

THE FED PAGE

Unusual step by victors in gay marriage case

Successful challengers to Utah ban want Supreme Court ruling

BY ROBERT BARNES

Though they have won each step of the way, the gay couples challenging Utah's ban on same-sex marriage will join their adversaries in asking the Supreme Court to make theirs the case for deciding whether states must license gay marriages.

The development is intended to persuade the Supreme Court to take up the issue quickly, and it reflects a feeling among some gay rights groups that the justices are inclined to vote their way.

Utah already has filed a petition with the court asking it to review the decision of the U.S. Court of Appeals for the 10th Circuit, which upheld a district court's ruling that the state's ban was unconstitutional.

The winners in a case do not usually advocate for Supreme Court review. But Neal Katyal, a former acting solicitor general who is now part of the legal team representing the gay couples, said his clients agree the issue can only be settled by the justices.

"We plan to have it teed up" for the court to consider in late September, which would allow the issue to be decided next year if the court agrees to hear it, he said.

As a practical matter, the Supreme Court already has said that same-sex marriages may not be performed in Utah for now, and they would seem unlikely to resume until the high court acts on the constitutional question of whether marriage can be denied to same-sex couples.

Utah is not the only state that wants to bring the issue to the court. Virginia plans to file a petition with the court on Friday that will ask the court to take its case even though Attorney General Mark R. Herring (D) has said he

thinks an appeals court was right to strike down the commonwealth's ban.

Virginia's case is unusual because Gov. Terry McAuliffe (D) and Herring thought the law was unconstitutional and joined the gay couples challenging it. A district judge and a panel of the U.S. Court of Appeals for the 4th Circuit agreed with the challengers.

But Herring is urging the appeals court to stay its order allowing marriages.

Virginia's law is being defended by private lawyers for a county clerk who issues marriage licenses.

Theodore Olson, one of the attorneys representing the gay couples who brought the challenge to Virginia's laws, said his clients were discussing "all the possibilities, including acquiescence" to asking the Supreme Court to take the case.

Additionally, Oklahoma has appealed a loss to the Supreme Court.

The justices are under no obligation to take any of the cases and can hold the petitions for an indefinite amount of time if they want to see how other appeals courts rule.

The most certain development to assure the court would accept the issue sooner rather than later would be a split among the appeals courts considering decisions striking the bans.

Rulings in four states went before a skeptical panel of the U.S. Court of Appeals for the 6th Circuit on Wednesday, and three other appeals courts will consider the issue in the next six weeks.

Katyal said there is a perception that states are racing to get their cases to the Supreme Court. But he said the team representing the Utah plaintiffs "are not here to bump out other folks."

robert.barnes@washpost.com

WASHINGTONPOST.COM

For a video on firms that spoke out on gay marriage, see wapo.st/companystands.



Al Kamen
IN THE LOOP

Okay, so maybe it's not a huge shocker when Vice President Biden goes off-script. We'll never forget his honest answer about legalizing same-sex marriage in 2012 that caused

an epic White House scramble to get President Obama on the same message.

So on Wednesday, when Biden — well known for his deep affinity for transportation issues, particularly his beloved Amtrak — criticized Congress over transportation spending, he again veered off the administration rails.

"Hell, Congress can't even decide on a gas tax to keep the highway system going," Biden said during remarks about the border crisis.

But wait! The Obama White House, since its earliest days, has been adamant about one thing: It would not seek to raise the 18.4 cents-per-gallon federal tax on gasoline to pay for highway investments. Tax increases don't make for good politics. The White House proposed this year instead using revenue from corporate tax reforms to pay for infrastructure investments.

As the Loop wrote last month, we have a sneaking suspicion that Transportation Secretary Anthony Foxx may not be as opposed as his bosses are. Note how former DOT secretary Ray LaHood changed his tune as soon as he was unshackled from the Cabinet. And it appears Biden would like to see Congress raise the tax, too. (The vice president's office has not responded to our request for further clarity.)

The federal gasoline tax was last raised in 1993 during the Bill Clinton administration, and before that by President "Read my lips: No new taxes" George H.W. Bush in 1990, and by President Ronald Reagan, who also promised no tax increases, in 1982.

Business groups and many members of Congress want to raise the tax in the interim to bolster the Highway Trust Fund to buy time to debate other financing streams.

Biden steps on the gas, and the message



SUSAN WALSH/ASSOCIATED PRESS

Wait, is that the veep auditioning for the role of National Weather Service mascot Owlie Skywarn?

But, underscoring the difficult politics of it, an AP-Gfk poll released this week found that only 12 percent of Americans support raising the tax, and 59 percent were opposed.

But Biden's "gaffe" send the White House into a tizzy as his gay marriage remarks did? Unlikely. It's an election year, after all. And new taxes don't quite rouse the base.

Carlos Danger, maitre d'

This just in from the Rockaway Times: Anthony Weiner's going into the restaurant business.

The disgraced former congressman undone by Twitter self-portraits couldn't quite restore his political career, but he seems to have a new restoration venture in the works.

Weiner is a principal figure behind the Rockaway Restoration Kitchen, which is described in an Idealist.org ad as a "healthy, sustainable restaurant in a hard luck community to provide training, on-the-job apprenticeship and placement in the culinary and food service sector for unemployed New Yorkers." (So no weiners and slaw?)

Rockaway Beach in Queens was ravaged by Hurricane Sandy, and during Weiner's failed New York City mayoral bid he slammed the city's parks department for restoring "hipster-looking concessions on the beach" rather than the community as a whole.

Weiner has been involved in site searches for the eatery/culinary school, according to the local newspaper's scoop.

To be frank, Weiner would not be the first scandal-ridden New York pol to have tried his hand at

the restaurant business. Rep. Michael Grimm (R-N.Y.) of "break you in half like a boy" fame, once ran a failed health-food restaurant in Manhattan.

Maybe they can trade notes?

Smokey, meet Thermo!

A hearty Loop Happy Birthday to everyone's favorite government-sponsored bear, Smokey, who becomes a septuagenarian Saturday.

Our colleague Elahe Izadi reports that Smokey was "born" on Aug. 9, 1944, to parents the U.S. Forest Service and the Ad Council. He has since become the star of one of the longest-running government public service announcements.

While Smokey is the most recognizable of all U.S. government mascots, he's far from being the only one.

Agencies have been creating mascots for decades to promote all sorts of causes — from an owl who's prepared for major storms to a turtle that protects himself against online identity theft.

Many of these mascots are created specifically for children. Because any message — no matter how worthwhile (or obscure) — must have a spokesperson, preferably an anthropomorphized one.

Here are some of the (odd) government mascots you almost certainly have missed:

U.S. Department of Agriculture: Thermo

Thermo promotes the use of food thermometers to protect yourself from the dangers of undercooked food. His jersey number is 160, to remind us to cook burgers to an internal temperature of 160 degrees

Fahrenheit.

Thermo has a friend named "BAC" (short for Bacterium), a big green cartoon character used for the Food Safety and Inspection Service's "Fight BAC" campaign to remind food preparers to wash hands and surfaces frequently, refrigerate food promptly and so forth.

Federal Trade Commission: Dewie the E-Turtle

The FTC launched a public service campaign in 2002 to encourage Americans to secure their private information online. It also included a turtle named Dewie.

"Dewie's wired," the FTC noted at the time, "but carries his security shell no matter what he's doing on the Internet," the agency said at the time.

National Weather Service: Owlie Skywarn

Perhaps the savviest of agency mascots on social media is this "Hurricane enthusiast, snowman sculptor, devoted cloud watcher." Owlie Skywarn has his own Twitter feed and Facebook profile.

Skywarn — the owl's family name — is also what the NWS calls its severe-weather-watching volunteer program.

Department of Energy: Energy Ant

DOE's wise ant has been around since the 1970s oil crises and is used by the agency to foster awareness about energy issues and to promote diverse solutions.

— With Colby Itkowitz

al.kamen@washpost.com
colby.itkowitz@washpost.com

Twitter: @KamenInTheLoop,
@ColbyItkowitz

"We can't disown torture until we own it."

—Retired Maj. Gen Paul Eaton
and Retired Maj. Gen. Antonio Taguba

This week Senators John McCain and Lindsey Graham once again called on America to be honest about our use of torture. McCain called it a "stain on America's honor." Graham said it "violated the spirit of who we are."

They were lending their support to a soon-to-be-released Senate report on torture. The report will show Americans the truth about what our government did in our name. Some defenders of torture are trying to undermine the report, but bipartisan support is building behind it.

This is what a democracy does. We face up to our mistakes—and learn from them. And we make sure they never happen again.

THE TRUTH ON
TORTURE
IS COMING

CONGRESS NEEDS TO
MAKE SURE THAT TORTURE IS
OFF THE TABLE—FOR GOOD.

humanrightsfirst.org/torturetruth



human rights first

American ideals. Universal values.

Ex-official blasts USPS stamp choices

Former postmaster general says agency is pandering for profits

BY LISA REIN

A former postmaster general and prominent stamp collector is accusing the U.S. Postal Service of "prostituting" its stamp program, sacrificing cultural icons for pop culture in a wrong-headed search for "illusory profits."

Benjamin F. Bailar made these comments to Postmaster General Patrick R. Donahoe in a recent letter of resignation from the secretive committee of eminent Americans who decide what faces and images should go on postage stamps.

Bailar's resignation has again exposed a rift among stamp collectors over whether the cash-poor Postal Service should pursue commercial subjects to chase new collectors and revenue at the expense of traditional cultural images.

The friction came to a head last fall, when the Citizens Stamp Advisory Committee, disaffected over how the agency's marketing staff was pushing pop culture over more enduring images, complained to Donahoe that they were being brushed aside in decisions on stamp images.

The committee, which currently includes historian Henry Louis Gates Jr., a top Smithsonian official, a former Olympian and other prominent Americans who meet quarterly, has chosen stamp subjects for more than half a century.

Members wrote Donahoe a letter of protest. And some of them spoke out against a series

of stamps honoring Harry Potter that were released last November. The committee had not been consulted on the choice.

"The stamp program should celebrate the things that are great about the United States and serve as a medium to communicate those things to a world-wide audience," Bailar wrote in his letter to Donahoe on July 23. The Washington Post obtained a copy of the letter.

"To prostitute that goal in the pursuit of possibly illusory profits does not make sense to me."

Bailar ran the Postal Service from 1975 to 1978 and was then a dean at Rice University in Texas. He is a well-respected stamp collector.

The committee, he complained to Donahoe, has become too "heavily weighed" toward artists and designers.

"While they may support a drive to 'sell the product' with abundance of pretty and popular culture subjects, the result is a program that lacks gravitas," Bailar wrote. He suggested that the stamp panel be abolished, "given the apparent desire of the [Postal Service] to commercialize the stamp program."

"Certainly the USPS does not need an expensive committee to know what will sell."

Toni DeLancey, spokeswoman for the USPS, said in a statement that the Postal Service has relied on Bailar's "extensive postal knowledge and prior experience as Postmaster General, which was invaluable."

Postal officials will discuss his concerns with the stamp committee and its chairwoman, Janet Klug, she said.

Klug, in an interview, called Bailar "a great guy" and "outstanding [stamp] collector" who is "really going to be missed."

But she noted that he had not attended a quarterly meeting of the stamp committee in two years and had missed a critical "restructure" in recent months. The panel is getting along much better with postal officials, who are collaborating more with members, Klug said.

"Ben likes history, and I like history," Klug said. "The Postal Service is asking us to do more in the way of pop culture. We're trying to get a lot of young people interested in stamps. We have to go where they live."

Bailar, in an interview, acknowledged his absence from several meetings but said he has kept up with the proceedings. He now lives in Illinois and has been caring for his sick wife.

"I've read the minutes," he said. "I'm aware of what they're doing."

Bailar's resignation was first reported by Linn's Stamp News.

Cary Brick, a longtime Capitol Hill staffer who worked several postal reform bills and served on the stamp committee until his 12-year term ended in January, has similar criticisms. He said the panel "has been hijacked by the Postal Service's marketing geniuses who believe that stamp subjects should be selected and designed with what they hope their potential sales revenues will bring into the coffers."

Brick said the agency's marketers "seem to equate postage stamps with super-sized soft drinks and fast-food burgers."

On Friday, the Postal Service has scheduled a first-day-of-issue ceremony in San Francisco to commemorate a stamp featuring the 1960s pop icon Janis Joplin.

The Forever stamp features the singer with wild hair and wrists in bangle bracelets.

lisa.rein@washpost.com