



505 5th Ave - Suite 901, Des Moines, IA 50309

<http://www.aclu-ia.org>

ACLU-IA Offers to Represent Couples Denied Marriage Licenses by County Recorders, While Condemning Ethics Complaint Filed Against Senator Bartz for Urging Recorders to Not Issue Same Sex Marriage Licenses

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Contact: 515/243-3988 x 11

In a “perfect storm” of civil liberties advocacy, the ACLU of Iowa announced today that it is prepared to represent same sex couples denied marriage licenses by county recorders, while also condemning an ethics complaint filed against Senator Merlin Bartz (R-Grafton) for using his free speech rights to urge recorders to disregard the Supreme Court mandate in *Varnum*.

“This is another instance where the ACLU is literally acting out the old adage: *We may disagree with what you are saying, but will vigorously defend your right to say it,*” said Ben Stone, Executive Director of the ACLU of Iowa.

On Monday, April 27, county recorders in each Iowa county are required by law to accept marriage applications from couples of the same gender. Some vocal opponents of the unanimous *Varnum* Iowa Supreme Court ruling are asking recorders to disobey the law. The attorney general of Iowa has made it clear to these public servants that failure to do their duty and abide by the law could place them in jeopardy of losing their jobs.

Some groups, including the Iowa Family Policy Center (IFPC), have begun a petition drive aimed at county recorders “urging them take all necessary steps to resist issuing licenses to same sex couples.” In addition, according to a recent email alert distributed by IFPC on Thursday, the group is urging opponents of marriage equality to be “physically present” at their local county recorders office on Monday morning, a request which, according to the ACLU-IA, could lead to an “intimidating, mob-like atmosphere in some government offices.”

“While the ACLU of Iowa firmly defends the right of Iowans (including Senator Bartz) to peacefully petition county recorders to resist the law, what they are demanding is wrong,” said Stone. “As public servants, county recorders do not have a right to disobey the law without consequence. Denying marriage licenses to any couple of legal age on Monday would be a flagrant violation of those persons lawful rights as established by the government of Iowa,” he added.

Also Friday, Stone announced that – consistent with its long history of defending the free speech rights of those it disagrees with – the ACLU-IA was questioning the constitutionality of the recent ethics complaint filed against Senator Merlin Bartz (R – Grafton) for advocating that county recorders disobey the *Varnum* decision.

“The ACLU of Iowa is always deeply suspicious of any move to use the government to punish speech, including the speech of elected officials, “ said Stone. The group is especially concerned that punishing Senator Bartz for the words he has spoken and written may violate the First Amendment, noting that vaguely suggesting that people consider disobeying some law is generally protected as free speech.

Since it’s founding 74 years ago, the ACLU of Iowa has successfully defended the free speech rights of many individuals and groups it disagrees with, including various persons and groups opposed to reproductive choice, as well as the free speech rights of a school board member who vocally advocated such things as the teaching of Creationism in public school science classrooms.

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For More Information:

Ben Stone, Executive Director
515.243.3988 x 11
ben.stone@aclu-ia.org