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## **ACLU Applauds the Iowa Supreme Court for Allowing A Lower Court to Dissolve a Lesbian Couple's Civil Union - 6/17/2005**

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DES MOINES, IA – The American Civil Liberties Union today applauded the Iowa Supreme Court for not interfering with a lower court's ruling dissolving the civil union of a lesbian couple. The court ruled that a group of state legislators and others represented by the Alliance Defense Fund lacked standing to challenge the ruling.

"The court's decision is a great relief to this couple whose misfortune has been exploited for political purposes," said John Knight, a staff attorney with the ACLU's Lesbian and Gay Rights Project. "The court sent a clear message to anti-gay activists that they have no business interfering in cases that don't concern them."

In December 2003, an Iowa court entered a decree dissolving the civil union of Kimberly Brown and Jennifer Perez, who had already come to an agreement on how to divide their assets and debts. Although Iowa has a law defining a marriage as being only between a man and a woman, the court reasoned that it could dissolve the civil union under state law just as it could dissolve the relationships of cohabitating, heterosexual couples.

A U.S. Congressman, a group of state legislators, a pastor and a church, all represented by the Alliance Defense Fund, filed a motion before the Iowa Supreme Court urging the court to overturn the lower court's order dissolving the civil union because the state does not recognize marriages by same-sex couples. The ACLU, the American Civil Liberties Union of Iowa, Lambda Legal and the Lesbian, Gay, Bisexual and Transgendered Community Center of Central Iowa filed a friend-of-the-court brief before the court opposing the motion.

The Iowa Supreme Court dismissed that motion today, finding that the parties seeking to interfere in the case did not have authority to bring the motion in the first place. The court ruled that contrary to the claims of the parties seeking to interfere, the lower court's decision to dissolve the civil union did not cause harm to the marriages of the petitioners and that they "have shown no legally recognized interest or personal stake in the underlying action." Similarly, the court ruled that the lower court's decision did not harm the church, which had claimed that the decision would interfere with its teachings concerning marriage. With regard to the legislators who had claimed that they had standing because it was their duty to preserve traditional marriage, the court ruled that, "It would be strange indeed and contrary to our notions of separation of powers if we were to recognize that legislators have standing to intervene in lawsuits just because they disagree with a court's interpretation of a statute."

"The court got it exactly right: the fact that a court chose to help a same-sex couple through a break up has no bearing on other people's marriages," said Randall Wilson of the American Civil Liberties Union of Iowa. "You don't protect marriage by bringing harm to others."

A copy of the friend-of-the-court brief filed by the ACLU, ACLU-IA, Lambda Legal and the Lesbian, Gay, Bisexual and Transgendered Community Center of Central Iowa is available online at

<http://www.aclu.org/LesbianGayRights/LesbianGayRights.cfm?ID=18516&c=101>

A copy of the court's decision in *Alons v. Iowa District Court for Woodbury County*, is available at <http://www.judicial.state.ia.us/supreme/opinions/20050617/03-1982.asp>