book donations are always welcome. Thanks to Barry McGriff for coordinating the book exchange.



FFBC

*First Friday
News & Views*

Des Moines, Iowa

August 2013

*First Friday
Breakfast Club*

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MY M.O. (MONTHLY OBSERVATIONS)

by Steve Person

I recently completed a 4000-plus-miles automobile journey that took two friends and me from the quiet woods of northern Minnesota to Indianapolis, Atlanta, Savannah, Birmingham, Memphis, and St. Louis. One of the fascinating stops we made was in Atlanta to see the Atlanta Cyclorama of the **Battle of Atlanta** that took place during July 1864. The painting depicts only the first day of the battle, July 22.

According to **The American Heritage College Dictionary**, a cyclorama is, "A large composite picture placed on the walls of a cylindrical room so as to appear in natural perspective to a spectator standing in the center of the room." That pretty much describes the Atlanta Cyclorama except a few improvements have been made to accommodate the viewer. Nowadays, patrons to the exhibit sit in an auditorium that revolves to reveal to the viewer the splendid artwork painted in 1885-86 in Milwaukee, Wisconsin.

At one time, cycloramas were the rage for people to witness interpretations of historical events, a sort of precursor to the motion picture. Only a handful of cycloramas exist today, four of them in North America. One is in Canada and the other three in the United States. Until 2004, the **Battle of Atlanta** was the largest oil painting in the world, measuring some 42 feet high and 358 feet long. Originally, the painting was 50 feet high and 400 feet long, but because of damage and neglect in the past, the restoration had to lop off some of the painting that could not be salvaged.

Housing the huge painting proved problematic for many years, but today it rests in a beautiful neoclassical structure in Grant Park in Atlanta. As the auditorium seats rotate around the painting, recorded narration is provided by James Earl Jones. After the initial viewing of the battle scenes, a museum guide explains further factual information about the painting and its history during a second rotation around the painting.

In 1936, a diorama was placed in front of the painting to give it a more three dimensional aspect. One of the interesting sidelights of the diorama includes a dead Union soldier resembling Clark Gable. It seems that Mr. Gable viewed the painting and diorama during the premiere of **Gone With The Wind** in 1939 and suggested that if his likeness were inserted into the diorama, ticket sales would increase. He had no idea that he would be depicted as a dead Union soldier!

The **Battle of Atlanta** cyclorama is a reminder of the importance of preserving the rich cultural past that so often gets destroyed in the name of progress. In Iowa, we have a similar museum in Mt. Pleasant. Although not a cyclorama, the museum there houses a rare collection of painted stage curtains that existed in the nineteenth century in small theatres and opera houses across the Midwest. Additionally, rare and original stage costumes and props complement the beautifully painted canvas curtains. If you cannot make it to Atlanta anytime soon, I would recommend the museum in Mt. Pleasant.