Recognizing Friends Amidst the Rubble: Seeking Truth Outside the Culture Wars

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We live in a world that tells us that identifying someone as gay or lesbian or fundamentalist, orthodox, or evangelical is enough to know them. As fate would have it, I knew Evan Wolfson before I identified that he was gay. I met Evan more than twenty years ago in law school, and he and I worked briefly at a law firm together. In both contexts, Evan established himself as a charismatic personality and as a leader. He somehow combined a subtle, sophisticated, self-deprecating wit with an aura of confidence and incredible competence to make himself an odd but effective combination of Woody Allen and James Bond. People were eager to follow Evan because they could sense that he had what it took to get where he was going and because they could sense he would generate a lot of laughs along the way.

As impressive a figure as Evan was, people who got close to him soon recognized that he could be an even better friend than he was a figure. Evan was a patient listener, but when he cut in to a discussion, he cut to the heart of the matter and brought to that heart an insight that forced one to rethink his life or his views. Whether this had resulted from Evan’s stint in the Peace Corps or had caused it, Evan understood human suffering, and he respected it.

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2. This should not, however, suggest a resemblance between Evan Wolfson and the movie Casino Royale (Columbia Pictures 1967) (the James Bond movie in which Woody Allen appears).
3. Mother Teresa observed,

I wonder what the world would be like if there were not these great people who continually suffer[—]suffer with such dignity and love. The dying man who said to one of our sisters, "I am going home to God." He did not curse
It is not for me to know or even to guess how much of Evan Wolfson’s person is a function of his being gay. Certainly, those dimensions of Evan Wolfson that I recognized almost twenty-five years ago serve him well as a leader of the gay rights movement today. I am equally certain, however, that there is much more to Evan Wolfson than simply being gay.

David Coolidge recognized that depth of character as well. Until his death from cancer in 2002, David was the director of the Marriage Law Project and, therefore, one of Evan’s main adversaries in the so-called "culture war." Yet, because of that recognition, David could respect and embrace Evan as a friend even as he disagreed with him on an issue central to both of them. In fact, amidst the acknowledgments in David’s article The Hawai’i Marriage Amendment: Its Origins, Meaning and Fate is one that to an outsider might appear curious: "On the mainland, thank you to . . . Evan Wolfson (whose extraordinary abilities I greatly admire, though we are opponents)." This admiration transcending adversariness was mutual. When Evan learned that David and I were friends, he stressed to me how important it was to him that he and David could, in the words of William Shakespeare, "[s]trive mightily but eat and drink as friends."

No doubt, Evan Wolfson and David Coolidge were opponents. As gay rights took center stage in American moral discourse, the two advocates squared off against one another in the legal debates over same-sex marriage in state after state. Yet, despite being adversaries, despite their profound disagreement over an issue each felt passionately about, each person recognized in the other a

anybody. He did not say anything about his difficulties only, "I am going home to God." Then he closed his eyes and went home.

MOTHER TERESA, WORDS TO LOVE BY . . . 69 (1983).


5 See, e.g., Lawrence v. Texas, 123 S. Ct. 2472, 2497 (2003) (Scalia, J., dissenting) ("It is clear from this that the Court has taken sides in the culture war . . . .").


7 Id. at 19.

8 WILLIAM SHAKESPEARE, THE TAMING OF THE SHREW act 1, sc. 2.
person whose fullness and worth transcended any issue and could not be contained by any label.

What American society must learn from Evan and David is bigger than the admonition in the Model Rules of Professional Conduct that a lawyer should not be judged by the clients or causes he furthers. Lawyers like Evan and David are defined by their beliefs and would never shirk being held accountable for their professional choices. What Evan and David taught during their years of struggle was that community is bigger than simply laws and that friendship must be big enough to encompass even passionate disputes.

A friend of mine who is gay and in a committed relationship has been known to take his snow blower and clear the driveways of all his neighbors. After one particularly large storm, he even did the street itself. I have never asked him why he does this, but I suspect that he longs for more from his community than legal autonomy, the right to be left alone, or the right to be treated equal in the application of the law. I think he strives so hard to be a good neighbor because he longs to be included as a neighbor. The courts of America can grant my friend legal status, but they cannot make my friend a neighbor in America. Only the people on his street can do that, and I believe one day they will, not because they have been ordered to nor because they have come to agree with all his life choices, but because the kindness in his heart has transcended the differences in his life.

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9 Model Rules of Prof'L Conduct R. 1.2(b) (2003) ("A lawyer’s representation of a client, including representation by appointment, does not constitute an endorsement of the client’s political, economic, social or moral views or activities.").
10 For a discussion of lawyers being accountable for their choices of clients, see Cases and Materials on the Legal Profession 25-33 (Robert F. Cochran, Jr. & Teresa S. Collett eds., 2003) (reviewing a debate between Monroe Freedman and Michael Tigar regarding Mr. Tigar’s representation of an individual alleged to be Ivan the Terrible).
12 Luke 10:25-37 (where the love of the despised Samaritan earns him the status of neighbor in the Jewish community).
The gay rights movement is often likened to the civil rights movement,\textsuperscript{13} and there are those who would claim that the legal victories of the civil rights movement were at least essential and perhaps paramount in that movement.\textsuperscript{14} True it is that six-year-old Ruby Bridges was able to walk into a "white" New Orleans public school in 1960 because of a legal victory,\textsuperscript{15} but it was only when the people of New Orleans came to recognize Ruby's courage, her gentleness, her kindness, her patience, her intellect, in effect the fullness of her being, that a grateful New Orleans could embrace her as its own.\textsuperscript{16} In the end, it was the goodness of Ruby's heart and the power of her example that built community for her in her hometown. I cannot foresee the nature of the end of the current dispute within our culture over gay rights, but I can foresee that if it is truly to be a "culture war," then America will be the less for it.

This is not to suggest that America need not concern itself with issues that go to the "nation's sense of itself, what it sanctions or celebrates" nor with those issues that demand that a point be marked at which people must be left to struggle on their own with what constitutes "an honorably decent life."\textsuperscript{17} To the contrary, as Professor H. Jefferson Powell has insisted, a community is as much defined by the questions "they think important as the answers they think correct,"\textsuperscript{18} and if America is necessarily to be defined by questions, then by all means it should be willing "to


\textsuperscript{14} Jerry DeMuth, Freedom Summer Revisited: Three Decades Later, How Much Difference Did It Make, 21 HUM. RTS. 30, 31 (1994) ("We should stop pretending that our cases are what did the trick. I don't think they ever did. The movement, or politics in a broader sense, are what did the trick.") (quoting Paul Chevigny, who volunteered with the Lawyers Constitutional Defense Committee during the Civil Rights Movement).


\textsuperscript{17} ROBERT COLES, On Homosexuality, in HARVARD DIARY: REFLECTIONS ON THE SACRED AND THE SECULAR 80, 84 (1989).

face, at the center of law and legal thought, the largest questions about human life and human purpose."19 Furthermore, any community of integrity must forever be engaged in a search for truth and in a constant examination of self in light of truth. In this regard whatever else the gay rights movement yields, it has already caused heterosexual America to come to terms with its own carelessness and inauthenticity in its treatment of the sacred concepts of marriage and sexuality between a man and a woman.20

My point then is not that this dispute should have been avoided. Rather, my point is that as we debate these issues, we must do so not to vanquish our enemies but to enlighten and to be enlightened by our friends.21 This process of debate is not to purify our community but to expand and strengthen our community. We are called, even as we disagree, to recognize the full beauty and worth of each person beyond the confines of his label22 and to understand that the loss of the talents of any member of the community will ultimately be a loss to each of us.23

To see David Coolidge and Evan Wolfson merely as gladiators in some war over human sexuality is to miss the most important lessons to be learned from the lives of these two men. More importantly, David Coolidge and Evan Wolfson strove to teach America how to disagree with passion and, yet, with

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20 Lawrence v. Texas, 123 S. Ct. 2472, 2487 (2003) (O'Connor, J., concurring) ("I am confident, however, that so long as the Equal Protection Clause requires a sodomy law to apply equally to the private consensual conduct of homosexuals and heterosexuals alike, such a law would not long stand in our democratic society."). See also Randy Lee, From Words to Sacrament, from Sacrament to Flesh: The Concept of Marriage, 7 Cath. Soc. Sci. Rev. 151, 156-57 (2003).

21 The late Christian songwriter Rich Mullins noted that we are called to be our brother's keeper in the sense that we "help [our brother] learn to stand" without taking "away his freedom"; we are called neither to "regard him for his strength" nor to "despise him for his weakness." Rich Mullins, Brother's Keeper, on Brother's Keeper (Reunion Records 1995).

22 Coles, supra note 17, at 83.

23 John Donne, Meditation XVII, in The Norton Anthology of English Literature 619, 620 (M.H. Abrams ed., 1975) ("No man is an island, entire of itself; every man is a piece of the continent, a part of the main. . . . Any man's death diminishes me because I am involved in mankind . . . ").
integrity, gentleness, and friendship. They sought to show America how to disagree with compassion, that compassion being the understanding and sharing of the life and suffering of him who disagrees with me.24 Both David Coolidge and Evan Wolfson have proven themselves most valuable teachers for our time, and I am proud to call both men my friend.

24 Randy Lee, A Look at God, Feminism, and Tort Law, 75 MARQ. L. REV. 369, 397 (1992) (quoting DONALD P. MCNEIL ET AL., COMPASSION: A REFLECTION ON THE CHRISTIAN LIFE 16-17 (1983)) (defining the compassion of Christ by the way in which Christ felt the depth of the sorrow of the harassed and dejected "in the center of his being" and "with all his intimate sensibilities," ultimately becoming "lost with the lost, hungry with the hungry, and sick with the sick").