

Iowa Supreme Court Decides Same-Sex Marriage Case

The Iowa Supreme Court decided unanimously that restricting marriage in Iowa to only a man and a woman violated the equal protection clause of the Iowa Constitution. The decision affirmed a ruling appealed from Polk County District Court in the case *Varnum v. Brien*.

Justice Mark Cady, who was appointed by former Governor Terry Branstad, wrote the ruling. He found that excluding same-sex couples from civil marriage did not further any important governmental

objective. The court noted that a statute that is inconsistent with the Constitution, no matter how much legislative or popular support the statute has, must be declared unconstitutional.

The court stressed that the ruling does not require any church to conduct a marriage ceremony for a same-sex couple. County recorders in Iowa, though, cannot deny a marriage license to a same-sex couple.

The Supreme Court now must wait 21 days to allow the

losing party to seek a rehearing. If the losing party does not seek a rehearing during this time, the Supreme Court will send the order to the Polk County District Court to lift an injunction on issuing same-sex marriage license certificates. Once the injunction is lifted the Supreme Court's decision will go into effect in every county in Iowa.

The 21-day waiting period ends April 24 and licenses should be available beginning Monday, April 27.