

BLOG: Journalists spark questions about spouses and rights

Posted by George Hostetter on February 18, 2014

My newsroom colleague Marek Warszawski delivered another thought-provoking production of “The War Zone” in the Feb. 17 edition of The Bee’s Sports Section. Here’s one of his items:

“NFL players seem to have no problem sharing a locker room with accused murderers and rapists, not to mention guys who kill teammates driving drunk.

“Don’t think another man peeking at their butt in the shower is going to upset team chemistry.”

I assume Marek is referring to University of Missouri defensive end Michael Sam. On Feb. 9, in an interview with New York Times reporter (and former Bee columnist) John Branch, Sam publicly announced that he is gay.

John wrote in a story published Feb. 10 in The Bee that Sam has “set himself on a path to become the first publicly gay player in the National Football League.”

The Bee on Feb. 17 published two other items connected to sexual orientation and justice.

The Opinion section (directed by Bill McEwen, another former Bee columnist) features an editorial cartoon from The Houston Chronicle’s Nick Anderson. It shows a uniformed football player (identified as Michael Sam) slamming shut a door (identified as “The Closet”). Another uniformed football player (identified as “Bigotry”), overwhelmed by shock waves from the door-closing, holds his head in both hands. “Aaaahh concussion!” shouts Bigotry.

The Bee on page A-1 published a story headlined “Same-sex marriage is on quick pace to Supreme Court” by David G. Savage of the Tribune Washington Bureau.

“The legal campaign for marriage equality is picking up speed, moving at a pace that has surprised even long-time advocates and increasing the likelihood of a definitive Supreme Court test as early as next year,” David writes.

After a review of lower court decisions on same-sex marriage, David writes, “Increasingly, the judges are saying they can see no legitimate justification for denying marriage licenses to same-sex couples. With the Supreme Court having said that states cannot validly base marriage laws on traditional religious disapproval of homosexuality, the remaining justifications offered to defend the laws fail to pass muster, the judges have ruled.”

Marek, John, Nick, Bill and David are among our nation’s best journalists. I am honored to work with them. Being the pros they are, their work got me thinking.

In light of all these changes and likely changes, what does society view as the legal standing of spouses?

I begin with Marek's item.

Let's say college football player John Doe publicly states he is gay. Doe then makes the roster of an NFL team.

Let's say that, in Marek's words, Doe on occasion is that "man peeking at their butt in the shower...."

Let's say this peeking doesn't upset team chemistry.

Let's say the U.S. Supreme Court has affirmed the legal status of same-sex marriage.

Finally, let's say Doe is married to a man named Smith.

Does Smith have standing to seek a legal remedy if he considers Doe's workplace arrangements (communal showers leading to Doe sometimes "peeking" at other men in a situation that isn't part of general, every-day life) harmful to the "chemistry" or integrity of their marriage?

I don't know. But let's say the answer is no. Doe and Smith are adults. They are to resolve workplace issues relating to sexual modesty and marital fidelity within the privacy of their marriage. The State won't get involved in such matters.

If it's to be that way in the NFL workplace, then I assume it's to be that way in all workplaces that involve some degree of intimate communal living. Take, for example, the army.

It's been nearly 45 years since the start of my army days. While stateside, I was stationed at Fort Ord, Ca., Fort Polk, La., and Fort Dix, N.J. I lived for the most part in those old two-story wood barracks with a wide-open latrine. It's sufficient here to note there was zero privacy.

I don't know what it's like in today's army. I'm guessing the basic living arrangements in today's army are pretty much like those found in armies for thousands of years. Things are close.

Let's apply the Doe-Smith-NFL dynamics to U.S. Army and the American society of the 21st century.

You've got my two-story wood barracks from Fort Polk — two rows of double bunks on the first floor and another two rows on the second floor, serving 50 soldiers or more. The latrine is off to the right as you walk through the main door.

I wasn't married while in the army. A fair portion of the lower enlisted soldiers I served with were married (the draft was still in force, though not all of the married soldiers were draftees). Their spouses stayed in their hometowns.

It's 2014. The Fort Polk barrack for our purposes would have the following: An unmarried straight male soldier; an unmarried straight female soldier; an unmarried gay soldier; an unmarried lesbian soldier; a straight male soldier married to a woman staying at home; a straight female soldier married to a man staying at home; a gay soldier married to a man staying at home; a lesbian soldier married to a woman staying at home.

Do any of the spouses staying at home have standing to raise a legal objection to the intimate communal living arrangements of their soldier-spouses on the grounds that harm is being inflicted on their Supreme Court-protected marriage as a result of State policy?

Do any of the eight soldiers described above have standing to raise a legal objection to the intimate communal living arrangements (or any army-mandated communal living arrangement outside the barrack) on the grounds that State policy is harming the protected boundaries of their marital status?

If some of the spouses and some of the soldiers have standing to raise a legal objection, but some of the spouses and some of the soldiers don't, what's the justification for picking winners and losers?

Let's move outside the realm of national defense.

What does it say about justice for all if the courts and society decide the dynamics of some marital statuses in state-funded or state-regulated communal living arrangements of an intimate nature have more legal protections than other marital statuses?

If all stay-at-home spouses and working spouses have no legal standing to raise a concern about the scope of civil rights connected to their marital status in workplace environments with intimate communal living arrangements, then what's the value of all this journalistic effort (i.e. the work of Marek, John, Nick, Bill and David) for our democracy?

These questions and others concerning marriage may someday be asked about workplaces other than the NFL and the army with intimate communal living arrangements.

These questions occurred to me as I read Marek's column about a "man peeking at their butt in the shower," John's story about Michael Sam's sexual orientation and excellence on the football field, and David's story about the likely Supreme Court sanctioning of same-sex marriage. These questions occurred to me as I viewed Nick's editorial cartoon (published by Bill) about the importance to the American experiment of society-wide intolerance for any form of bigotry and society-wide tolerance for individual differences.

I look forward to the experts' answers. In America, that's the people.

Read more here: <http://www.fresnobee.com/2014/02/18/3777672/journalists-spark-questions-about.html#storylink=cpy>