



THE  
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# First Friday News & Views

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## ALLOW

by Jonathan Wilson

My five year old grandson, Calvin, was riding down the road with his mother the other day. Out of the blue he asked, "Mom, why is the letter 'P' not allowed?" She asked him to repeat his question. Same question. She said she didn't understand the question, whereupon he pointed to a white sign with the letter 'P' overlayed with a red circle and diagonal line. She then could explain, of course, that the 'P' stood for parking and the sign meant that *parking* was not allowed. Nothing wrong with the letter 'P'.

He had taken what he knew to be true -- that the letter 'P' is a perfectly good letter placed consistently after 'O' and before 'Q' -- and tried to test what he knew to be true against a purported prohibition. He must have asked himself, "Knowing what I know about the letter 'P', why would it be okay for 'P' not to be allowed?"

Aside from being rather cute in the vein of kids-say-the-darndest-things, the story is a metaphor. It is a wonderful example of taking known information and testing it against the prohibitions that surround us. It's an example that is replicated with each new generation, by Calvin and millions like him. It happens all the time as we learn new things that are undeniably true. Old assumptions and worn out prohibitions must inevitably yield. Forerunners include equality for women, for people of color, and for people of other ethnicities and other religions.

Here's where it gets interesting. In the tradition of **The Music Man**, the letter 'P' rhymes with 'G' and that stands for GAY. You see, my grandson has a gay grandpa. For more than twice his entire life his grandpa has been in a committed relationship with another man that my grandson also adores. Calvin and I spend lots of time together and it would be difficult to figure out which one of us enjoys more our time together. Together we play games, ride tractors, play with electric trains, color, cook, go for walks in the woods, go shopping, you name it. I can remember when I was growing up and when I was a young adult hearing "old people" talk about how special grandchildren are. It's all true, every word of it. If I do say so myself, Calvin obviously admires and respects his gay grandpa and his grandpa's partner. That we are a couple is, for Calvin, simply a given. He knows that both of us are real people, as good as most and better than some. He knows we are responsible, hard working, supportive of him and his single mom, and LOTS of fun. He will come to know that we have many friends; we love reading, learning, good food, and foreign travel; we respect honesty and courage; we pay their taxes like everyone else; and we vote -- just as he will be expected to do.

And he will test that knowledge against old assumptions and worn out prohibitions. He'll be asking, "Why should my gay grandpa not be allowed to marry and, like his mom, get a divorce if need be?" "Why should my gay grandpa, in a committed relationship, not be allowed to give blood?" Why should my gay grandpa not be allowed to serve in the US military to defend this country and a constitution that guarantees equal-

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## CALENDAR

- ▼ The next FFBC meeting is 7:00 A.M., Friday, October 2, 2009 at Hoyt Sherman Place.
- ▼ R.S.V.P. by Tuesday September 29 to [JonathanWilson@davisbrownlaw.com](mailto:JonathanWilson@davisbrownlaw.com) or 288-2500 by phone.

ity for all law-abiding citizens?” Why should my gay grandpa not be allowed to travel throughout the world without fear of discrimination or, potentially, even arrest and criminal prosecution?”

As he does that testing, along with legions of his contemporaries using their grandpas, their dads, their uncles, their brothers, and their gay friends, and lesbian counterparts, the conclusion will be inescapable. All of these loved ones -- everyone, regardless of gender orientation -- *should be allowed* to do all of those things. We live in a representative democracy; you do the math.

The letter ‘P’ is used to spell prohibition, that’s for sure. But it’s also used to spell grandpa.

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## Iowa Supreme Court Justice Mark Cady Addresses FFBC

Our speaker on September 4 was Iowa Supreme Court Associate Justice Mark S. Cady, author of the Court’s unanimous opinion (April 3, 2009) in *Varnum v Brien* which grants the rights of civil marriage to all Iowans. Not often does this reporter notice FFBC members tearing-up at breakfast, but Cady’s soft-spoken, direct, and powerful presentation on this Friday morning brought more than a few of us to tears of gratitude and pride in our state.

Justice Cady began by citing Alexis de Tocqueville’s 1835 observation that Americans are not more enlightened than other peoples, they just have the ability (and the will and the mechanisms) to repair their mistakes and those of their governments. We have set up our three equal branches in our government, Cady asserted, to make and repair the rules of our society; and it is the Judiciary which is called upon most often when the Legislature and the Executive have been unable to agree on what and how to repair as our society grows and changes. The Court’s business, he said, is to understand the world around us, to examine the facts in the light of the law, and to make a decision.

In this case, the Justice said, it came down simply to a question of Equal Protection. The room was riveted in silence as he outlined the elegant argumentation process the Court follows when it retires to chambers: it quickly became evident as each Justice joined the discussion that they all agreed. “It was not a hard decision,” Cady said.

And then he had to write it—which took several months. Justice Cady said he was determined to write simply and clearly, and to insist that the case involved only civil (not religious) marriage.

Some key points in the Court’s Opinion:

“As Justice Oliver Wendell Holmes poignantly said, ‘It is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past.’

“So, today, this court again faces an important issue that hinges on our definition of equal protection. This issue comes to us with the same importance as our landmark cases of the past. The same-sex-marriage debate waged in this case is part of a strong national dialogue centered on a fundamental, deep-seated, traditional institution that has excluded, by state action, a particular class of Iowans. This class of people asks a simple and direct question: How can a state premised on the constitutional principle of equal protection justify exclusion of a class of Iowans from civil marriage?

“Iowa Code section 595.2 is unconstitutional because the County [Brien] has been unable to identify a constitutionally adequate justification for excluding plaintiffs from the institution of civil marriage. A new distinction based on sexual orientation would be equally suspect and difficult to square with the fundamental principles of equal protection embodied in our constitution. This record, our independent research, and the appropriate equal protection analysis do not suggest the existence of a justification for such a legislative classification that substantially furthers any governmental objective. Consequently, the language in Iowa Code section 595.2 limiting civil marriage to a man and a woman must be stricken from the statute, and the remaining statutory language must be interpreted and applied in a manner allowing gay and lesbian people full access to the institution of civil marriage.”

- Bruce Carr

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## Taking Woodstock

Review by Gary Kaufman

As a participating member of Wadena Nation, Iowa’s one-and-only 3-day music festival, I was a natural for wanting to relive the era through viewing the movie, **Taking Woodstock**. However, Ang Lee has provided much more than just a nostalgic look at a bygone era; he gives us a film of transformation. The lad who is about to be transformed is Elliot Teichberg, played by Demetri Martin whom you might know from his “Trendspotting” segments on **The Daily Show**. Elliot is sinking all his earnings into his parents’ failing business in Bethel, New York. But in this movie it is not only Elliot who is transformed, but also his family and portions of the Bethel community by this unique event.

Elliot is doing all he can to help his parents’ sorry motel in the Catskills. The movie starts by scanning a view of the run-down motel, now gregariously named the El Monica

International Resort with a large sign proclaiming, “New Olympic Pool with Sparkling Water.” The rooms cost \$8 a night, towels are \$1 extra, and when renting a room, a customer gets a warning: “Don’t go in the pool, the water, we put in next week for the season.” Business is not booming.

Elliot does his best to come up with schemes that will help business, and he has been elected president of his local Chamber of Commerce, the youngest in its history. He has applied and received a permit for an annual music festival which in the past consisted on people listening to records on his front porch, but this year he hopes to have a live band. His life and the lives of those around him are forever transformed when he finds out that Woodstock Productions have had their permit for a music festival in nearby Killhill revoked. Elliot decides to give the organizer, Michael Lang (Jonathan Groff) a call. Michael is thrilled about Elliot having a permit for the festival but not so thrilled with Elliot’s proposed concert sight--a swamp on his property. When Elliot gives Michael and his entourage some chocolate milk from a local dairy, Elliot mentions that the owner of the company, Max Yasgur (Eugene Levy) has lots of grassy hills on his land for the cows. When Max Yasgur meets Micheal, Max expresses how there is a lot of joy in the music of the young people today. Michael agrees, “There is a lot of joy in music, Mr. Yasgur, and we would like to bring it to you.” With that Michael initially gets the rights to stage the concert there for \$5000. Michael then asks Elliot to rent out the motel for the rest of the summer and makes it clear that their organization likes to pay for things with cash--in advance--and immediately hands it to him in a brown paper bag. His mom thinks Elliot is nuts for allowing up to a 1000 people to come into Bethel for a music concert, but when she sees the bag of money that pretty much seals the deal with mom. The motel is saved from foreclosure. The Teichbergs, of course, have no idea what they have just unleashed.

Ang Lee captures the era very well. He often uses split screen imagery, which was just starting to have a resurgence in film at that time after decades of absence, and was used in the original movie of the event. The imagery illustrates the magnitude of the undertaking and the style of the era. The characters are a superb mixture of types from the era played by a remarkable cast. Probably the most notable character is Elliot’s mother, Sonia, played by Imelda Staunton. Elliot’s father has lost his spirit. He sort of hopes the bank forecloses on the “dump, so he could retire happy in Florida.” A local Bethel lad, Billy (Emile Hirsch), has come back from Vietnam and suffers from flashbacks and mulls about re-enlisting. “Hell, back in Nam I am fuckin’ normal”. Another colorful character

is Vilma (Liev Schreiber), a drag queen who is a veteran of the Korean War and who packs a pistol in her stocking. Elliot hires Vilma to work security for the motel. The era is entertainingly punctuated with the presence of the Earth Light Players, the new experimental theater group who live in the barn and whose over-the-top performances often include lots of nudity.

But as I said, the movie is really about transformation. Elliot, is a closeted gay man, an interior designer who has left that life back in Greenwich Village to help his parents run their motel, but no one knows of this part of his past in Bethel. He is uneasy about how others will feel about him. He asks Vilma, after Vilma has hung out with Elliot’s father for awhile, if his dad knew who Vilma really is. “I know who I am, so it is easy for people to see,” is Vilma’s pointed response. Eventually Elliot reignites his sexuality when he meets a gay construction worker working on the site. Not only does Elliot achieve his personal transformation, but his family is transformed as well. His family gets caught up in the joy, acceptance, and exuberance of those descending upon their little community. When his parents unknowingly have four magic brownies apiece, even his mother becomes beset with joy. When Elliot finally makes his move to leave home, Elliot’s father discovers Elliot packing his suit case and tells him, “Now, I’m alive! Elliot, you caused this! You made me alive again! And I want you to live, too. Is that too much to ask?” A very positive send-off to his gay son. If only more parents had that wisdom.

Anyway, it is a great film and works on many levels. You can, like me, take a journey down memory lane or discover an era you may have missed. Be part of the Summer of Love. See **Taking Woodstock**. It is definitely groovy!

## BRIEFS & SHORTS

Be sure to RSVP for the October 2 meeting no later than September 29. Contact [JonathanWilson@davisbrownlaw.com](mailto:JonathanWilson@davisbrownlaw.com) or call 288-2500. Our speakers will be David Adelman and Leisha Barcus, candidates for the Des Moines City Council .



Thanks to Eric Burmeister for his introduction of our September speaker, Iowa Supreme Court Justice Mark Cady .



A reminder to both members and non-members to designate FFBC when filling out your United Way pledge card .



# FFBC

*First Friday  
News & Views*

*Des Moines, Iowa*

*OCTOBER 2009*

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## From the Editor

### A Capitol by Any Other Name

Because I am a tour guide at the Iowa Capitol Building, I feel it is my duty to visit as many state capitols as possible. That way I can relate to the many people who come into the Iowa Capitol from other states. So far, I have been in twelve capitols and seen from the outside another five.

A few weeks ago, I visited the Nebraska Capitol in Lincoln. It is an impressively tall building but one that carries the tumescent description of "The Penis of the Plains!" I heard at one time that Carl Sandburg dubbed it as such, but in my research I cannot find that the phrase is credited to him. It is, however, an apt characterization of the building.

The building's 400 foot tower sticks up from the landscape, and the building is capped with what appears to be an uncircumcised male member. On top of that is a nineteen foot statue entitled "The Sower," scattering his seed all over the place! I do not know if the building's architect, Bertram Grosvenor Goodhue of New York, was aware of the penile resemblance, but the sculptor of "The Sower," Lee Lawrie, could not have put a more apt sculpture atop the bulbous dome.

The Nebraska Capitol inside is an Art Deco lover's dream. The building was constructed in four phases from 1922-1932. The stone work is impressive as are the mosaic floors and ceilings, representing everything from Cosmic Energy to the plant and animal life that have thrived at one time or another in what is now the State of Nebraska.

Nebraska's is the only legislature in the country that is unicameral. Its 49 "senators" meet in what used to be the House of Representatives because it is the larger of the two legislative chambers. The former Senate Chamber is now used for ceremonial occasions, and the names of the last "senators" from the 1930s still adorn the roll call roster in that room. The current legislators in Nebraska are elected without party labels and receive \$12,000 per year as their salary. The legislative session is 60 days in even numbered years and 90 days in odd numbered years. The legislators cannot vote themselves pay raises. In order for that to happen, the people of Nebraska have to vote. What a novel idea—giving the people the opportunity control their legislators! Nebraska senators are elected to four-year terms and may not serve more than two terms.

The Nebraska Supreme Court Chamber is an impressive room. According to the tour brochure, "The seven member Supreme Court meets monthly in a chamber decorated in American walnut. An 8000 piece coffered, suspended, carved walnut ceiling rises above Guastavino tile walls displaying hand-woven tapestries portraying early commerce in the Louisiana Territory." It also is one of the rooms in the Capitol that allows sunlight into it. I found the Nebraska Capitol to be exceedingly dark from the time one enters on the first floor to the main government chambers on the second floor—very dark, indeed.

The art deco elevators take tourists up to the Memorial Chamber near the top of the tower, giving visitors the opportunity to see the city of Lincoln from all directions.

My next stops will be to visit the capitols in Jefferson City, Missouri, and Little Rock, Arkansas.

- Steve Person

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*Learn from your mistakes. Better yet, learn from the mistakes of others.*