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## Statehouse Update - 2/11/2006

by Marty Ryan, Legislative Director

### The show must go on!

Toward the end of the nineteenth century small troupes of performers traveled to towns throughout the Midwest, showcasing mini-circuses on shoestring budgets in front of often-bored denizens of tiny towns seeking of any kind of entertainment. The ringmaster and a small band (usually the only human elements of the circus) were accompanied by the circus animals, limited only to dogs and ponies. [Michael Quinion](#) says the phrase “dog and pony show” most likely originated from this cut-down version of a “proper circus”. <http://www.worldwidewords.org/qa/qa-dog3.htm>

Today, a “dog and pony show has come to mean any type of presentation or display that is somewhat pathetically contrived or overly intricate.” [http://en.wikipedia.org/wiki/Dog-and-pony\\_show](http://en.wikipedia.org/wiki/Dog-and-pony_show) A slang definition can mean an “elaborate presentation orchestrated to gain approval, as for a policy or product.” <http://www.bartleby.com/61/1/D0320100.html>

So, why all this information about dog and pony shows? Well, you might want to know what the heck is going on when one of these events occur in your community, like Newton, or Ottumwa. Just thought you should know.

### Visionaries?

The ACLU of Iowa has been working quite well with the Iowa County Attorneys Association this year. Dang! If only it could have worked well with us in 2002.

“Steven Johnson Grove of the Ohio Justice and Policy Center, a nonprofit public policy and law reform organization, characterized the proposed distance restrictions [in a Covington, KY ordinance] as ‘unconstitutional and really bad policy’.

“Grove, whose organization is fighting a similar case in northern Ohio, said the Iowa County Attorneys Association, which lobbied for the 2,000-foot distance restriction, recently came out against it, because of the cost to taxpayers and the fact that it was doing little to improve public safety.”

<http://news.cincinnati.com/apps/pbcs.dll/article?AID=/20060208/NEWS0103/602080391/-1/CINCI>

“The state’s prosecutors urged lawmakers Monday to eliminate a requirement that convicted sex offenders live more than 2,000 feet from a school or day care center.

”The Iowa County Attorneys Association said the restriction makes it virtually impossible for offenders to find housing in virtually every city in the state, and does little to protect children.” Wow! Sounds like a 4-year-old echo.

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20060123/NEWS01/60123013/1001>

## **Prisoners and students**

There are two groups of Iowans that seem to be the target of adverse legislation each and every year – prisoners and students. Generally, participants of neither group can vote.<sup>[1]</sup>

First of all, let’s see what’s in store for the students. The Department of Transportation [[SSB 3053](#) & [HSB 633](#)] and a few legislators [[HSB 528](#), [SF 2009](#), [SF 2157](#), & [HF 2033](#)] have taken their respective turns at introducing bills that will severely restrict the rights of teenagers. These bills have slightly different language, but each is attempting to drive home the same message: “We’re from the government and we know what’s best for you.”

A [recent poll](#) shows that a majority of Iowans (77%) believe that placing more restrictions on teen drivers will make the roads safer for all of us. But poll results are not always the best guide in making decisions.

Proposing legislation that will restrict the number of passengers in a vehicle operated by a minor, expand nighttime driving restrictions, restrict the use of cell phones, require passengers under the age of 18 to buckle up in backseats (but this doesn’t make sense when considering the first restriction listed), and implement a number of other rebellion-controlling restrictions will do very little to protect young Iowa drivers and the rest of us on the road.

The ACLU-IA opposes this legislation because of the realization that restrictions on freedom to some usually lead to restrictions on freedom for all. That which is supposedly good for teenagers today may likely be the cure for what ails the rest of us next year.

If kids are kids and cannot be trusted with adult responsibilities, why are prosecutors waiving so many juveniles to adult court?

Now, speaking of waiving juveniles to adult court, what about prisoners? If enacted, a piece of legislation [[House Study Bill 568](#)] moving on to debate in the House chamber

will make it a class “D” felony[2] for spitting. Yes, you read that correctly, a five-year sentence for spitting. There are a few other prisoner-related bills, such as having inmates [pay for medical care](#), and [repealing the governor’s executive order](#) restoring voting rights, but we’ll save that for another time.

### **Sounding like a broken record**

Here we are again, asking readers to contact their [state senators](#), urging them to oppose any legislation creating a centralized drug database to store our medical prescription records. The prescription drug database proposal by the Board of Pharmacy is a dangerous attempt to catch a few prescription drug abusers while placing everyone’s medical privacy in jeopardy.

Once created, this system will place citizens’ privacy at risk to invasions by law enforcement, hackers, and employers concerned with health history. Personal privacy is far too precious to sacrifice for the electronic convenience of government.

The invasion of privacy might make some doctors hesitant about prescribing medicines that their patients need. Innocent patients and doctors could be smeared and slandered by accusations of misusing drugs, or be subjected to unwarranted investigations.

Even with the \$643,000 the Board of Pharmacy Examiners has received in federal grants, this ill-advised program would cost Iowans a whole lot more in the on-going costs to sustain the initiative. And it will grow.

The ACLU-IA is opposed to the creation of an Internet-based registry system for prescription drugs. Its presumed effectiveness is highly questionable; its initial and future costs are unknown. But the real threat is to the privacy of Iowans. The potential for misuse and theft is too great a price to pay.[3]

### **Is it safe to have legislators make decisions about sex?**

Here are a few doozies:

[HF 2163](#) – This bill prohibits the dissemination or display of a sexual device to a minor. Actually, there is controversy over whether this bill might violate the Twenty-first Amendment to the U.S. Constitution[4]. The bill describes a sexual device as “any three-dimensional item designed **or marketed as useful primarily for the stimulation of human genital organs**”. (Emphasis added.) Black Velvet® Canadian Whiskey, Bud Light, and Miller Lite might all qualify as being “marketed as useful . . .”

[SF 2108](#), [HF 2194](#), and [SF 2071](#) – Bills that provide for censorship in one way or another. Whether it’s perceived violence, sex, or art, some legislators believe that government knows better than parents.

[HJR 2](#) – Constitutional amendment changing the term of representatives from 2 years to

4 years. Do you suppose it's too hard to solicit money for another reelection campaign shortly after being reelected?

[HF 2197](#) – Imposing a civil penalty against the owner of a vehicle in which the vehicle is identified on film as one involved in a high-speed chase.

To contact [your senator](#) call (515) 281-3371

To contact [your representative](#) call (515) 281-3221

To contact [Governor Vilsack](#) call (515) 281-5211

[1] A person who is charged with a crime, but not yet convicted of a crime may vote while incarcerated in a county or municipal detention or correctional facility if otherwise qualified and registered. Students who have attained the age of 18 may vote if they are registered.

[2] Iowa Code § 902.9(5).

[3] Our thanks to ACLU-IA Director Dennis Barnum (Gowrie) for his contribution of this section.

[4] The Twenty-first Amendment, among other provisions, repealed the Eighteenth Amendment to the U.S. Constitution, more popularly known as Prohibition.