

# Conservatives send a warning shot in ousting Iowa judges

by [Whitney Jones](#)

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(RNS) Three of the seven justices on the Iowa Supreme Court who voted to legalize same-sex marriage last year lost their jobs on Tuesday (Nov. 2), but conservative activists are warning they might not be the last.

Under a 1962 state law, judges are appointed but must be retained by a majority of voters every 10 years. Since the system was implemented in an attempt to shield judges from politics, no judge has ever been booted from office.

But conservatives, still seething over the court's decision to allow same-sex marriage, poured more than \$1 million into ousting Chief Justice Marsha Ternus and Justices David Baker and Michael Streit.

Two lower court judges who had ruled in favor of gay marriage and who also faced voters on Tuesday won enough votes to keep their jobs.

"The message is we're mad as hell, and we're not going to take it anymore," said David Lane, executive director of the legislative action arm of Mississippi-based American Family Association.

Firing the Iowa judges was a top priority for the Washington-based National Organization for Marriage, which spent at least \$600,000 on the campaign and sent a "Judge Bus" crisscrossing through almost half of

Iowa's 99 counties.

"Judges in Iowa began this fight by refusing to follow the constitution, ... refusing to listen to the people and putting their own view of marriage on the citizens of Iowa," said Brian Brown, NOM's president.

Brown said the ousting of the three justices "was a massive victory for judicial accountability" and called it "historic."

Connie Mackey, president of the political arm of the Family Research Council, said the "Judge Bus" tour was intended to get voters to "think carefully about whether or not the judges crossed the line into legislation."

On the tour's last stop in front of the Iowa Supreme Court building five days before the election, Tamara Scott, director of the Iowa chapter of Concerned Women for America, told voters to keep their appointed judges accountable.

"If a child is misbehaving and they get by with it, do they usually stop on their own or do they get a bit more brazen?" she said. "Well, we found that just like children, the legislature, and I'm guessing the judges too, behave better when they know adults are watching."

Mackey said the tour was focused on Iowa, but carried "a national message to justices that they should guard very carefully the separation of powers."

The move clearly puts gay marriage supporters on the defensive in

the five states and the District of Columbia where same-sex marriage is legal.

Justin Uebelhor, spokesman for One Iowa, the state's largest gay rights advocacy organization, called the message from conservative activists "destructive."

"It does send a message to judges that out-of-state special interest groups can fund campaigning to politicize the judicial system," he said.

The Rev. Darlene Nipper, deputy executive director for the National Gay and Lesbian Task Force, criticized special interest groups for pouring money into Iowa.

"Our hope is judges will do what they are in their role to do, which is not to make their judgments based on politics but rather on the law and Constitution without regard to public opinion," she said.