



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

*COVER: Shakespeare Got
it Right
by Jonathan Wilson*

Inside This Month

*August's Speaker,
"Marty" Martin
Drake University
President
by Bruce Carr*

Briefs and Shorts

*Equal Before the Law
by Tom Witosky*

Review

*Ricki and the Flash
by Gary Kaufman*

*Getting to Samantha Jo
By Bill Brown*

*The McCoy Report by
Sen. Matt McCoy*

My M.O.

*A Couple of Things
by Steve Person*

Calendar

▼ The next FFBC Meeting is 7:00am,
Friday, September 4, 2015, at Hoyt
Sherman Place, 15th & Woodland,
Des Moines, IA

▼ RSVP by September 2, to
JonathanWilson@davisbrownlaw.com,
or phone 515-288-2500

First Friday News & Views

September, 2015

Volume 20

Issue 9

Shakespeare Got it Right

By Jonathan Wilson

Following the US Supreme Court's decision legitimizing gay marriage in every state, there has been much gnashing of teeth coupled with profound displays of ignorance about the meaning of our constitutional democracy and how the Constitution works. Our Constitution is silent on the definition of marriage, but not on the subject of equality. You don't have to be a lawyer or linguist to know the meaning of "equal." There is no going back; in a sense, to use an old expression, it's all over but the shouting.

That said, it's still not over. While gay people have the uncontrovertible right to lawful marriage, as well as the indisputable right to serve in all branches of the US military, one might think that gay citizens can expect to be treated equally before the law across the board. They can expect that in Iowa, but not everywhere. Protection from such discrimination is not provided by federal law, and in at least 18 states no such protection exists. A male service member could, while on leave from service in Afghanistan, get married on Sunday in one of those states and his new husband could be fired the next day for being gay, without any recourse whatsoever. So long as such injustice remains real, the right to marry and the right to military service are largely illusory and there is more work to be done.

Many misconstrue how adoption of protective legislation works. Most focus on the fact that, with such protection on the books, a gay citizen who suffers discrimination can sue for damages and even recover attorney fees for the effort. That's technically true.

In my experience, however, the immediate impact of such legislation is merely to prompt homophobic bigots to turn to greater subtlety in achieving their discriminatory ends, something learned from their misogynistic counterparts. Once the protections are in place, it becomes more difficult, not less, to prove the prohibited discriminatory purpose. Women have for many years been familiar with this phenomenon, knowing the fact of real discrimination, and knowing the difficulty of proving it.

While the protective legislation alone doesn't solve the problem through litigated claims, there is a way that the legislation does go a long way to accomplishing a solution.

Here's how it works. Discrimination complaints, regardless of merit, are expensive to pursue, but they are also expensive to defend.

Continued on p. 2

Knowing this, employers consult with attorneys to find ways to reduce the risk of complaints being filed.

It is standard advice for lawyers to tell employers to initiate diversity training in the workplace. This is because, if and when a discrimination complaint is filed, the civil rights investigator will almost certainly inquire to determine whether such training is provided. Employers who can "check that box" will make more credible their denial of unlawful discrimination. That advice is so standard now that it would be malpractice for an attorney to omit giving it.

Similarly, when sexual orientation and gender identity get added as protected characteristics, those topics should be included in the diversity training. Imagine a complaint alleging sexual orientation discrimination; imagine the investigator asking whether diversity training had occurred; and imagine that the investigator asks whether sexual orientation was an included subject matter -- and the employer has to answer "no." Then imagine a finding of a "founded" complaint, along with a judgment for a substantial sum and the added insult of paying the complainant's attorney fees and being ordered to conduct the training after all.

Bigotry is simply prideful ignorance. Education attacks ignorance and, therefore, attacks bigotry at its core. Protective legislation makes it an act of malpractice for any employment lawyer not to advise regular diversity education that includes all protected characteristics. That's the way it works in real life, and that's the real reason protective legislation is so important for achieving a real solution.

Those remaining states of ignorance are now in the crosshairs of the gay movement for civil equality throughout the United States. In the meantime, there will be vocal, anti-gay "Chicken Littles" foretelling a falling sky. The hysterical, like the poor, seemingly will always be with us. But their anguish will be all sound and fury, signifying nothing.

Getting to Samantha Jo

By William Walker Brown
aka: Miss Samantha Jo Blessing

As a blooming, gay, boy-child, my dear grandmother gave me scraps of fabric (from her sewing room) and a battered cake-tin filled with buttons (a treasure chest of jewels) which kept me on the carpeted floor of her living room and out of her hair for hours, designing glamorous fashions on something that resembled a used "Barbie Doll"... think: "Project Runway."

I recall the first time I dressed in drag while Grandma was visiting our home on 57th Street Place, and I decided to put on her hat and stepped into her shoes by the back door and headed out onto the sidewalk. Granny busted me pronto, but didn't punish me. She just "got me off the street." At the time, I

believe the future Governor and his wife had a house across from ours.. whatever. It was a rush.

Next time out was for Halloween in grade school. I was sensitive enough to pick up on the fact that the teacher found it disturbing... I truly enjoyed it. My mother thought it was funny and a good costume at the time. So from time-to-time over the years, wherever I lived, I flexed my transvestite muscles with understanding, supportive gay friends, usually on Halloween nights or occasionally in gay clubs where there were "famous" drag entertainers. I loved it!

Then - at the age of 62, just days before my mother's death, I was back in Des Moines staying at my sister's home, and I had an epiphany of sorts woke me in the middle of the night. I dropped to the floor and began journaling in a notebook a plan creating a new character and alter/ego. I wrote madly on the hooked rug next to the guest bed. "She" was to be named after a favorite, wise nurse from Africa named "Blessing" and for a nurse's aid named "Samantha" who made my dying mother laugh in her tiny hospital room, while she tended to mom's every personal need.

Upon mother's death, I was taken on a bad trip of a deeply emotional grief that ran me off the tracks; this new character of my recent creation gave me a way to escape the unbearable pain and reality of losing my mother. It was perhaps a touch "pschitzo," but it worked for me. I eventually lost the everyday

Cont'd, Page 5

Briefs & Shorts

Be sure to RSVP for the September 4 meeting no later than September 2. Contact Jonathan by email: JonathanWilson@DavisBrownLaw.com or call 288-2500. Our scheduled speaker will be Mike Draper, founder, owner, and president of Raygun.

Thanks to Matt McCoy for his introduction of our August speaker, Drake University President Marty Martin.

Save the date: ACLU of Iowa 80th Birthday Bash, October 2, 2015, 5:30-8:00, World Food Prize Building, Des Moines. Cost \$70 per person. Call 243-3988 for tickets.

Be sure to peruse the front table for a book you might like to read. Book donations are always welcome. Thanks to Scott Kuknyo for helping coordinate the book exchange.



Consider a tax deductible contribution to the FFBC scholarship fund, or a tax exempt testamentary gift, or both. Contact Jonathan Wilson for details.



New Drake President A

Quick Study

By Bruce Carr

Our guest speaker on Friday morning, August 7, was Earl F. "Marty" Martin, who assumed his post as 13th President of Drake University just over one month ago.

Martin was eager to express his excitement and pleasure at coming to Des Moines and his highly favorable impression of Drake University. "Everywhere you look there is pride in this institution," he said. "There is such momentum here. A university must continue to regenerate and reinvent itself. Drake is already doing that, as it always has. My role is to keep the momentum going forward." He also understands that, in many ways, Drake is as important to Des Moines as the city is to Drake. He noted that he's taking over a fiscally sound institution that is on the verge of completing a \$200 million capital campaign, and that has completed more than \$100 million in deferred repairs and building projects. The school plans to build a new facility to

house a new science, technology, and math education center, he said, as well as a center to promote civility, named after former governor (and former Drake president) Robert D. Ray.

There are challenges ahead, to be sure. Nationally, high school graduation rates are slipping. Law schools, especially, are hurting for applicants. Student debt remains a major national concern, especially for private schools with higher tuition bills than state competitors. But Martin said he believes Drake is in a perfect spot. He cited figures showing that 70% of the university's student population comes from outside Iowa, and over 55% of graduates elect to stay in the state to continue their careers. An extensive scholarship-assistance program and serious attention to promoting professional and community internships (92% of 2015 seniors had internships) materially reduce the \$33,000 annual gross tuition cost. He hopes to enhance the "value proposition" of university education at Drake with new programs in data analytics, occupational therapy, and athletic training.

Not only that, the once-aspiring basketball player added, like Gonzaga, Drake has a mid-major basketball program, AND both have bulldogs named "Spike" as mascot.

A native of Kentucky, Marty Martin holds a bachelor's degree and a J.D. from the University of Kentucky and a master of laws from Yale University School of Law. After law school, Martin joined the U.S. Air Force and was a judge advocate serving territories from Iceland to England to Saudi Arabia. Martin retired from the military as a lieutenant colonel in 2007 after serving an additional 12 years in the Air Force Reserves. After the Air Force, he began his career as law professor at Texas Wesleyan University, spending eight years (1997–2005) as a professor of law and serving as associate dean for academic affairs for his final two years. He then moved to Spokane to become dean of the Gonzaga University School of Law. During his time at Gonzaga, he worked with the law faculty to revise the curriculum to enhance its quality and allow for more experiential learning opportunities, increased the academic profile and diversity of incoming students, and expanded international partnerships with law schools in Brazil, China, and South Korea. In 2009-2010, Martin was also acting academic vice president of Gonzaga, with responsibility for all academic programs. He also oversaw the university's international academic programs and created the Center for Global Engagement to coordinate and support all global outreach at Gonzaga.

Martin and his wife Laura are the parents of Cade (who will be a freshman at Drake this fall) and Case. He can be reached at president@drake.edu.

Ponder This

The best day of your life is the one on which you decide your life is your own. No apologies or excuses.

Be stubborn about your goals, and flexible about your methods, remembering always that the ends do not justify the means.

Not all discrimination is bad. It should especially be used when reading the Bible.

We'll be friends till we're old and senile, and then we'll be new friends.

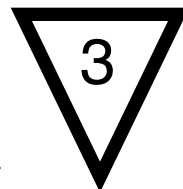
Just remember, if we get caught, you're deaf and I don't speak English.

Sometimes when I open my mouth, my mother comes out.

My husband and I lived happily for 20 years . . . then we met.

Some folks don't even need alcohol to make really bad decisions.

Inside every older person is a younger person wondering what the hell happened.





HALFWAY THERE ON RELIEF FOR SUFFERING IOWANS

Iowans living with debilitating conditions are now halfway to having access to new medical options.

In 2014, the Iowa Legislature overwhelmingly approved a limited law making it legal to possess medical cannabis oil. However, no Iowan was helped by that law because there is no legal way to obtain the oil in Iowa.

This year, Iowans began a push to join the 23 other states that already have regulated, responsible systems to provide citizens with access to medical cannabis. There are four steps to making access a reality here in Iowa:

1. Create comprehensive, workable, responsible legislation that takes advantage of the experiences of other states.

2. Pass that legislation through one chamber of the Iowa Legislature.

3. Pass that legislation through the other legislative chamber.

4. See that legislation signed into law by Governor Branstad.

So far, we've accomplished two of the four steps required to bring some relief to Iowans suffering from cancer, multiple sclerosis, AIDS/HIV, Crohn's Disease, ALS, post-traumatic stress disorder (PTSD), and other chronic conditions specified in the legislation.

During the 2015 session, we achieved steps one and two by creating and approving [SF 484](#) in the Iowa Senate. The bill is now ready to be taken up by the Iowa House and sent to Governor Branstad for his signature next session.

We can follow the example of Minnesota, which has two manufacturers of cannabis oil, will set up eight dispensaries and will regulate providers who prescribe the oil to patients with certain severe medical conditions, including cancer and epilepsy.

Between now and January, urge legislators to support legal, regulated access to medicines made from cannabis. If they aren't available here, some Iowans may opt to move away from Iowa and make their home in nearby states where access is now legal.

Additional information

This is a legislative update from Senator Matt McCoy, representing west part of Des Moines, portions of West Des Moines and Cumming in northwest Warren County. For newsletters, photos and further information, go to www.senate.iowa.gov/senator/mccoy.

To contact Senator McCoy during the week, call the Senate Switchboard at 515-281-3371. Otherwise he can be reached at home at 515-274-0561. E-mail him at matt.mccoy@legis.iowa.gov.

Senator McCoy is an Assistant Senate Majority Leader, chair of the Commerce Committee and chair of the Transportation & Infrastructure Budget Subcommittee. He also serves on the Appropriations, State Government, Transportation and Ways & Means committees.

RICKI AND THE FLASH

Review by Gary Kaufman

Meryl Streep does an incredible job of acting in **Ricki and the Flash**. She plays the title character, Ricki, a semi burnt-out rocker who left her family in Indianapolis long ago to follow her dream of being a rock 'n' roll star. She only had limited success, only one album had ever been released of their band, but the band, that you see perform early in the film, is a fantastic rock 'n' roll band. Ricki was called back to the family that she had abandoned in order to help her former husband deal with their daughter whose husband had just left her for another woman and the couple had only been married a few months. Ricki's former husband, played by Kevin Kline, was incredibly rich, lived in an enormous house and, although he was quite civil, the children were not. They all hated Ricki for leaving the

family when they were quite small. She was never there for them. Ricki really had her work cut out in trying to reestablish the family ties, and incorporating the new wife into her world as well.

The movie really takes off when it follows the band performing in a small bar. The performance they show is breathtaking, and Meryl even out does Bette Midler in **The Rose**. And Meryl's romantic opposite in the band was the lead guitarist played by Rick Springfield, who did a surprisingly good job of acting. The chemistry between Meryl and Rick when onstage was beautiful to behold. They really rocked.

And music, the one thing Meryl could give to her children, ended up saving the day in a very triumphant ending to the film.

I highly recommend seeing this movie, and the sound track should be pretty darn good too!

Equal Before the Law: How Iowa Led Americans to Marriage Equality

A Book Review and Promo

By Co-author Tom Witosky

Marc Hansen and I knew writing a book about the Iowa Supreme Court decision making Iowa the third state in the nation to permit gays and lesbians to marry would be a major challenge.

How do you write a book about the complex subjects of constitutional law, politics and civil rights and make it not only understandable but also entertaining to the reader?

Our answer arrived early during an interview in 2012 with Camilla Taylor, a lawyer for Lambda Legal, and her associate, Ken Upton. Taylor had been talking about the plaintiffs in the case and how they were chosen.

As she began to talk about the daughter of one of the plaintiff couples, McKinley BarbouRoske, Taylor became emotional. "She was the heart and soul of the case," Taylor told us as she wiped tears from her cheeks. "It's been a long time, but I still get choked up when I think about it."

Taylor and Upton went on to explain: the story of McKinley, who, at age 5, had startled her mothers one morning at the breakfast table by asking them why they weren't married, played an important role in the Iowa lawsuit. What's more, McKinley's story significantly changed the national legal strategy in the campaign for marriage equality. For the first time, a lawsuit demanding

that gays and lesbians be allowed to marry included children as co-plaintiffs.

The question of whether children of same-sex couples had a right to have married parents would first reach the U.S. Supreme Court in 2013 during oral arguments over California's Proposition 8. Two years later, the right of all children to have married parents would be central to Justice Anthony Kennedy's ruling declaring that gays and lesbians have a federal constitutional right to marry.

In 2009, the Iowa Supreme Court ruled unanimously: the Iowa Constitution's historic equal protection guarantees did indeed apply to gays and lesbians who wanted to marry the person of their choice. As a result, McKinley BarbouRoske was entitled to have married parents. Just over six years later, the U.S. Supreme Court would extend that right nationally.

Our book, **Equal Before the Law: How Iowa Led Americans to Marriage Equality**, tells the story of six everyday Iowa couples (and their children) who challenged public opinion to win an important right most of them never thought possible. The book chronicles the political fights, the legal battles, and the contentious aftermath that cost three justices their jobs.

But that isn't all. The book, most importantly, is about equal treatment under the law for all families.

For more information, see our *Equal Before the Law* Facebook page and follow us on Twitter @EB4LIowa.

Samantha Jo, Cont'd from p. 2 pain and tears using the companionship of this alter ego, and I gained a sense of fun through a gender switch and entertaining. It wasn't unfamiliar.

As a professional actor/singer and visual artist now, 7 years later, "Samantha Jo Blessing" is one of many recognizable characters among the Des Moines downtown community day or night. Every time out on the town, her intention is to expose the amazing talent, words, and ideals of certain female artists from the past and the present, into the moment and to entertain with passion and joy, hopefully, thrilling her audience with her own creative style.

And along with my two-dimensional art, I am able to pay my way with some assistance and I am totally grateful for the joy shared, expressing myself, as I evolve every day, in a community that I hold close and dear to me of family, friends (longtime and new) and sincere, genuine "fans" who look forward to my next moment upon the stage.

It's all good!



FFBC

First Friday
News & Views

Des Moines, Iowa

September, 2015

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MADE ON A  MAC

MY M.O. (MONTHLY OBSERVATIONS)

A COUPLE OF THINGS

By Steve Person

When reading so-called “biographies” of Hollywood celebrities, one needs to be ready to put to rest the old saying, “If it’s printed in the paper, then it’s true.” Newspaper coverage can be adequate, at best, and downright misleading at worst. The same can be said of movie star publications. Occasionally, though, something comes along that rises to the level of excellent writing, and that is the case for Edward Z. Epstein’s **Audrey and Bill: A Romantic Biography of Audrey Hepburn and William Holden**. Epstein chronicles the on and off screen romance of Hepburn and Holden during the filming of the 1954 classic, **Sabrina**, directed by Billy Wilder.

At that time, both Hepburn and Holden’s star quality burned brightly in the Hollywood firmament. Both came to the set of the film fresh from their respective Academy Award winning performances, she for **Roman Holiday** and he for **Stalag 17**. Filming **Sabrina** became a struggle for all involved, especially since the third star of the film, Humphrey Bogart, disliked Holden and resented the multiple takes Hepburn insisted on to make sure she got it “right.”

The romance blossomed between the two young stars, but it was doomed. Holden was married to a long-suffering wife who knew of, but never approved of, his numerous affairs. Hepburn needed the guidance of an older man, and one eventually came to fulfill that role, Mel Ferrer.

Eleven years after **Sabrina**, Hepburn and Holden made a second film together, the poorly received **Paris When It Sizzles**. Holden made filming difficult because of his excessive drinking, while Hepburn dealt with a crumbling marriage to Ferrer. The book follows the careers of both stars and the many films they did NOT make together, but it is thoroughly researched and well written. I highly recommend it.

A second book, **The Woman Before Wallis: Prince Edward, the Parisian Courtesan, and the Perfect Murder**, by Andrew Rose, challenges the reader because of its uneven approach to truthful documentation. It rightly chronicles the coming-of-age story of the young Prince Edward (later Edward VIII and Duke of Windsor) during World War I with a French *demimondaine*, Marguerite Alibert. At the time of his infatuation, the prince penned numerous love letters, all of which Marguerite kept. While the affair came to its inevitable end, both parties continued their separate lives into the 1920s. Edward romanced many women, particularly the married Freda Dudley Ward, and Marguerite, consumed with the desire for riches and jewels, married an Egyptian prince. That marriage, troubled from the start, ended when Marguerite shot her husband dead at the Savoy Hotel in London.

The ensuing trial became the news sensation of 1923 in England, Europe, Egypt, and the United States. Rose asserts that Marguerite’s trial was rigged from the outset in order to avoid any unseemly publicity to the royal family arising from Edward’s unwise decision to write those love letters during the war. He claims that Marguerite would not mention the letters as long as she would be found “not guilty” of the murder of her husband. The letters were returned, evidently, but the process of their return swirls amid speculation rather than facts. As a chronicle of the rabid racism of the times, it is an interesting book. As a record of the facts, it is dubious.