



C.L. "BUTCH" OTTER  
GOVERNOR

## NEWS RELEASE

**FOR IMMEDIATE RELEASE:**

October 21, 2014

14:063

CONTACT: Jon Hanian

(208) 334-2100

### **GOVERNOR OTTER ASKS FEDERAL APPEALS COURT FOR EN BANC REVIEW OF MARRIAGE RULING**

(BOISE) – Governor C.L. "Butch" Otter is asking the 9<sup>th</sup> U.S. Circuit Court of Appeals for an 11-judge panel to review a three-judge ruling against the Idaho Constitution's definition of marriage.

The Governor said the three-judge panel made some critical errors in its decision, among them failing to apply the correct legal standard to Idaho's marriage laws. The "en banc" review by 11 judges from the 9<sup>th</sup> Circuit would enable the State of Idaho to make its case to a larger and more diverse group of jurists.

"One of the key arguments against the Idaho Constitution's defense of traditional marriage has been that redefining it to include same-sex couples would not harm anyone. But the Hitching Post example shows the fallacy of that position," Governor Otter said.

A lawsuit filed in federal court last Friday on behalf of Don and Lynn Knapp, ordained ministers and owners of the Hitching Post wedding chapel in Coeur d'Alene, alleges the couple's constitutional right to religious freedom would be violated by their city's 2013 antidiscrimination ordinance if they are compelled to officiate over such ceremonies. The city contends it will not prosecute legitimate nonprofit religious organizations exercising their First Amendment rights.

A federal appellate court order opened the door to same-sex marriage in Idaho last week.

"I have repeatedly pointed out to the courts that unaccountable judges imposing their perception of social change on the law – rather than public policy being changed through the democratic process – undoubtedly will lead to increased religious strife and restrictions on private property," Governor Otter said. "For these important reasons, I will continue defending Idahoans' self-determination and the will of Idaho voters who decided that traditional marriage is a core principle of our society."

Along with defending the critical definition of marriage in Idaho's Constitution, Governor Otter also highlights in his request for rehearing that letting the three-judge panel's decision stand will accelerate conflicts with First Amendment religious liberties and pose serious challenges to other portions of Idaho law. The Governor also said he continues to monitor same-sex marriage cases in other jurisdictions and the potential for the issue to be accepted for review by the U.S. Supreme Court.

The Governor's new petition to the 9<sup>th</sup> Circuit will be submitted late Tuesday.

###