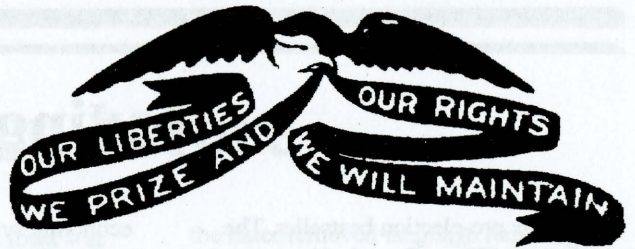


THE PRAIRIE PROGRESSIVE



May 2009

A NEWSLETTER FOR IOWA'S DEMOCRATIC LEFT

That poor little weed

Thank you, loyal readers! Welcome, new subscribers! Congratulations on setting a new fundraising record for the Prairie Progressive in the past three months. A total of 92 contributors voted with their checkbooks to authorize a stimulus package that will earmark at least one more year of the PP.

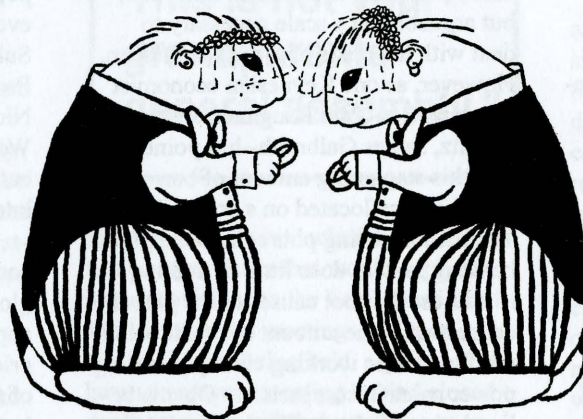
Of those 92 patriots, 37 were sufficiently generous and fashion-conscious to contribute \$25 or more, making them eligible to win a luxurious custom-designed cashmere scarf, 100% recycled and hand-crafted in Iowa. This unique gift, a stylish reminder of our great state and the Prairie Progressive's motto, is on its way to Major Supporter and raffle winner Mori Costantino of Iowa City.

The editors salute all who have helped to sustain the longest-lived publication of its kind in Iowa. Where else but in this current issue can you enjoy commentary by a legislator, a lobbyist, a librarian, and a history professor -- all in a single union-printed newsletter?

Please let us know your suggestions for celebrating the fast-approaching 100th edition of the Prairie Progressive. We always welcome your letters, articles, testimonials, and crisp rejoinders.

After debating deep into the prairie dog night, the Prairie Progressive editorial board finally decided against a special "Marriage Issue" of the

PP. The ruling, like the Iowa Supreme Court's, was unanimous. The clinching argument came from Emma Goldman, 75 years ago:



Love, the strongest and deepest element in all lives, the harbinger of hope, of joy, of ecstasy; love, the defier of all laws, of all conventions; the freest, the most powerful molder of human destiny; how can such an all-compelling force be synonymous with that poor little State and Church-begotten weed, marriage?

Nevertheless, we applaud everyone who has fought for equal protection under Iowa law, including two men who unsuccessfully sought a license to marry each other. Their names were Ken Bunch and Tracy Bjorgum, they were natives of rural

Iowa, and they were denied permission to apply for marriage licenses in Johnson and Polk County -- in June of 1976.

May 15 is International Conscientious Objectors Day. Gather at the Peace Pole by the Iowa City Public Library at noon for ten minutes of silence to honor those who refuse to participate in war, the greatest evil known to humanity. ✕

— Prairie Dog

Liberty is poorly served by men whose good intent is quelled from one failure or two failures or any number of failures, or from the casual indifference or ingratitude of the people, or from the sharp show of the rushes of power, or the bringing to bear of soldiers and cannon or any penal statues. Liberty relies upon itself, invites no one, promises nothing, sits in calmness and light, is positive and composed, and knows no discouragement.

— Walt Whitman

Having it both ways

In his pre-election bestseller, *The Audacity of Hope*, Barack Obama again and again stressed the importance of reconciling competing interests. In places, he appears to believe that it is possible to take both sides of an issue, especially when it comes to civil liberties and labor. Obama went so far as to assert that unions are a good thing, which was music to the ears of progressives since every president since Lyndon Johnson has attempted to be even more anti-labor than his predecessor. Obama characteristically qualified his pro-labor rhetoric, though, by asserting that “labor leaders” are going to have to learn to live with the new realities of corporate dominated global trade.

I recently read the Lincoln-Douglas debates, and was struck with some of the ways in which Obama’s rhetoric resembles that of an earlier Senator and President from Illinois. From both conviction and necessity, Lincoln felt compelled to take both sides of momentous issues. He asserted that the Declaration of Independence granted to African-Americans the right to life, liberty, and the pursuit of happiness, but did not grant them social equality with white people or even the right to vote. He declared slavery wrong, but declared his commitment to preserving it in the southern states.

Lincoln was addressing a looming national crisis in these debates, and speaking to the entire nation as well as the people of Illinois. Any responsible president must in some respects search for agreements that will reconcile competing interests even at the risk of moral compromise. As Lincoln discovered when governing, though, some interests are not reconcilable. At some point, a President must choose, and answer the question made famous in Harlan County, Kentucky: *Whose Side Are You On?*

Slavery created the crisis confronting Lincoln. Obama faces a crisis created by capitalism. Unfair and chronically unstable, capitalism is a terrible

economic system. It generates poverty even as it creates wealth, undermines democracy with its great concentration of wealth, and throws the entire world into a crisis every forty or fifty years, a crisis that puts the burden of sacrifice squarely on wage earners. Obama inherited just such a crisis, one that requires decisive action, and he has taken that action. In doing so, he has answered the Harlan County question. When faced with a conflict between the interests of the wage earning majority in the country he governs, and the interests of global finance capital, he has chosen the side of investors in global banks over working people.

The level of federal indebtedness proposed by Obama is incomprehensible to almost everyone, but arguably on a scale necessary to deal with the crisis of global capitalism. However, as one Keynesian economist after another--Paul Krugman, Joseph Stiglitz, James Galbraith--has pointed out, this staggering amount of borrowing is being misallocated on a colossal scale. The trillions being poured into the global banking system does little or nothing to address the root causes of the global depression. The amount of credit being used to restore working class purchasing power pales in comparison. Obama believes that the first call on our collective, national wealth is to shore up discredited and bankrupt banks in order to maintain investor confidence. As unemployment soars, working people will just have to be patient, and listen to Rush Limbaugh explain why they are being ripped off by the banks.

Nothing has done more to define the first 100 days of the Obama administration than his choice of Timothy Geithner and Lawrence Summers as primary economic advisers. Along with the appointment of pro-free trade fanatic Ron Kirk as his trade representative, Obama has made it clear that banks are central to his recovery strategy, and unions utterly irrelevant. His support for labor’s

number one priority, the Employee Free Choice Act, is now exposed as pro-forma, along with his promises to renegotiate free trade agreements that benefit multinational corporations at the expense of working people.

The fights over massive subsidies to banks, and labor law reform, appear to be over already, although it may be possible to salvage something for working people who want to unionize. One encouraging sign in this early struggle over the banks is that there have been progressive voices on blogs, in magazines, and on television speaking out against Obama’s economic policies from the first, despite his overwhelming popularity in the country and even greater popularity on the left. *The Nation* has even called for Geithner’s resignation. Subscribe to that journal, along with *The Progressive* and *In These Times*. Read Nick Johnson’s blog at [From DC2Iowa](#). We cannot leave the critique of pro-corporate policies to the hate-filled, know-nothing right.

There are more struggles to come, of course, including health care, global warming, and education. It appears that Obama is preparing market-oriented, pro-investor “solutions” in each of these areas, but there are strong voices in congress for progressive alternatives. Key members of congress prefer universal national health insurance to massive subsidies to private insurers, direct regulation of carbon emissions rather than “cap and trade” scams, and adequate funding for classroom teachers rather than the “teaching-to-the-test” approach favored by pro-corporate Education Secretary Arne Duncan. Progressive legislators need our support. To find out who they are, log on to the web site of the Progressive Democrats of America. ✂

— Jeff Cox

Things not seen before

Toward the end of this Iowa legislative session, a former lobbyist stopped in to say hello to his friends at the Capitol. After he asked how things were going, one longtime lobbyist said: "It's goofy. It's just plain fucking goofy." The description was a consensus among those of us lobbyists standing around – not that we usually stand around. But what else could we do? Things have been goofy this year.

In the category of strange things not seen before: 1) The Speaker camped out in the House chambers over a weekend to wait for a legislator, any legislator, to cast the deciding vote on a labor issue; 2) Republicans pushed for more government interference while Democrats shied away from keeping government transparent; and 3) There have been death threats, gallery evictions, and more conference committees than usual, and some of them were unexplainable.

Labor was a big loser. Six majority party members continuously use the label Democrat, but forget the principles of the Democratic Party. "The Iowa Democratic Party reaffirms its 34-year commitment to labor by supporting 'broad scope' in collective bargaining in the strongest possible terms." "Fair share," repealing [so-called] "right to work laws," and "requiring prevailing wages for publicly contracted work" are all mentioned in the meat of the Iowa Democratic Platform.

When a bill providing for a prevailing wage to persons working on public improvements for public bodies came up for debate, the 51 votes needed to pass a bill were evident in caucus meetings. However, one of the six renegade Democrats (referred to as "the six pack") broke his promise to support the bill. The vote stalled at 50, and the Speaker vowed to keep the voting machine open to allow other House members to change their votes at any time over the weekend. To do this, Speaker Murphy had to literally camp out in the House chambers. The camping trip is over, and so is any hope

for a prevailing wage law in Iowa – at least, in the immediate future.

House Republicans introduced an amendment that would require the pledge of allegiance to be said each day of school in every classroom throughout Iowa. Republicans, who usually scream about allowing local folks to have control instead of state government interjection (especially in the area of education), cannot see the irony in this ridiculous political maneuver.

On the other side of irony, Democrats in the House passed a bill modifying Iowa's Public Records/Open

"This is not your grandparents' general assembly."

Meetings law, but it lacked teeth. It also lacked a provision that would apply the law's provisions to the Legislature itself. While numerous meetings on Open meetings were being held, a group of 10 lawmakers were meeting behind closed doors to craft a bill that would comply with the federal Adam Walsh Act. In the end, what emerged from the darkened caverns of the Capitol was a bill that did very little to conform to federal guidelines, but did drastically change some of Iowa's sex offender registry laws. At least we think it did. Most people are still reading it and attempting to analyze it.

Conference committees are rare. At least, they used to be. This year, quite a few bills were relegated to conference committees with the intent of finding some middle ground for legislators of both chambers to agree. A bill related to the licensing of plumbers was sent to conference, as well as the Education Appropriations Bill. (The committee of

the latter removed language requiring the pledge to be said every morning in classrooms throughout the state, among other issues.) But a bill that began as an innocuous measure requiring openness in meetings and records of governing bodies of drainage or levy districts expanded into a law relating to pioneer cemeteries. Kids are without health care in Iowa, but don't mess with those pioneer cemeteries!

There were several public protests this year, an encouraging sign. And caucuses became more prevalent. Every time 2 or more legislators from the same party became mingled with at least another member of the opposite party, a caucus broke out.

Discussion has become predictable at the Capitol. Debate on a controversial issue may take up thirty minutes of floor time, but the caucuses may have discussed it for 3 hours prior to the bill's consideration on the floor. The unspoken requirement that a bill must be discussed in caucus has now trickled down to the committee level.

This is not your grandparents' general assembly. The only real thing that occurred this year was a member of the majority party changing his mind as he went from caucus to the floor, which led to the Speaker camping out, which led to a bad year for labor, which will lead to....? It's just plain goofy. ✂

— *Our liberties we prize, our rights
Marty Ryan will maintain*

The Joys of Nullification

At last, Iowa Republicans and I can agree on something—every Iowan’s right to set aside state laws they do not agree with. GOP legislators and their putative candidate for governor in 2012, Bob Vander Plaats, have been telling citizens and county officials that the recent state Supreme Court decision that Iowa cannot selectively deny gay Iowans the right to marry, is not state law.

Vander Plaats claims that as governor he would overturn the ruling with an executive order, ignoring the inconvenient truth that this is unconstitutional under both state and federal law. GOP legislators have suggested that county recorders who personally oppose gay marriage should simply refuse to issue licenses to couples, even though the court ruling is law.

These plucky legislators have introduced legislation that would permit county recorders to place private prejudice above state statute and deny certain Iowans a marriage license because...well, because they just don’t want to let those people marry. They’re also clamoring for a constitutional amendment on this issue—a process that would include a public vote on any proposed change to the Iowa Constitution.

At first I had the usual leftist knee-jerk reaction to this latest shenanigan of the Iowa Taliban, but then I realized that this is a golden opportunity for Iowa progressives. If we accept the GOP claim that citizens can pick and choose which laws to obey, then we can really make some public and personal progress.

To begin with, I call on Governor Culver to nullify Iowa’s right-to-work law, and require fair-share fees from workers who benefit from union contracts. Iowa Democrats have wasted more than fifty years fighting this anti-union legislation the old fashioned, legal way. Now, with the Republicans’ blessing, we can simply abolish it with a stroke of the Governor’s pen!

Next, I ask Governor Culver to create the nation’s first state-run single-payer health insurance system, by combining the ridiculous patchwork of state and federal health programs into one state system, Iowa-Care. All Iowans would have health coverage AGAIN. This is really only a re-working of the idea of “state papers,” by which University Hos-

**“The Iowa
GOP has a
winning idea.”**

pitals and Clinics provided transportation and treatment for any citizen unable to afford medical care, or who needed specialized services.

Single-payer insurance would keep young Iowans here and bring new immigrants in droves, reversing Iowa’s decades-long brain drain. Such a system would also have national impact. Canada’s nationwide single-payer plan grew from provincial systems. We would also enjoy the sight of GOP caucus contenders telling Iowans that they should not have health insurance if it is provided by the state. Grateful Democratic presidential hopefuls would no longer have to offer ephemeral plans for universal coverage, and instead would be free to tell the nation how they would extend Iowa’s example.

Personally, I can think of many state laws I’d like to set aside. Come to think of it, I would prefer not to bother with certain federal statutes, too. If Texas Governor Rick Perry can suggest that Texas leave the Union (I say take the whole Confederacy and good luck to him,) then the Iowa GOP and I can pick and choose what legislation we will obey, from the local to the national.

I’m happy to pay taxes for Amtrak,

police and fire, and consumer protection laws. However, I want all of my tax dollars currently wasted in Iraq, or providing archival staff at Republican presidential libraries, returned to me. I would exempt the Herbert Hoover Library; despite his free market beliefs, Hoover was a humanitarian and an internationalist whose unsung federal programs heralded the New Deal. He’d probably be a Democrat today.

My next demand is to no longer have to pay for Iowa’s bloated system of roads. Governor Culver must issue an executive order turning the road fund into a transportation fund so that we get high-speed rail to Chicago, after forty years of merely talking about it. I morally object to paying for more prisons to lock up non-violent offenders, so I should qualify as a conscientious objector. I also want the bottle deposit to go up to \$1 per container. Recycling is good for Iowa, and it should be more enriching for me.

Most of all, I want an executive order from Governor Culver mandating that Iowans be able to pick which stations they receive on cable television. I’d keep one right-wing preacher channel for laughs, drop all the shopping networks, add Canadian and British Broadcasting, and triple the number of History Channel programs about UFOs.

The Iowa GOP has a winning idea. Why didn’t we progressives ever think of nullification and government by diktat? ✂

—Duncan Stewart is a member of
NWU-UAW Local 1981

In the government's interest

On April 3rd the Iowa Supreme Court struck down a state law defining civil marriage as only between one man and one woman. The Court ruled that the law does not comply with the equal protection clause of the Iowa Constitution. Since the Court issued its opinion, I have been inundated with thousands of e-mails, many from constituents but the vast majority from individuals across Iowa and across the U.S. Opponents of gay marriage advocate for passage of House Joint Resolution 6, a proposed amendment to the Iowa Constitution defining marriage as between one man and one woman; supporters of the Court's decision ask that the Legislature simply let the decision stand.

The case in question, *Varnum v Brien*, has a sixty-nine page decision that I strongly urge any interested individual to read. As a matter of constitutional law, the Iowa Supreme Court made a compelling case and the verdict was unanimous. There are three degrees of scrutiny courts use in analyzing an equal protection challenge. "Strict Scrutiny" is utilized for examining laws that treat individuals differently on the basis of race or national origin. "Intermediate Scrutiny" is used for laws that differentiate on the basis of gender or illegitimacy. "Rational Basis" is used for laws that treat differently individuals who are not in any protected class and is very deferential to the Legislature.

There are four factors a court may consider in determining whether some form of heightened scrutiny – something more than "Rational Basis" – is appropriate: 1) history of discrimination against the class; 2) whether the characteristics that distinguish the class reflect on the individuals' ability to contribute to society; 3) whether the characteristic is immutable or changeable; 4) the degree of political powerlessness of the class. The Supreme Court found that it is very clear that gay men and women have been discriminated against in the past and have every ability to contribute positively to society. The

Court did not attempt to decide whether homosexuality is an inherent quality such as skin color, but did recognize that sexual orientation is highly resistant to change. The Court further noted that no Legislature in the nation had passed a statute allowing same sex couples to marry as evidence that homosexuals have had some degree of political powerlessness.

Having concluded that it was appropriate to utilize at least an "Intermediate Scrutiny" analysis for determining whether Iowa's law complies with the equal protection clause, the question becomes: Does the law further an important government interest and is the law substantially related to that interest? Those defending the law argued five government interests: 1) promotion of traditional marriage; 2) promoting healthy environments for raising children; 3) promotion of procreation; 4) promotion of stability in civil marriage relationships; 5) conservation of State resources.

In dismissing the first proposed government interest, the Court failed to find any governmental reason, only the promotion of tradition for tradition's sake. That is, if the law only allows heterosexual marriage for the purpose of promoting traditional heterosexual marriage, the logic is circular. The Court recognized that promoting healthy environments for the raising of children is an important government interest, but this justification also fails because the law was not substantially related to that interest. The ban on same-sex marriage was found to be both under-inclusive (it does not prohibit child abusers or violent felons from marrying) and over-inclusive (not all same sex couples want to raise children).

The Court went on to dismiss the remaining justifications. The promotion of procreation as a government interest was found to be too tenuous as gays and lesbians do have the ability to procreate and there was no evidence that the law prohibiting them from marrying has lead

to greater procreation than otherwise would take place. Similarly, the Court dismissed the idea that same sex couples inherently have less stable relationships for lack of evidence. Lastly, the Court acknowledged that having more married couples would lead to more people utilizing tax and other financial benefits from the State, but simply found this to be a less than compelling government interest.

In conclusion, the Court reiterated that no church is required to recognize marriages between same sex couples, but that the law defines itself as a civil, and not a religious, contract. So, its ruling is confined to legal rights bestowed upon couples by the State through civil marriage. Finally, the Court warned that any future law that creates new distinctions based on sexual orientation will be equally suspect.

I do not support House Joint Resolution 6 because I do not think it is a good idea to amend the Iowa Constitution for the explicit purpose of discriminating against a group of Iowans and taking away their constitutional rights. If a legislator proposes some different constitutional change I will consider it, but a proposal must do something other than simply attempt to put into the constitution a law that has been declared unconstitutional. No church will be required to perform or recognize same sex marriages, but all couples will have equal legal rights in Iowa. ✂

— *Nate Willems of Lisbon represents District 29 in the Iowa House*

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Must "religion" always remain a synonym for "hatred?"

—Alfred North Whitehead