



Capitol Comments

Newsletter from your
Iowa State Representative
Richard Anderson

State Capitol
February 3, 2011

Although important things are going on here at the Capitol with regards to the budget, allowable growth, economic development, and health care, I feel it necessary to devote this newsletter to a subject that has received a lot of media attention this week. I made some comments on the House Floor as part of the marriage amendment debate which, if not understood in context, could be misunderstood. In addition, I have been represented as uncharitable and uncompassionate (although the email content is far less civil). I think it would be beneficial to place my comments in context for better understanding.

Although I was not the floor manager of HJR 6 (the marriage amendment) I was approached by several members of my caucus during the debate who asked me to enter the debate and respond publicly to various points and questions. As an attorney in the legislature, I responded to a statement questioning the rationale of the legislature being involved in defining marriage.

In my comments, I noted the division among US courts on same sex marriage and referred to the federal 8th Circuit Court of Appeals case involving the Nebraska marriage amendment, Citizens for Equal Protection v. Bruning, 455 F.3d 859 (8th Cir. 2006). The 8th Circuit ruled, under its 14th Amendment analysis, that there is a rational basis for state legislation defining and regulating marriage. As such, the court should

defer to legislation or citizen referenda and not declare such legislation or referenda unconstitutional.

The court noted that “the institution of marriage has always been, in our federal system, the predominant concern of state government.” It further recognized that the State “has an absolute right to prescribe the conditions upon which the marriage relation between its own citizens shall be created.” The State argued that laws regarding marriage are “rationally related to the government interest in ‘steering procreation into marriage.’” It also relied on a “ ‘responsible procreation’ theory that justifies conferring the inducements of marital recognition and benefits on opposite-sex couples, who can otherwise produce children by accident, but not on same-sex couples, who cannot.” The court agreed. I relied on those words - taken from the 8th Circuit opinion. Please take time to read it.

I did not say, nor do I believe, that procreation is a requirement for marriage or the basis for marriage. Obviously fertility and procreation are not required for marriage. I had no intention of demeaning infertile couples. They have my compassion and support. Likewise, I did not mean to offend couples who choose not to have children. It is my personal belief that the proper rationale and basis for marriage is covenantal unity.

My concluding comments were that the citizens of any democracy have the right to determine their own constitution. Letting the citizens vote on issues of such significance demonstrates devotion to democracy, not bias, prejudice or discrimination.

I believe my comments were made respectfully and without animosity. If you did not hear them in the context of the debate, and you don't know me personally, I can understand how the quotes in the Des Moines Register might be very disturbing.

Regarding same sex marriage, I too have gay friends and acquaintances. I accept them and respect them as individuals of immeasurable worth. I believe marriage is an

objective reality – a union between one man and one woman. If you would like to speak further with me about this matter, I would welcome the opportunity for dialogue. I value and appreciate civil discussion.