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Part 2: "How We Can Get Around the Iowa Constitution"

By [Gary Marx](#)

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As I outlined in [my previous post](#), Governor Branstad will soon pick three new justices for Iowa's Supreme Court, and the Iowa Judicial Nominating Commission has done its best to limit his options. In this post I want to use one particular nominee as evidence of the heavy-handed tactics these nominating commissions, in Iowa and elsewhere, have used to get their way.

Governor Branstad is under a fair amount of pressure to appoint a female to the Iowa Supreme Court since the Court does not currently have a female justice. But, in an obvious attempt to force his hand, the commission only nominated one female: [Angela Onwuachi-Willig](#). Willig is a liberal law professor who wrote an amicus brief supporting gay marriage in the extremely controversial Iowa gay marriage case that has generated so much controversy.

As if that weren't enough, in her questionnaire [she wrote](#) at least two things that should alarm anyone who values judicial impartiality:

Second, I bring important racial and gender diversity to the court. . . . Judges/justices are neutral decisionmakers; however, they arrive at the table with their own individual experiences, which may influence their approaches to the facts and the law. For this reason, it is important for the court to include both female and racial minority justices. . . .

I also am the American born daughter of legal immigrants to the United States, and in that respect, the lens through which I may see and approach matters may be more global, a factor that is increasingly becoming more important in a world that is becoming more globally interdependent.

Willig wasn't even a member of the Iowa Bar when she applied and interviewed for the vacancy. But, as the video below demonstrates, the Iowa Judicial Nominating Commission wanted to get her on the court, one way or another. The video was taken from her interview with the chair

of the nominating commission, Justice David Wiggins, and his first question of her.



For those who prefer a transcript:

Justice Wiggins to Willig: You're not licensed to practice law in the state of Iowa, and the Iowa Constitution requires you to be a member of the Iowa Bar. I know we've talked about you trying to get licensed before this, but I don't know if that's going to happen. Our charge is to send people who meet the qualifications, either by age or by license, to the governor. We have to send nine people, but if we send you without a license we're really sending eight people. So tell me, in your best way, how we can get around the Iowa Constitution and do that.

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