

THE RIGHT TO PROTEST

ONCE AGAIN, IT'S BEING MADE CLEAR THAT RACIAL JUSTICE
AND FREE SPEECH ARE INEXTRICABLY BOUND TOGETHER.
THE ABILITY TO PROTEST IS THE ABILITY TO BE HEARD.

» SEE PAGE 6



🔥 Hope is not the same thing as optimism. It is not the conviction that something will turn out well, but the certainty that something makes sense, regardless of how it turns out. 🗨️ **VACLAV HAVEL**

A REDEFINITION OF HOPE



"WHAT ABOUT IOWA MAKES YOU HOPEFUL IN YOUR WORK?"

The question was posed last November by a candidate interviewing for a job with our office. I understood why she would ask. I hadn't been experiencing much hope that month and I figured she hadn't either.

A majority of Iowans had just voted to retain one-party control of state government, which didn't bode well for several ACLU legislative priorities in the upcoming session. The country was clearly as divided as ever, with conclusive election results being challenged as fraudulent, without evidence. And devastating health and economic impacts of the pandemic were growing. Too many people were equating mask requirements and other public health precautions as assaults on their liberty.

I responded by saying that "determined"

and "committed" were more apt descriptors of our team right now than "hopeful," and that we have plenty of motivation for that focus.

We are inspired by the courage of our clients who seek what is rightfully theirs, the persistence of activists who push for racial justice despite setbacks and disappointments, and the steadfast support of our donors that makes our work possible.

A few days after the interview, I was reminded of a quote from the Czech playwright and dissident-turned-president, Vaclav Havel, that helped me rethink what hopeful could be: "Hope is not the same thing as optimism. It is not the conviction that something will turn out well, but the certainty that something makes sense, regardless of how it turns out."

The Iowa legislative session, now underway, is bringing challenges, both

A REDEFINITION "Determined" and "committed" are more apt descriptors of our team right now than "hopeful."

expected and unexpected. But I know that our team—including new Policy Director Pete McRoberts and new Advocacy Campaign Manager Rebecca Eastwood—will continue to

advocate for what is fair and just. I know that our growing Rapid Response Team of volunteer activists will respond to our requests to contact their legislators at key moments (please sign up at <https://tinyurl.com/ACLUrapid>).

And I know that together we will do our best to stand on the right side of history, to invite others to join us there, and to bring about an Iowa where what is fair is more commonly understood as what makes sense.

In these trying times, what could be more hopeful than that?

Mark
MARK STRINGER
ACLU of Iowa
Executive Director

ACLU AMERICAN CIVIL LIBERTIES UNION Iowa

THE DEFENDER IS THE NEWSLETTER OF THE ACLU OF IOWA AND THE ACLU OF IOWA FOUNDATION

505 Fifth Avenue, Suite 808
Des Moines, Iowa 50309-2317
515-243-3576 or info@aclu-ia.org

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Rita Bettis Austen

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complaint seeks to protect workers from COVID-19

Iowa OSHA is not doing its job and is putting meatpackers and others in danger.

During the pandemic, and even before, Iowa Occupational Safety and Health Administration (OSHA) has largely failed to protect Iowa workers.

So in November, the ACLU of Iowa and a coalition of advocates filed a federal administrative complaint against Iowa OSHA to force it to do the key job it was created to do: protect the health and safety of Iowa workers.

BROAD ARRAY OF WORKERS REPRESENTED

The ACLU was joined by civil rights groups who represent workers in the meatpacking, dairy, construction, transportation, health care, nursing home, and other industries.

The complaint, called a CASPA (Complaint About State Program Administration), urges federal OSHA to launch an investigation into Iowa OSHA. During COVID-19, numerous

Iowa workplaces have not been properly protecting their workers, and Iowa OSHA has not investigated complaints adequately.

IMMIGRANTS, LATINX, OTHERS HIT HARDEST

Those suffering the most from COVID-19 in the workplace have been immigrants, Black, and Latinx Iowans. They fill the front-line and essential worker roles that have been hit the hardest by the pandemic.

The CASPA was filed with the American Friends Service Committee Iowa, Forward Latino, the Iowa AFL-CIO, Iowa Citizens for Community Improvement, Iowa Justice for Our Neighbors, the Iowa League of United Latin American Citizens, the Iowa State Building and Construction Trades Council, and the Indiana, Illinois, and Iowa Foundation for Fair Contracting.



Andy Giller with his wife, mom, and children at the 2019 Capitol City Pride Parade.

Why I Give
🔥 Supporting the ACLU is very important in our family. A country with a strong democracy that respects and vigorously defends civil liberties is a legacy we want to leave for our children. 🗨️
ANDY GILLER
Iowa City

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“State leadership must take action to stop the cycle of homelessness caused by eviction records that haunt people for years.”
MARK STRINGER ACLU of Iowa Executive Director



41%
 THE PERCENTAGE
 OF **WORKING**
MOTHERS IN IOWA
 WHO ARE THE
 PRIMARY
 BREADWINNERS
 FOR THEIR
 FAMILY



[NEW FACES]
PETE McROBERTS
LEADS POLICY
AND LEGISLATIVE
WORK

Pete McRoberts has been hired as Policy Director for the ACLU of Iowa. He is the chief representative of the ACLU at the state Capitol and will oversee other policy efforts. McRoberts brings to the position 17 years of policy experience, serving as an aide to state, national, and world leaders. In addition, he has been an attorney in private practice, representing clients with low incomes on behalf of the Iowa State Public Defender. He was owner of Dash Management, Inc., a government relations and executive management service, advising nonprofit and business associations.

key issues in the Iowa Legislature

IN THE MIDST OF AN ONGOING PANDEMIC, THIS SESSION IS LIKELY TO BE SHORT AND FOCUSED.

The Iowa Legislature formally meets from January through April, though some sessions have run into June. But this is no ordinary year. The very basics of the legislative process have changed. Something as basic as a citizen attending a meeting to express their opinion is now difficult, if not impossible, because of COVID-19. The pandemic also might prompt a shortened legislative session. That presents both

opportunities and challenges for civil liberties legislation. On one hand, many lawmakers are already supportive of some of the same legislation as the ACLU. So a compressed legislative session would mean that good things have a real shot at happening, and quickly. The downside? Bad ideas can also move fast. Civil liberties issues to keep an eye on this year:

Fundamental Abortion Rights
 Legislation to amend the Iowa Constitution to specify that abortion is not a fundamental right is well underway, and moving with terrifying speed. It is the most serious threat to reproductive freedom in Iowa in recent history. Politicians are laying the groundwork to completely ban abortion in Iowa, in all cases.

If enacted, such an amendment would allow future legislatures to pass any number of anti-choice abortion laws. A constitutional amendment is a heavy lift that takes years and requires voter approval. We'll be working with partners such as Planned Parenthood to do everything we can to stop this bill.
Finally, a Racial Profiling Bill?
 We're glad Gov. Kim Reynolds promised to end racial profiling in her Condition of the State address. For several years now, the ACLU,

the NAACP, and others have been advocating for reform that would address the widespread problem of racial profiling in our state. Police departments must do a better job of educating their officers and holding them accountable for this destructive practice, which drives record mass incarceration of people of color. We believe all of this is within reach in 2021.

5.5 times more
 THE RATE THAT **BLACK WOMEN** ARE EVICTED COMPARED TO WHITE PEOPLE

Evictions Are a Racial Justice Issue
 When Iowans have affordable housing, everyone wins. But the pandemic has exacerbated the eviction problem, which tens of thousands of Iowans face each year. Black Iowans and women, especially, are disproportionately impacted. Tenants who fall behind on even one payment learn the hard way that if paperwork is filed against them, that late payment haunts them for a lifetime. Finding good, affordable housing after an eviction is tough enough. If you have a blemish on your rental record [which landlords can access online], it's

nearly impossible. Alarming, under current Iowa law, even a mere filing of an eviction case becomes public record. This is devastating even for people who were never evicted. They may never have gotten their day in court, or their case was dismissed, or they may actually have won the eviction case. No matter. This wrongly haunts good potential renters for years and often blocks them from future rentals in quality housing. To remedy that, we need legislation to seal eviction records, in appropriate cases, so that wrongful filings and old evictions don't follow tenants for life and make it difficult for them to find a new home.

Keep Pregnant Workers Healthy and Safe
 An Iowa worker should not have to choose between their job and a healthy pregnancy. That's why we're so encouraged at the growing bipartisan support for a Pregnant Workers Fairness Act. It would require employers to provide reasonable accommodations for pregnant workers, such as allowing them to take more frequent breaks, have a stool to sit on at their work station, or take off time for doctor's appointments without penalty. This is a necessity for healthy pregnancies and births, and most employers in Iowa already do this.



[NEW FACES]
REBECCA EASTWOOD
HEADS ADVOCACY
TEAM

Rebecca Eastwood has been hired as the ACLU of Iowa Advocacy Campaign Manager. She'll work with partner organizations, activists, and volunteers to advance specific issues and elevate civil liberties generally. A native of Decorah, she most recently worked in Washington, D.C., at the Columban Center, an international humanitarian organization.

311
 THE NUMBER OF **BILLS** IMPACTING CIVIL LIBERTIES THE ACLU OF IOWA TOOK A POSITION ON IN THE LAST IOWA GENERAL ASSEMBLY

the **right** to protest

LAW ENFORCEMENT CAN'T SIMPLY BAN PROTESTERS FROM THE STATE CAPITOL AREA BECAUSE THEY DON'T LIKE THEIR MESSAGE. SO WE SUED.

Imagine that you get arrested at a protest at the Iowa State Capitol—on charges that are later dismissed.

And that police then inform you that you are banned from the Capitol area for six months, or a year. But you're not told what area exactly you're banned from. And no valid law is cited that allows the ban.

And you weren't even convicted of any violation of the law to start with. And there's no avenue to contest the ban.

Outrageous, right?

Given Verbal & Written Bans

But that's what happened to 17 young racial justice

protesters last summer. Five are now contesting the ban. With the help of the ACLU, they filed a lawsuit challenging the bans: Haley Jo Dikkers, Brad Penna, and Brandi Ramus (each banned 6 months) and Jalesha Johnson and Louise Bequeaith (banned for 1 year). The lawsuit seeks to permanently invalidate the bans and asks for damages.

Bans Not Grounded in Law

In a written letter to two of our clients, the Iowa

State Patrol cited a section of the Iowa Code that supposedly covered the ban. However, the code only described *penalties* for trespass under the general criminal law.

ACLU of Iowa Legal Director Rita Bettis Austen said the ban was especially egregious because it prohibited free speech and assembly at a key site of state power. "There is perhaps no more important traditional public forum in Iowa than the State Capitol,

which is a place intentionally designed for Iowans to gather and speak to an audience of leaders from all three branches of state government."

Prevented Further Protests

Bettis Austen said that for a time, the bans also meant the protesters were unable to participate in demonstrations organized by BLM or other groups on the grounds.

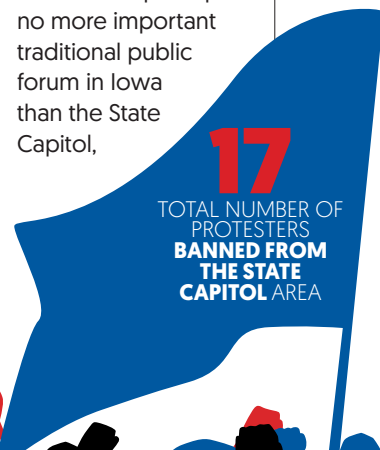
The bans also meant they couldn't reach out directly to legislators and the Governor's office at the Capitol.

Preliminary Injunction Won

Fortunately, the court recognized that the bans had an immediate chilling effect on free speech. In December, the court granted a preliminary injunction so that our clients can once again gather in the Capitol area.

Litigation continues, but the preliminary injunction means that the court has found that the protesters likely were indeed wrongly banned.

"We are grateful to the court," Bettis Austen said. "And we're relieved that our clients are able to engage in their right to lawful speech and assembly at their state capitol once again."

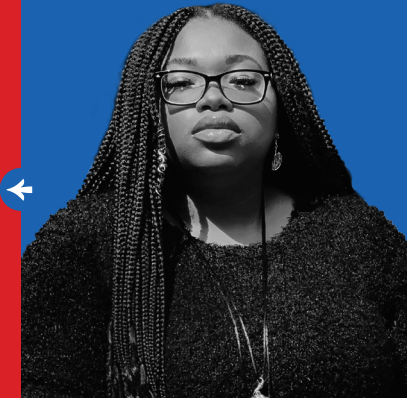


"I feel like our Capitol is a powerful place. A place our community gathers quite a bit... So not being able to be there has limited my ability to connect in those ways with people and also to use my voice."

BRANDI RAMUS
Hair Stylist, Des Moines

"Legislators and the Governor can ignore our calls. They can ignore our emails. We can't sit face to face with them. Now, they've taken away the best way we had available to be heard by an audience of legislators and the Governor. How are we supposed to be heard now?"

JALESHA JOHNSON
Student and BLM Organizer, Des Moines



"The majority of the people banned from the Capitol are organizers with Des Moines BLM, so it stifles any sort of protesting there... In my mind, the ban is just a way to silence dissent."

BRAD PENNA
Coffee Shop Owner, Des Moines

"I still have not been provided with a clear description of the Capitol Complex grounds that I am banned from, even when I am around the East Village, or drive through a street near the Capitol, I have anxiety that I am inadvertently wandering into the Capitol Complex grounds. I feel afraid that I could be arrested."

HALEY JO DIKKERS
Educational Assistant, Des Moines



Protester Rights FAQs

Q Where can I protest?

Generally, all types of expression are constitutionally protected in traditional "public forums," such as streets, sidewalks, and parks. You may also have a right to speak in other public locations that the government has opened up to unrestricted speech, such as the plazas in front of government buildings or outdoor areas of public colleges.

street closure; or other locations traditionally used for speech, like some parks, town squares, areas around the State Capitol, and others;

A large rally requiring sound-amplifying devices; Unless there are special circumstances, notice requirements of more than a few days are typically not constitutional.

Additionally, any advance-notice requirement can't be used to prevent demonstrations that are rapid responses to unforeseeable and recent news events. Permit ordinances must allow for spontaneous demonstrations.

Q Do I need a permit?

Not usually. However, certain types of events require permits: A march or parade that does not stay on the sidewalk, and other events

Q How about counter-protesters?

They may not physically disrupt the event, but they do have the right to be present and to voice their disagreement.

that require blocking traffic or

6 months to 1 year
THE PERIOD PROTESTERS WERE BANNED FROM THE CAPITOL AREA



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ACLU MOMENT

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Lafaun Amos wins a lawsuit that desegregates the Surf Ballroom

In the 1950s, the famed Surf Ballroom in Clear Lake hosted some of the era's most celebrated entertainers, including many Black musicians. But management prohibited Black people as customers.

In 1951, a brave Clear Lake woman, Lafaun Amos, was denied admittance and filed a lawsuit to fight her exclusion. The ACLU of Iowa filed an amicus brief to support her claims of racial discrimination.

Amos won. Her victory had an important civil rights ripple effect, putting other Iowa ballrooms and dance halls in the state on clear notice that excluding Black people was against the law.



Court's Jurisdiction Challenged in Lawsuit
FORT DODGE (UP)—A motion to dismiss a civil suit against the operator of a Clear Lake dance hall has been taken under advisement by Federal Judge Henry N. Graven.
Prom, Inc., operator of the Surf ballroom at Clear Lake, contended in its dismissal motion Monday that federal court lacked jurisdiction in the case.
Mrs. John Amos of Clear Lake, Negro woman, sued the ballroom operator for \$10,000, charging that she was denied admission to the dance hall because of her race.

'Rights' Case Ruling Made
Involving Ballroom At Clear Lake.
(The Tribune's Iowa News Service.)
MASON CITY, IA.—Federal Judge Henry N. Graven ruled Tuesday that a ballroom violated the Iowa civil rights statute by refusing admission to a Negro.
The judge ruled specifically that a ballroom is a place of amusement, comes under the civil rights law and cannot discriminate against Negroes.



Although the entertainers at the Surf were often Black, the audience was all white.

BOARD MEMBER ELECTIONS Each year, ACLU of Iowa membership votes for statewide board members. You'll need your ACLU membership number, found with the mailing address on this page. Vote March 15-22 at www.aclu-ia.org/boardelections or contact info@aclu-ia.org or 515-243-3888, ext. 112.