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Iowans Decisively Oppose Impeachment of Justices, Polls Show

Group Urges End to 'Misguided' Ouster Bid by Vander Plaats, Legislators

JAN. 18—Iowa voters are solidly opposed to impeaching four state Supreme Court justices, according to two new independent statewide polls, and leaders of an Iowa group are calling on the legislature to quickly end a “misguided” impeachment effort by some lawmakers.

In a [poll released today](#) by Justice Not Politics and the Justice at Stake Campaign, 54 percent oppose calls to impeach the justices. Only 36 percent said they favor impeaching the judges, over a 2009 decision by the Iowa Supreme Court that permitted same-sex marriage.

Moreover, after hearing the Iowa Constitution’s standard for impeachment —“misdemeanor or malfeasance”—only 17 percent said that a court decision can be an impeachable offense. By contrast, 63 percent of Iowans said a court decision does not meet the standard for impeachment, even if they personally disagree with it.

“Iowa voters reject the reckless calls by Bob Vander Plaats and his allies in the legislature for impeachment, and the entire misguided reasoning behind it,” said Sally Pederson, Co-Chair of Justice, Not Politics, an Iowa group. “Voters understand the importance of an impartial court which upholds the constitution, and say no to impeachment before it does further damage to our state, and to our courts.”

The results virtually matched those of a poll released late last week by [Public Policy Polling](#), which found that 55% of Iowa voters oppose impeachment, and only 38% support it. The PPP poll was conducted Jan. 7-9, while the Justice Not Politics/Justice at Stake survey was conducted Jan. 8-12.

“There can no longer be any doubt that Iowa voters have said a loud, emphatic ‘No’ to impeachment,” said Bert Brandenburg, executive director of Washington-based Justice at Stake. “Iowans, like all Americans, want their justice system insulated from hard-ball political attacks, even when they disagree with a particular decision.”

Impeachment has been a hot topic since three Iowa justices were ousted in a retention election in November. Several freshmen lawmakers have vowed to remove the remaining justices, who do not face retention elections until 2012 and 2014, citing their votes in the same-sex marriage case.

But the Justice Not Politics/Justice at Stake survey suggests that Iowa voters see impeachment in fundamentally different terms than they do retention elections, in which a “yes” or “no” vote decides whether judges receive an additional term.

Even among those who voted “no” in the November retention election, 39 percent said a court decision does not meet the state’s standard for impeachment, while only 30 percent said it does. Of those who voted to retain the justices, 92 percent said a court decision is not an impeachable offense.

Iowa would be the first state in the nation’s history to impeach judges for a decision on the bench. U.S. Justice Samuel Chase was impeached in 1805, because of his Federalist Party ties, but was later acquitted in a Senate trial. Lawmakers have rejected political impeachment efforts since, reserving judicial impeachments for criminal or ethical violations.

“If we start impeaching judges every time someone thinks a decision is wrong, our entire system of justice will break down,” said Justice Not Politics Co-Chair Joy Corning. “Iowans are tired of the outrageous rhetoric and reckless ideas like impeachment. The more than 200 people who showed their support for Iowa’s courts at last week’s State of the Judiciary speech made their feelings clear.”

Opponents also have warned that an impeachment trial would throw Iowa and its court system into disarray.

According to a recent [Washington Post commentary](#) by Brandenburg, a drawn-out Senate trial could paralyze state government, discourage business investment in Iowa and set the stage by future pay-back impeachments against judges appointed by both parties.

The Justice Not Politics/Justice at Stake poll questioned 748 voters by automated telephone, with an estimated margin of error of 3.6 percent, according to 20/20 Insight, an Atlanta polling firm.

Detailed results from the poll can be [downloaded here](#).

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Justice Not Politics is a broad-based, nonpartisan coalition of organizations and Iowans across the political spectrum—progressive to conservative; Republicans, Independents and Democrats—all who are committed to protecting Iowa’s courts and our system of merit selection and retention. For more information, please visit www.justicenotpolitics.org.

The Justice at Stake Campaign is a nonpartisan, nonprofit campaign working to keep America’s courts fair and impartial. Justice at Stake and its 50-plus state and national partners educate the public, and work for reforms to keep politics and special interests out

of the courtroom—so judges can protect our Constitution, our rights and the rule of law. For more about Justice at Stake, go to www.justiceatstake.org, or www.gavelgrab.org.

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