

by Rex Wockner with Bill Kelley

# Iowa Legalizes Same-Sex Marriage

In a unanimous ruling, the Iowa Supreme Court legalized same-sex marriage April 3. The ruling will take effect April 24.

The court said depriving gay couples of access to marriage violates the Iowa Constitution's guarantee of equal protection under the law.

The ruling is likely to stand. Any amendment to the Iowa Constitution to undo the decision would require passage by the Legislature in two separate sessions, followed by voter ratification, at the earliest, in 2012. However, the leaders of both houses of the Legislature issued a joint statement making it clear they support the court's decision.

In its ruling, the court said: "Our responsibility... is to protect constitutional rights of individuals from legislative enactments that have denied those rights, even when the rights have not yet been broadly accepted, were at one time unimagined, or challenge a deeply ingrained practice or law viewed to be impervious to the passage of time...."

"We are firmly convinced the exclusion of gay and lesbian people from the institution of civil marriage does not substantially further any important governmental objective. The legislature has excluded a historically disfavored class of persons from a supremely important civil institution without a constitutionally sufficient justification. There is no material fact, genuinely in dispute, that can affect this determination.

"We have a constitutional duty to ensure equal protection of the law.... If gay and lesbian people must submit to different treatment without an exceedingly persuasive justification, they are

deprived of the benefits of the principle of equal protection upon which the rule of law is founded....

"(T)he language in Iowa Code section 595.2 limiting civil marriage to a man and a woman must be stricken from the statute, and the remaining statutory language must be interpreted and applied in a manner allowing gay and lesbian people full access to the institution of civil marriage."

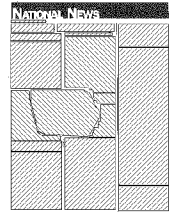
Lambda Legal's Camilla Taylor, lead architect of the lawsuit that led to the decision, called the victory "a testament to the strength of love, hope and courage."

"Our clients have shown an abundance of all three for many years and now at long last they will be able to marry," she said. "This will go down as another proud day in Iowa's long history of protecting individual rights."

Iowa has no residency requirement for marriage, but does have a three-day waiting period between applying for a license and receiving it, unless a couple pays a \$5 fee and a judge signs a waiver.

In a strongly supportive statement, Iowa Senate Majority Leader Mike Gronstal and Iowa House Speaker Pat Murphy indicated there is little chance the Legislature will attempt to override the ruling by beginning the process of amending the constitution.

"Thanks to today's decision, Iowa continues to be a leader in guaranteeing all of our citizens' equal rights," the leaders said. "The court has ruled today that when two Iowans promise to share their lives together, state law will respect that commitment, regardless of whether the couple is gay or straight. When all is said and done, we believe the only lasting question about today's events will be why it took us so long. It is a tough question to answer because treating everyone fairly is really a matter of Iowa common sense and Iowa common decency. Today, the Iowa Supreme Court has reaffirmed those Iowa values by ruling that gay and lesbian Iowans have all the



same rights and responsibilities of citizenship as any other Iowan."

Gronstal and Murphy also said the ruling continues a long tradition in Iowa.

In 1839, the Iowa Supreme Court rejected slavery in a decision that found that a slave named

Ralph became free when he stepped on Iowa soil, 26 years before the end of the Civil War decided the issue," they said. "In 1868, the Iowa Supreme Court ruled that racially segregated 'separate but equal' schools had no place in Iowa, 85 years before the U.S. Supreme Court reached the same decision. In 1873, the Iowa Supreme Court ruled against racial discrimination in public accommodations, 91 years before the U.S. Supreme Court reached the same decision. In 1869, Iowa became the first state in the union to admit women to the practice of law. In the case of recognizing loving relationships between two adults, the Iowa Supreme Court is once again taking a leadership position on civil rights. Today, we congratulate the thousands of Iowans who now can express their love for each other and have it recognized by our laws."

Same-sex marriage also is legal in Connecticut and Massachusetts. It was legal in California from June to November 2008, when voters amended the state constitution to stop gay couples from marrying. The constitutionality of the amendment—and the status of 18,000 same-sex couples who married in California last year—are now under review by the California Supreme Court, with an opinion due no later than early June.

## Vermont Legalizes Same-Sex Marriage

Vermont's Legislature overrode Gov. Jim Douglas' veto of a bill legalizing same-sex marriage April 7.

The Senate vote to override was 23-5 and the House vote was 100-49, the exact number of House votes needed.

The law takes effect Sept. 1.

"The struggle for equal rights is never easy," said Vermont Senate President Pro Tem Peter Shumlin. "I was proud to be president of the Senate nine years ago when Vermont created civil unions (and) I have never felt more proud of Vermont as we become the first state in the country to enact marriage equality not as the result of a court order, but because it is the right thing to do."

Rea Carey, executive director of the National Gay and Lesbian Task Force, called the override "a significant turning point in the struggle for the equal treatment of our relationships."

"Vermont is once again making history," Carey said. "Nine years ago it did so when it became the first state to grant legal recognition of same-sex relationships through its civil unions law; today, it became the first state ... to pass and enact a marriage equality measure.

"The enactment of this bill affirms that only marriage can provide the protections, dignity and respect that the institution bestows. This vote also recognizes that civil unions simply fall short in ensuring same-sex couples are treated equally under the law."

Same-sex marriage also is legal in Connecticut, Iowa (starting April 27) and Massachusetts, as well as in Belgium, Canada, the Netherlands, Norway, South Africa, Spain and Sweden (starting May 1).

California's Legislature has twice passed bills legalizing same-sex marriage but Gov. Arnold Schwarzenegger vetoed them. Later, the state Supreme Court legalized same-sex marriage, with a ruling that took effect in June 2008. Approximately 18,000 same-sex couples got married prior to Nov. 4, 2008, when voters passed Proposition 8, which amended the state constitution to re-ban same-sex marriage. The constitutionality of Prop 8 and the status of the 18,000 marriages are now before the state Supreme Court, with a ruling required by June 3.

Shannon Minter, legal director of the National Center for Lesbian Rights and lead lawyer for the

gay side in the California case, called the Vermont override "yet another indication that Proposition 8 is out of step with our nation's movement toward equality."

"If the California Supreme Court upholds Proposition 8, California will be an outlier in the ongoing history of equality that is now exemplified by Vermont, Connecticut, Iowa and Massachusetts, as well as many nations around the world," Minter said.

## Iowa Weddings Begin April 27

Gay couples can begin applying for marriage licenses in Iowa on April 27.

Some weddings likely will take place that day among couples who spend \$5 to obtain a waiver of the three-day waiting period between applying for a license and receiving it.

Demands by anti-gay activists and lawmakers that the Legislature begin the lengthy process of attempting to amend the state constitution to re-ban same-sex marriage have gone nowhere, with the leadership of both the House and the Senate vocally opposed to the idea.

In addition, Gov. Chet Culver expressed disapproval of the idea April 7, writing: "The Supreme Court of Iowa, in a unanimous decision, has clearly stated that the Constitution of our state, which guarantees equal protection of the law to all Iowans, requires the State of Iowa to recognize the civil marriage contract of two people of the same gender. The Court also concluded that the denial of this right constitutes discrimination. Therefore, after careful consideration and a thorough reading of the Court's decision, I am reluctant to support amending the Iowa Constitution to add a provision that our Supreme Court has said is unlawful and discriminatory. As Governor, I must respect the authority of the Iowa Supreme Court, and have a duty to uphold the Constitution of the State of Iowa. I also fully respect the right of all Iowans to live under the full protection of Iowa's Constitution."

Gay couples also can marry in Connecticut and Massachusetts. Starting Sept. 1, same-sex marriage also will be legal in Vermont, where the Legislature on April 7 overrode the governor's veto of a bill legalizing same-sex marriage.

Same-sex marriage could become legal again in California no later than June 3, the deadline for the

state Supreme Court's decision on the constitutionality of Proposition 8, a constitutional amendment passed by voters last November that re-banned same-sex marriage in the state.

None of the states that have legalized same-sex marriage has a residency requirement for marriage.

## Nat'l Org. for Marriage Hits HRC with Copyright Complaint

Furious online sparring over the National Organization for Marriage's new TV ad against same-sex marriage led to a copyright complaint by NOM against the Human Rights Campaign.

The spooky ad, "Gathering Storm," used actors to portray various Americans who supposedly are profoundly alarmed at the notion of gays marrying each other. To view the ad: [tinyurl.com/br8ym4](http://tinyurl.com/br8ym4).

HRC somehow got its hands on the audition tapes for the ad and uploaded them to YouTube.

NOM apparently was not amused and, according to HRC Deputy Communications Director Trevor Thomas, "filed a copyright violation notice with YouTube" on April 9.

YouTube then deleted the videos, but not before MSNBC's Rachel Maddow snagged them and broadcast them on her show.

NOM later got that clip from Maddow's show banned from YouTube as well, YouTube reported.

On April 10, Wired.com said "internet rebels are reportedly saving the videos with keepvid.com, and then uploading them back to YouTube when they're pulled."

Meanwhile, on April 10, Maddow broadcast another segment tweaking NOM, which is calling its new campaign against same-sex marriage "2M4M," which stands for "2 Million for Marriage." NOM perhaps was unaware of the longstanding use of "M4M" in the gay online-cruising world.

Said Maddow: "Have you ever read personals ads? Have you ever just browsed through Craigslist? Ever, I don't know, googled 'M4M'? For the anti-gay-marriage group? If you don't know what the abbreviation M4M stands for, I do not

want to spoil your googling fun, but here's a hint: The related search that Google suggests is for the Web site Manhunt. You know, maybe these folks should just join up with the teabaggers." See [tinyurl.com/djfwy9](http://tinyurl.com/djfwy9).

Maddow broadcast segments on April 9 and 10 about a new anti-tax movement called "teabagging"—founded, Maddow assumes, by people who didn't know about the term's sexual meaning (placing one's testicles in another's mouth).

The April 9 Maddow clip, which became an online sensation, is at [tinyurl.com/ddmj2k](http://tinyurl.com/ddmj2k).

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## New GOP Gay Group Forms

A new national Republican gay group has been formed by people who think the Log Cabin Republicans group has become too liberal.

Among the founders of GOPROUD is former LCR Political Director Christopher Barron, who told Politico.com, "Log Cabin ... has simply moved way too far to the left and is basically indistinguishable from any other gay left organization."

"If your main issue is hate crimes or (ENDA) or marriage, you're probably not a Republican," Barron said.

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## West Virginia Marriage Amendment Dies

A proposed constitutional amendment to ban same-sex marriage died in West Virginia's House of Delegates March 30.

Delegates voted 67-30 to reject a move to force the measure out of committee, where it had stalled. All 29 Republicans and one Democrat voted for the move.

Thirty U.S. states have passed constitutional amendments defining marriage as only between a man and a woman.

## San Francisco Gays Launch Boycott of Jamaica

Citing a new U.S. State Department report on human rights in Jamaica, a group of San Francisco gay activists, including city Supervisor Bevan

Dufty, launched a boycott of the nation March 28.

International gay human-rights activists have routinely named Jamaica as one of the most homophobic nations in the world, and several of the nation's popular dancehall music stars have been blocked from performing in other countries because of lyrics that promote the killing of homosexuals.

The Department of State's "2008 Human Rights Report: Jamaica" says: "The law prohibits 'acts of gross indecency' (generally interpreted as any kind of physical intimacy) between men, in public or in private, which are punishable by 10 years in prison. The Jamaica Forum for Lesbians, All Sexuals, and Gays (J-FLAG) continued to report human rights abuses, including arbitrary detention, mob attacks, stabbings, harassment of homosexual patients by hospital and prison staff, and targeted shootings of homosexuals. Police often did not investigate such incidents."

The report continues: "J-FLAG members also suffered attacks on their property, home intrusions as people demanded to know the number of persons and beds in a home, and in one instance, a fire bombing at the home of two men that left one of them with burns on more than 60 percent of his body. In addition homosexuals faced death and arson threats, with some of these directed at the J-FLAG offices. J-FLAG did not publicize its location due to such threats, and its officials reported feeling unsafe having meetings with clients at the organization's office.

"In February a mob broke into the home of four presumed homosexual men, killing three of them. The fourth was missing and presumed dead. The men had reported being harassed for their perceived sexual orientation prior to the fatal attack. Police made some inquiries in the case but did not conduct a full investigation or make any arrests by year's end.

"Homosexual men were hesitant to report incidents against them because of fear for their physical well-being. Lesbian women were subject to sexual assault as well as other physical attacks. Human rights NGOs and government entities agreed that brutality against homosexuals, primarily by private citizens, was widespread in the community."

To read the full gay section of the report, go to [tinyurl.com/dhdmvc](http://tinyurl.com/dhdmvc) and search for the word "gay."

The San Francisco activists launched the boycott at Harvey Milk Plaza at the intersection of Market and Castro streets.

They dumped Red Stripe beer and Myers's Rum into the street.

Dufty promised to get the two Jamaican products out of all San Francisco gay bars within a month.

Several local bars, restaurants and community leaders already have announced support for the boycott.

For detailed information, visit [boycottjamaica.org](http://boycottjamaica.org).

