



First Friday News & Views

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

In Search of Silver Linings By Jonathan Wilson

Until the recent, split decision (2-1) of a panel of the US Court of Appeals for the 6th Circuit, we had seen a virtually unbroken record of successes challenging gay marriage bans on US Constitutional grounds. Ruling after ruling by federal district courts and courts of appeal had held such bans unconstitutional whether based on state legislative enactments or voter-approved state constitutional amendments. The principle was easy enough to understand; the US Constitution guarantees that all law-abiding citizens are entitled to equal treatment under the law.

State laws, reflecting a modern day religious view of marriage, historically defined what is deemed a lawful “marriage” as a life-long contractual commitment between two adults -- and, more recently, one man and one woman. Lawful marriage, in turn, led to myriad benefits under both state and federal laws. And that, in turn, led to disparate (unequal) treatment for those denied access to lawful marriage.

Emboldened by the United States Supreme Court decision and rationale in *Windsor*, that struck down as unconstitutional the federal Defense of Marriage Act, federal court after federal court had, until the 6th Circuit decision, correctly held that equal protection guarantees render state-level bans on gay marriage unconstitutional.

But then came the 6th Circuit three-judge panel’s decision. Unless reheard by the full 6th Circuit Court, that decision creates a split among the circuits 4-1. The US Supreme Court had been asked to review the decisions in those other four cases and had declined; frequently the Supreme Court declines review when there’s no disagreement among the circuits.

To mix a metaphor, here’s where it’s necessary to drill down a bit in order to find that silver lining on legalizing gay marriage nationwide. First, know that discretionary reviews by the Supreme Court happen typically when at least four of the nine justices think a case should be reviewed. That tells me that there weren’t four justices who were all that unhappy with the way the federal courts were unanimously holding in favor of gay marriage.

Second, note that the 6th Circuit decision was by a three-judge panel, a subgroup of the full 6th Circuit Court of Appeals. The litigants could have asked for a rehearing by the full court. If they had done so, and even assuming that the full court were to agree with the panel, that would

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▼ The next FFBC Meeting is 7:00am, Friday, December 5, 2014, at Hoyt Sherman Place, 15th & Woodland, Des Moines, IA

▼ RSVP by December 3 to JonathanWilson@davisbrownlaw.com, or phone 515-288-2500

take time and, therefore, delay an official “split among the circuits” that typically augers for Supreme Court review to resolve the conflict. No rehearing was sought and, therefore, the ruling of the split panel established immediately the split also among the circuits. Those involved in that litigation, who are far more knowledgeable than I am, elected not to seek rehearing, thus creating the circuit split more immediately, and thus more probably move the issue to the *current* US Supreme Court for a resolution. They appear to be reading the current make-up of the Court the same way that I am and want a definitive ruling in favor of gay marriage nationwide.

That assessment is further reinforced by the recent case out of Kansas where the State Attorney General appealed a federal district court decision striking down that state’s ban on gay marriage. Three things happened: (1) initially, Justice Sotomayor put a stay on that ruling; (2) days later **the full Supreme Court lifted the stay**; and (3) the two most ideologically conservative justices (Scalia and Thomas) dissented. That’s a 7-2 margin. That’s encouraging, to say the least, *and* it’s consistent with my other prognostications.

Drill down and one finds a silver lining; those two justices, bound by ideology over intellect, and the two judges on the 6th Circuit panel, are the outliers. There is good reason for optimism despite a loss that superficially suggested we had lost ground.

In the recent election, a silver lining is more difficult to discern. For whatever reasons, and probably for lots of reasons, democratic candidates did not fare well across the board in Iowa (and elsewhere). The silver lining? The Democrats retained control of the Iowa Senate and state senator Michael Gronstal, one of our most ardent defenders, was re-elected leader of the Senate majority.

And who knows, maybe our newest Representative in Congress will, in due course, come out.



You Read It Here First

By Jonathan Wilson

Terry Branstad was re-elected Iowa Governor, along with Lt. Governor Kim Reynolds. He will become the longest serving governor of any state in the entire history of the United States, on December 14, 2015.

I think Governor Branstad is having some health problems. I don’t know; that’s just what I think. What I also think is that he plans to serve until at least December 15, 2015, God-willing. Thereafter, with his unprecedented tenure firmly in place, he will step down. That will enable Lt. Governor Kim Reynolds to become our first female governor and enable her to run for governor as an incumbent. That’s the part of the Branstad legacy I will find most distasteful.

There you have it; mark my words.

Briefs & Shorts

Be sure to RSVP for the December 5 meeting no later than December 3. Contact Jonathan at 288-2500 or email him at JonathanWilson@DavisBrownLaw.com. Our scheduled speaker will be Des Moines Archdiocese Bishop Pate.

Thanks to Byron Huff for serving as Master of Ceremonies and for his introduction of our November speaker, Kathie Obradovich of the **Des Moines Register**.



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

Consider a tax deductible contribution to the FFBC scholarship fund, or a tax exempt testamentary gift, or both.

Rosewater

Review by Gary Kaufman

Jon Stewart of “The Daily Show” marks his directorial debut with the movie **Rosewater**, which opens with the Iranian police raiding the abode of Maziar Bahari, a Canadian broadcast journalist, and seizing contraband such as a vinyl record of an orchestra conducted by Leonard Cohen titled “A Jew,” and literary works being declared as “pornography” by the man conducting the raid known only as “Rosewater.” Mr. Bahari’s father had been captured and murdered by the Shaw as a communist, his mother had also been arrested as a communist, and his sister had been murdered by the current regime. Mr. Bahari was there to record the turbulent period of June 2009 when the country was undergoing an election between president Mahmoud Ahmadinejad and Mir-Hossein Mousavi, the candidate for change. There was a different spirit in the country. The young who had gone to college and called themselves “the educated” were not afraid of the regime and had set up satellite antennas on the rooftop of their building to be able to receive and send information throughout the world. Although exit polls showed Mousavi leading in every one of the poll locations but one, Ahmadinejad declared

victory. The supporters of Mousavi went to the streets and the scene was much like the scenes of war protesters during the Vietnam War in the United States only, instead of “four dead in Ohio,” the headcount of the murdered was much higher.

Mr. Bahari had the audacity to allow footage of the street riots to be shown on BBC and thus followed the raid on the living quarters he shared with his mother. He then endured 118 days of mental and physical torture. The instructions given to his interrogator were, “You not only must take his blood, but you must also take away his hope.”

However, Mr. Bahari keeps that hope alive by having imaginary conversations with this father and sister; his father urging him to say nothing, not give them one inch. Bahari’s wife leads an international campaign to have her husband freed, and the cause is even taken up by Hillary Clinton, as Secretary of State. Eventually he was freed. He was told by another Iranian that truth was the real enemy of those in control, and that they were actually afraid of him “because they know they cannot win.” The film ends with a young Iranian secretly filming the police dismantling the satellite antennas on the rooftop to show the world what they are doing. The truth is the greatest enemy of tyranny.

*The following is adapted from a letter written by John Schmacker, one of the founders of FFBC, that was sent to the **Des Moines Register** before the election but, unfortunately, not published. While the margin of Branstad’s re-election victory suggests that publication would not have changed the outcome, the points made are nonetheless worthy of circulation here.*

The decision of the **Des Moines Register** to endorse neither candidate to be Iowa’s next governor left me perplexed.

Well over 75% of your editorial’s column-inches restated the litany of things that are wrong with the Branstad administration. Your language about him included these phrases: “increasingly disappointing,” “squandered opportunities,” “many reasons why he does not deserve re-election,” and “lacked the courage.”

You correctly described Branstad as working for tax policies that benefit those at the top of the economy. You mentioned his knee-jerk rejection of the refugee children at our border, and of his favoring Big Ag at the expense of our state’s natural environment. You pointed out the cronyism that resulted when Branstad replaced competent managers with political appointees, his outright bullying of the worker compensation Commissioner, resulting in lawsuits that are costing us upwards of \$1 million. You noted his crippling of the Medicaid expansion at the expense of Iowa’s most needy. You mentioned his dismantling of protections for nursing home facilities. You described how he engineered an attack on Iowa’s women by packing the Board of Medicine with known anti-abortion ideologues.

You lament that Jack Hatch has expended so much energy talking about Terry Branstad’s faults and scandals. But there is much to talk about on those subjects. Your own editorial reminds us of that.

Jack Hatch laid out his vision for a fresh start for Iowa. We heard it in his stump speeches, in campaign mailings, and in the debates. True, we didn’t hear much about Hatch’s agenda on TV or in print. That is partly because most media reporting focuses on polls instead of issues. It is also because of money. Branstad had BIG money behind him, much of it from outside the state. Jack Hatch didn’t have big special interest donors behind him. In my mind this was yet another reason to elect Jack Hatch.

Branstad’s conservative policies have been dirtying and dumbing down our state over all these many years. It’s been happening so gradually, over so many years, that we barely notice it until we wake up to see what our state has become. It didn’t need to be this way. We didn’t need to tolerate this.



IOWA STANDS OUT FOR JOBS AND BUSINESS CLIMATE

Creating more good jobs and expanding Iowa's middle class are my top priorities for the 2015 legislative session.

Iowa is already one of the best states in the nation for business because of our investments in economic growth and job creation. The credit-rating agency [Standard & Poor's predicts](#) continued growth in our region and some of the lowest unemployment rates in the country.

According to this year's [Small Business Friendliness Survey](#), Iowa is among the top states for business friendliness, as well as for ease of starting a business. CNBC attributes [Iowa's competitiveness](#) to our low cost of doing business and friendly regulatory environment.

Iowa ranks fourth in the country for job climate, according to the [Organisation for Economic Co-operation and Development](#). As the country rebounds from recession, Iowa is putting more people back to work than most states.

A 2014 report on [Iowa's Workforce and the Economy](#) shows our unemployment rate continued to trend downward in 2013, and now rests at its lowest level since 2008. The report indicates that most of Iowa's industries are picking up again, and our leadership on renewable energy promises to create more good jobs and keep our economy moving.

Iowa also has one of the highest rates of economic performance in the nation, according to the [U.S. Chamber of Commerce Foundation](#). We've accomplished this through relatively strong employment, growth in gross domestic product and per capita income growth.

Our state has a steady momentum, but there is more to be done. Iowa is expected to add about 188,200 jobs between 2012 and 2022, an increase of 12 percent, but we're going to need more skilled workers to fill them. We're tackling that problem by:

- Reducing Iowa's skilled worker shortage with an investment of \$40.3 million in worker training to help Iowans qualify for job openings at local businesses.
- Boosting support for apprenticeship training and job retraining at our community colleges.
- Investing in internships for Iowa students studying science, technology, engineering and math (STEM).

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.

Election Aftermath

By Bruce Carr



Photo by Gary Moore

Our speaker on the First Friday of November was Kathie Obradovich, the Register's political editor, who offered us her thoughts on "what just went down" on the first Tuesday of this November, Election Day. Or, as she also put it: What. The. Hell (her word). Happened.

What happened is that the Republicans romped: Iowa voters preferred Terry Branstad to Jack Hatch -- making Branstad the longest-serving state governor *ever* in the USA; Joni Ernst was elected Iowa's junior US Senator by 8.5 percentage points over Bruce Braley -- becoming the first Iowa woman ever elected to national office; and Staci Appel lost her bid for election in Iowa's Third Congressional District by 11 points to David Young.

Obradovich pointed out that all the candidates had mostly avoided talking seriously about governmental policy during the campaign, meaning that the election was thus more about people than about issues; and the voters just *liked* the Republican candidates better -- found them more attractive. She also noted that all three Democrats had achieved their party's nomination without going through a full primary-election process. In other words, she said, neither Hatch nor Braley nor Appel had had "warm-ups" that could have enhanced their campaigning skills -- and all three candidates had made mistakes that could have been mitigated if they'd been made before the general election.

Silver lining: At least, Obradovich reminded us, the Iowa Senate preserved its Democratic majority, thus thwarting for now the Republicans' hopes to move backward on LGBT issues, in particular marriage equality.

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Kathie Obradovich is The Des Moines Register's political editor, a post she assumed in June 2009. She first joined the Register in 2003 as its political editor, directing coverage of Iowa's first-in-the-nation presidential caucuses, the Iowa Statehouse, and Congress. She has been the lead editor of the award-winning Iowa Poll, developing questionnaires and coordinating reporting of the results. Before coming to the Register in 2003, Obradovich was Des Moines Statehouse bureau chief for Lee Enterprises' five daily newspapers, including the Quad-City Times in Davenport. She worked at the Quad City Times from 1987 to 1993, where her jobs ranged from night cops reporter and various city, county and court beats, to assistant city editor and regional editor.

Obradovich's honors include Iowa Associated Press Managing Editors first-place for online special project for Iowa caucus coverage, Des Moines Register employee of the year, and Gannett Newspaper Newsroom Supervisor Award. She grew up in Ames and is a graduate of Iowa State University with a bachelor's degree in journalism/mass communication. You can contact Kathie Obradovich at kobradov@dmreg.com, (515) 284-8126, and follow her on Twitter [@kobradovich](https://twitter.com/kobradovich).



If you view a Bald Eagle in a zoo, you're seeing our symbol of freedom in captivity.

Ever wonder how many places you've already visited for the last time?

The only time the word "incorrectly" isn't spelled incorrectly is when it's spelled incorrectly.

If two people on opposite sides of the world each drop a piece of bread at the same time, the earth becomes the largest known sandwich.

Mostly, in order to go to sleep, you have to pretend to be asleep.

New-borns cry so much because every discomfort is one of the worst things that has ever happened to them.

Child birth is, literally, an emergency in both senses of the word.

Killing a spider makes the spider gene pool sneakier.

You'll never hear about the truly perfect crime.



FFBC

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Des Moines, Iowa

December 2014

First Friday
Breakfast Club

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MADE ON A  MAC

Our newsletter editor of many years, Steve Person, is taking a bit of a break from contributing to the newsletter. His articles on myriad topics of interest have traditionally occupied this space, and he deserves our thanks. For the time being, the space will feature individual reflections of FFBC members on days gone by, important milestones in their lives, and events in the life of the LGBT community. It is intended as a continuing feature and when/if Steve is contributing again, the featured articles will still be included elsewhere.

Coming Out and Bringing Friends In

By Gary Moore

Coming out is a process that is never ending. It starts with one person and continues throughout our life, even as we enter a care facility, unless we and those who care about us prevent us from being pushed back into a closet.

I have been coming out since 1969, actually, it started earlier when I tried to find books in the library (there wasn't much to be found there). In 1969, I announced to my best friend in college, Cherie Mayer, that I was gay. The term gay was relatively new to me. The terms faggot and queer were much more familiar. Cherie was from the "big city" of Chicago, and was a social work student with a liberal bias at the University of Dubuque, so that helped. We became life-long friends. I was there for her marriage to a wonderful man, the birth of a son, and sharing garage sales, the arts, and a lifetime of experiences before her untimely death several years ago from breast cancer.

The point of this part of the story is that Cherie lived a good life. I have lived a good life, and we both have been able to share our life experiences, she as a strong, liberal woman and me as an "out" gay man. We learned from each other's life experiences and she knew more about what being gay means from knowing me for 45 plus years and I, in turn, learned so many things from her.

Cherie is among a number of long time friends, some 45 years, some 35 years, some 25 years, to whom I have "come out." These persons have experienced a gay man through the years and have mentioned that having known me has helped them in seeing other gay persons for their individuality -- to understand and discuss issues important to the LGBT community.

They watched me try to understand having a psychiatric diagnosis in the late 60's and early 70's, and then seeing that change. They watched me go through relationships that were tainted by negativity from religion and fighting the images of promiscuous gay men. They watched images of drag queens and half naked leather men and the many affiliations that gay men make in search of themselves -- and they learned.

They watched with me as some men struggled to find themselves in straight marriages, and the struggles of having children, families, wives, and then still needing to be fulfilled as a gay man. Do you date a man in the middle of those struggles? From all of these life experiences they gained perspective on a gay person alongside me. They saw my pain when a relationship did not work and the joy of having a friend when it did. This may not have been an important event such as Stonewall, the death of Harvey Milk, or AIDs; but coming out is an important event to every single LGBT person and the lives it touches. I wish all were as wonderful and as supportive as I found my friends over the years to be. But...., I know that is not the case for all. Coming out though is a new start to life for all LGBT persons, and I'm thankful it's getting easier.