

A SUPREME DRAG

By Tim Miller

TIM MILLER'S RESPONSE TO THE SUPREME COURT'S DECISION

While I was performing last week in Texas (the Steers and Queer State) at Theater Lab Houston, I had to pause for a tiny moment as the naked, clothespins-on-nipples climax of my show moved through me. I realized that at that exact moment industrious little District of Columbia elves were probably proofing, collating, and stapling copies of the Supreme Court decision on whether "general standards of decency" were constitutional criterion as applied to federal funding of the arts. This was truly going to be the last roundup of the NEA 4 case.

In 1990, I, a wandering queer performance artist, had been awarded a NEA Solo Performer Fellowship, which was promptly overturned under political pressure from the Bush White House because of the lush, wall-to-wall homo themes of my creative work. We so-called "NEA 4" (me, Karen Finley, John Fleck and Holly Hughes), then successfully sued the federal government with the help of the ACLU (if you're not a card-carrying member, become one!) for violation of our First Amendment rights and won a settlement where the government paid us the amount of the defunded grants and all court costs. The last little dribblet of this case was the "decency" clause, which Congress had added to the NEA appropriation under the cattle prod of Jesse Helms. Judge Wallace Tashima of the Ninth Federal Circuit Court had sagely declared this "decency" clause unconstitutional from the bench and thrown it out.

This could have been our happy ending, except for our supposed friend Bill Clinton (with friends like these who needs anal herpes?) who allowed the Justice Department to appeal this decision to the high court. Now we were going to have to be subjected to the Supremes decision. "Which way are the feathers going to fly?" I pondered as I gave my all for the lovely audience in Houston last week in a humorous and sexy bit from the show based on my book **Shirts & Skin**. Shifting a clothespin from my right testicle to the left to "balance the energy", I wondered whether the Supreme Court was going to rightly determine that "general standards of decency" is very vague and designed to keep queer art out of the federal feedbag. (I know I'm over-working these cow and horse metaphors, but it works for the Texas setting of the performance, doesn't it?)

What could be indecent about me anyhow? Is the fact that I am outspokenly a gay man indecent? Is the fact that my performance work lovingly details my experiences growing up queer in this fucked-up society indecent? Is the fact that I explore the rich terrain of sexuality, so full of feeling and discovery, indecent? Is the fact that I take off my clothes in my shows and try to acknowledge that our bodies actually exist under our clothes indecent?

As I finished my show, full of all the complexity, memory and metaphor that naked queer flesh is heir to, I knew that it was just a matter of days before I would find out whether my indecent ass was grass. Let's face it, there in the Lone Star State, as it was in one third of these United States, it was still against the

law to have queer sex! How much could I rationally expect from any governmental body in our troubled country?

Well, if you read your newspaper not long ago, you'll know that the Supremes decided that it was okey-dokey not to fund "indecent art". The law "neither inherently interferes with First Amendment rights nor violates constitutional

vagueness principles," Justice Sandra Day O'Connor wrote in her majority opinion. In a disappointing 8-1 decision the high court hitched up with Helms and his ilk and said the National Endowment for the Arts can consider "decency" in deciding who gets public money for the arts. I was grateful that at least Justice David H. Souter showed he was sensible to the reality of how under assault artists have been in this country for the last ten years. He was the lone Justice who dissented, saying the law should be struck down as unconstitutional because it was "substantially overbroad and carries with it a significant power to chill artistic production and display." I wasn't surprised when I heard the decision upon my return to my home in Los Angeles. This was, after all, the same Supreme Court, if not the same white men in black robes, that had ruled in the 1857 Dred Scott decision that African-Americans could not come before the high court because they were not human beings or citizens. This was also the same court that decided in *Bowers v. Hardwick* in 1986 that it was constitutionally cool for the State of Georgia to have laws that make it illegal for gay people to have sex with one another in the privacy of their bedrooms! Understandably, I had low expectations all along that queer artists would be allowed our fair share at the Federal feedbag (that's the last cowboy reference, I promise!).

Though it didn't really surprise me, part of me was still shocked when I heard their decision early in the morning on June 25. Can the justices not understand how censorious this language is? How often seemingly bland words like "decency" or "normal" or "natural" have been used to discriminate against lesbians and gay men and as weapons against us?

I spent the day of the announcement doing dozens of interviews, spinning away the soundbites like the good gay artist/activist that I am supposed to be. I was available to whoever called - the New York Times, The Los Angeles Times, the Australian Broadcasting Corporation, the Philadelphia Inquirer, and my Mom! But late in the day it started to really hit me. The Supreme Court, the big daddy court in the land, thinks it's okay not to support artists whose voice and vision is outside the middle-of-the-suburban-mall sensibility of some fantasy America. Yikes!

I became very depressed. So depressed, I had to resort to two pints of Ben & Jerry's Cherry Garcia and a half-hour with an Eastern European gay porn movie. Then I became very pissed-off.

Okay, Mr. & Ms. Supreme Court, the gloves are off. It's no more Mr. Nice Gay Guy! I am not going to be satisfied with small potatoes anymore. You could have gotten off easy with tossing a tidbit my way and allowing this queer artist the illusion that I am an equal citizen and worthy of support from the NEA should it be awarded. The truth is I didn't have a snowball's chance in a Houston heatwave to ever get support from the NEA again regardless of what decision the Supreme Court had made. So I am going to up the ante of what I expect from the US government. I now want the whole ball of wax, the cart and the horses, my cake and the eating too!

You see, I've got a little list.

I'm not going to be content anymore with the odd NEA grant that used to get

tossed to gay film festivals and queer performance artists. I want the full measure of my rights as a gay American citizen. I want it now!

I want the Employee Non-Discrimination Act passed by Congress yesterday. I'm sick of this shit that lesbians and gay men can be fired without recourse from their jobs, fired just because of who they are!

And while we're at it, repeal all the damn sodomy laws in those last medieval states that still have them on the books. These bigoted statutes make the US an outlaw nation that could not participate in the economic community of European nations without striking them all down. Not only does this country censor our queer art, but they also make laws against our queer bodies! Cut it out, now!

I want the government to put at its highest priority the creation of safe streets for lesbians and gay men. Why is it that I have to find it not surprising that two of the men I have been in major relationships with have almost been killed in gay-bashing incidents? Fix it quick or I'm going to get cranky!

I want the anti-gay military shit to stop right now! I'm over it! Hey, you generals, don't ask me, don't tell me anything! Get off your five-star dildo and make the military safe for the dykes and fags that want to be there and are not bothering anybody. (You won't find me in uniform, but that doesn't matter). Leave the queers alone and, instead, why don't you pick on the white supremacists the military seems to breed who end up exploding buildings and killing black folks!

I want immigration rights for lesbian and gay men pronto! This is real personal because my boyfriend Alistair is from Australia. Our relationship is denied the rights that every heterosexual person has in this country to be able to turn their lover into a US citizen. It's like straight people are given this magic wand, "Poof, my love, you're a citizen! Have a green card!"

Not long ago, I was speaking to the Diversity Council of the University of Arizona. They were meeting about gay couples and domestic partnership benefits. I was had been invited to this meeting while I was performing there in Tucson to give my perspective as someone who is in a bi-national relationship, which is not recognized by the US government. I started to do my stump speech "BLAH BLAH!" and then suddenly found myself weeping crazily at this big public meeting. All at once I actually felt the deep hurt of the fact that my relationship, this deepest personal place of who I love, is completely unseen and unvalued by my culture. I felt the terror in my guts that warns me that when Alistair's student visa runs out he will have to leave this country.

Well, fuck you Judicial, Executive and Legislative bodies of the US government. Give me immigration rights for our lovers or I am going to get really unpleasant!

And that reminds me of something else! While I'm on a roll, I want the whole kit-n-caboodle of full marriage rights too! Now that you've annoyed me, I'm not going to settle for any second class domestic partnership benefits. I want full church-sanctioned marriages. Any denomination that denies gay people our civil right/rite of marriage will lose their tax-deductible status. How 'bout them apples? One more thing, I want the government to guarantee us the man or woman of our dreams to marry! (This point is negotiable. I don't want to be unreasonable).

Well, that is a good start. I'm sure more will occur to me, but I'm on a deadline. Lovely readers, feel free to add a couple of dozen of your own demands too! I don't want this outrage from the Supreme Court to depress me anymore than it already has. I can't afford too many pints of Ben & Jerry's. After all, I need to stay on the naked performance artist diet! I would rather get pissed-off and feisty and look forward to the

day when this particular decision will seem as absurd and embarrassing as Plessy v. Ferguson does to us today (the 1896 Supreme Court ruling that said it was constitutional to make black people sit at the back of street cars).

I will look forward to the time (in the not too distant future, I hope), when a teacher will step before a community college class exploring late twentieth century social movements and say, "Now, students, I know it is shocking to believe this, but there was once a time as recent as the late 1990's when lesbian and gay men were actually denied certain civil rights within our democratic society. The Supreme Court even upheld a series of laws that constitutionally discriminated against them!"

Until that day in school, I'm in it for the long haul.

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