

BALLOTS AND THE BENCH: THE IOWA JUDGES

In a devastating night for Democrats, there was a notable and disturbing loss that did not draw enough attention, that of the so called "Iowa Judges". From NPR:

Iowa voters decided to remove three State Supreme Court justices who'd overturned an Iowa ban on same sex marriage last year. Out are Iowa Chief Justice Marsha Ternus and Justices David Baker and Michael Streit. The full seven member panel unanimously rejected the law but not all members faced a retention vote.

No, not all seven Iowa Supreme Court judges were removed, but of the only three that were up for retention votes, all were ousted. Last year, all seven members of the Iowa Supreme Court voted unanimously to overturn the Iowa law restricting marriage to between a man and a woman as violative of the constitutional right of equal protection. The conservative effort to remove the judges who had the courage to protect equality under the Constitution was an astounding result in what are normally perfunctory state judicial retention votes. So perfunctory, in fact, that no Supreme Court justice had ever been removed in Iowa since the advent of the retention vote system in 1962.

The effort to oust the Iowa Judges was heavily financed, to the tune of approximately a combined million dollars, by aggressive national anti-marriage equality groups such as the American Family Association. The Campaign for Working Families and the Washington-based Family Research Council, as well as a plethora of local fundamentalist and religious groups in Iowa.

Sadly, this is probably one of the least

discussed, yet most pernicious, aspects of monetary influence in political campaigns in the wake of the much discussed *Citizens United* decision by the US Supreme Court. Although judicial retention elections, being non-partisan in nature, were not directly affected by the *Citizens United* decision to the degree normal partisan elections were, the sheer scope of large money injected will clearly have an increasing impact on them, as will this remarkable result in Iowa.

Courtrooms, especially those of the appellate level, should be places where constitutions, both state and federal, reign supreme and the rights of all citizens are respected and protected without regard to the vagaries and whims of interest groups and fundamentalist bigots of any stripe. The wild success of the conservative effort to remove the Iowa Judges signals a disturbing trend in the wrong direction.