

April 5, 2009**EDITORIAL****Iowa Decency**

Like the state's earlier landmark civil rights cases — striking down slavery in 1839, for example, and segregation in 1868 and 1873 — the ruling on gay marriage by Iowa's Supreme Court is a refreshing message of fairness and common sense from the nation's heartland.

A unanimous decision by the seven-member court on Friday approved marriage for couples of the same sex and brought the nation a step closer toward realizing its promise of equality and justice.

Iowa is only the third state, following Massachusetts and Connecticut, to legalize gay marriage. California allowed such marriages for five months until November's election, when residents rejected the idea in a voter initiative. A ruling on the validity of that initiative is expected soon from California's Supreme Court.

In finding no "persuasive justification" for the different treatment of committed gay and lesbian couples, the Iowa Supreme Court affirmed a lower court holding of two years ago. That ruling overturned, on equal protection grounds, a 1998 state law confining civil marriage to a union between a man and a woman. Same-sex marriages could begin in Iowa before the month is out.

The new decision says marriage is a civil contract and should not be defined by religious doctrine or views. "We are firmly convinced the exclusion of gay and lesbian people from the institution of civil marriage does not substantially further an important governmental objective," wrote Justice Mark Cady, a Republican appointee. "The legislature has excluded a historically disfavored class of persons from a supremely important civil institution without a constitutionally sufficient justification."

The immediate impact of Iowa's ruling was to make the failure to respect gay people's freedom to marry, by courts and legislatures in states like New York, seem all the more shameful.

"When all is said and done, we believe the only lasting question about today's events will be why it took us so long," said a statement by Iowa's State Senate majority leader, Michael Gronstal, and House speaker, Pat Murphy, both Democrats.

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