

Statement of Iowa Attorney General Tom Miller
April 21, 2009

We expect duly-elected county recorders to comply with the Iowa Constitution as interpreted unanimously by the Iowa Supreme Court, the highest court in Iowa. Our country lives by and thrives by the rule of law, and the rule of law means we all follow the law as interpreted by our courts -- not by ourselves. We don't each get to decide what the law is; that would lead to chaos. We must live by and follow what the courts decide.

Iowa's recent Supreme Court ruling concluded: "The 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."

The Court's ruling applies everywhere in Iowa, in every county. Recorders do not have discretion or power to ignore the Iowa Supreme Court ruling.

As we have advised recorders for several days: All county recorders in the state of Iowa are required to comply with the *Varnum* decision following issuance of procedendo from the Supreme Court, and to issue marriage licenses to same sex couples in the same manner as licenses issued to opposite-gender applicants.

If necessary, we will explore legal actions to enforce and implement the Court's ruling, working with the Iowa Dept. of Public Health and county attorneys.