

# YEAR IN REVIEW



# UNIQUELY DEDICATED TO THE BROAD DEFENSE OF FREEDOM IN IOWA

## HOW YOU CAN HELP

As you prepare to review our recent program achievements,<sup>1</sup> you may want to keep in mind how our ongoing work is sustained. Iowa supporters of the ACLU Foundation of Iowa are the single largest source of funding for our efforts. This support can come in the form of tax-deductible gifts made through the secure donation link on our affiliate website [www.aclu-ia.org](http://www.aclu-ia.org) or through tax-deductible pledges/gifts to our foundation's *Annual Gifts Campaign* (AGC). Gifts donated to the AGC each year support the ongoing work of **both** the affiliate and national ACLU foundations.<sup>2</sup>

Since the ACLU of Iowa's founding nearly 75 years ago, our experience has revealed that political power shifts at both the state and federal level have little to do with the vulnerability of our civil liberties. It seems that those calling the shots – regardless of political affiliation – always want to increase their power at the expense of our individual rights. Thomas Jefferson must have realized this when he famously proclaimed: *Eternal Vigilance is the Price of Liberty*.

This report reviews the breadth and scope of the ACLU Foundation of Iowa's program work over the past year and a half.<sup>3</sup> It also makes brief mention of the impressive advocacy work of the national ACLU Foundation, which is supported in part by gifts to the Iowa foundation. For those interested in learning more about our national programs, please visit the national website at [www.aclu.org](http://www.aclu.org)

### **The national ACLU's work continues to be essential to the preservation – and restoration – of many of our freedoms.**

Anyone who thought the transition to a new presidential administration in 2009 would mean the dawn of a new era for civil liberties has already come to understand that ending torture, illegal wiretapping and indefinite detention is not going to be easy. The ACLU has maintained pressure on the administration to end these practices, and has demonstrated that our work in this area is as vital as ever. The urgent need to restore the rule of law and hold government actors accountable for their illegal conduct has proven to be arduous as well. Most recently, our federal open records lawsuit has again moved the issue of torture – and accountability – back into the national political dialogue. Our renewed SAFE AND FREE campaign represents an intensified effort to get the President and Congress to act now to restore our freedoms. Whether it is in our courts, Congress or in the public discourse, the ACLU's voice is needed if the U. S. Constitution is to remain a vibrant force for American freedom.

*If these and other civil liberties issues at the federal level strike at the core of your beliefs, then please consider taking advantage of the 2009 Annual Gifts Campaign as a vehicle for your values.*

### **Here in Iowa, the affiliate has made historic contributions to freedom.**

During this past year, civil liberties issues in Iowa have attracted national attention – and the ACLU of Iowa has carried out a great deal of important work. Our affiliate may have one of the smallest staffs in the nation; but it also happens to be the most experienced, and we are proud of all that they – and our activist members and volunteers – have accomplished!

<sup>1</sup> Legislative advocacy at both the state and national level is primarily the responsibility of the ACLU of Iowa and the national ACLU. However, gifts to the ACLU Foundation of Iowa support a small amount of legislative work, because we are careful to ensure that such lobbying does **not** represent a substantial portion of the overall program of the ACLU Foundation of Iowa.

<sup>2</sup> Approximately one out of every four dollars donated to the ACLU Foundation of Iowa ultimately supports the work of the national ACLU Foundation and the various national projects it supports.

<sup>3</sup> The subject of this report is the program activity of the "ACLU Foundation of Iowa," which was formed in 1969. However, there are repeated references throughout the report to the "Iowa affiliate" and the "ACLU of Iowa." This is done for stylistic purposes only.

## HIGHLIGHTS OF RECENT ACLU FOUNDATION OF IOWA ACHIEVEMENTS

### GLBT Rights / Marriage Equality

The unanimous Iowa Supreme Court ruling in *Varnum v. Brien* represents a remarkable moment in the history of our state and the nation. We are proud to have played an important role in helping achieve civic marriage equality in Iowa by collaborating with Lambda Legal on two amicus briefs, including the “Iowa Courage Brief,” parts of which were included in the courts’ published opinions.

Our executive director, Ben Stone, spoke at several rallies sponsored by One Iowa, the statewide human rights group, about how marriage equality is essential to the civil liberties of all Iowans. Legal director Randall Wilson provided legal analysis at several One Iowa events around the state as well.

The ACLU of Iowa legal director wrote an op-ed on religion and marriage equality which garnered much attention, and made a presentation on the distinction between school bullying and free speech at the 2009 Governor’s Conference on GLBT issues.

An ACLU of Iowa contingent marched in the 2009 Iowa Pridefest Parade in Des Moines to celebrate human rights for all Iowans!

Announced in May, when marriage licenses became available to same-sex couples, that it would represent any couple improperly denied a marriage license by a county recorder (and simultaneously defended the right of a state senator to use his free speech rights to urge county officials to do just that!).

Maintained a vigilant presence in the legislature where our legislative director, Marty Ryan, fended off threats to amend the Iowa Constitution to outlaw marriage equality.

### Free Speech & Censorship

Anyone at all familiar with the 74-year history of the ACLU of Iowa knows that the defense of free speech is one of our top priorities. During the past year or so, the ACLU of Iowa continued to protect free speech rights.

When the city-owned DART bus service in Des Moines pulled down an ad for the group Iowa Atheists and Freethinkers (IAF) from the side of their buses, the ACLU of Iowa immediately announced an investigation into the government’s actions. DART quickly met with IAF and the ACLU-IA’s executive director, and then, within just hours of the meeting, announced that the ad (at right) would immediately be placed back on its buses. The ACLU Foundation of Iowa legal program then offered to help DART revise its advertising policy.

In the area of school censorship, the ACLU of Iowa spoke out against attempts to censor award-winning books in two school districts. In Ankeny, the book “And Tango Makes Three,” was under attack because

it discussed truthfully how two male penguins in a zoo had raised chicks together. The book “Hoops” became controversial in Council Bluffs because it contains references to drug use and profanity. In both instances, the ACLU of Iowa’s publicly-stated position prevailed.

Other public school-related free speech advocacy includes:

Our condemnation of an expansive conduct code in the Des Moines Schools mandating that school officials investigate all tips related to the social networking activities of students.

A successful effort to kill a legislative proposal mandating that the pledge of allegiance be recited in all classrooms each day.

Our legal program put together and presented a program to help school teachers, students and parents on the distinction between bullying and free speech.

Our legal director decried the use of FBI undercover informants to infiltrate peace and anti-war groups in Iowa City in 2008. In an article in *The Progressive* magazine, Wilson pointed out that actions like this are often carried out without any clear justification, and can be intimidating to dissenters.

The legislative program and its citizen lobbyists helped defeat a bill which would have re-defined “indecent exposure” in such a way as to violate the First Amendment.

In yet another important free speech battle, we played a key role in helping defeat a scheme to have government monitor the content of political messages and automatically fund counter ads in what would have been an unprecedented governmental intrusion into the marketplace of political ideas.

The ACLU Foundation of Iowa brought a lawsuit against the City of Davenport on behalf of the Green Party, which had been denied the right to distribute literature during the annual Bix festival (ironically, we settled a similar suit in 1999 with Davenport over the same issue).

The Des Moines City Council’s proposal making it illegal for persons to buy tickets *at any price* from private parties near a city venue was successfully quashed after the ACLU of Iowa wrote a letter to the City Attorney.





We had two classic examples of protecting free speech rights for all, even those with which we disagree:

In the summer of 2008, we defended the free speech rights of persons on both sides of a political dispute. As the Des Moines School Board election neared, someone opposed to candidates aligned with a controversial board member anonymously distributed a “pdf” flyer by email. When state regulators announced an attempt to learn who sent the flyer, the ACLU of Iowa condemned the move as an unjustified government threat to political speech. The investigation quickly ended. Following the school board election, a majority on the school board then announced its intention to “censure” that controversial board member for his behavior and conduct. This time the ACLU of Iowa condemned the action of a government policy-making body in morally judging and ultimately intimidating the board member, and urged the board to simply refer its concerns to the proper investigatory authorities. The board majority ultimately did not censure their colleague.

In the Spring of 2009, as the day approached when persons of the same gender could obtain a marriage license from Iowa county officials, we condemned an ethics complaint filed against a prominent marriage equality opponent, Senator Merlin Bartz (R-Grafton), for urging county officials to deny marriage licenses to same sex couples. The ACLU of Iowa’s stance in this instance demonstrated that we cared about the free speech rights of a government official urging people to do precisely that which we were simultaneously condemning, and for which we had even offered to bring suit if necessary.

As Thomas Paine famously wrote: *“He that would make his own liberty secure must guard even his enemy from oppression.”*

### Rights of Immigrants

The ACLU of Iowa believes in protecting the basic civil liberties and human rights of all people, regardless of race, national origin, or legal status:

**Postville.** The ACLU of Iowa provided a prominent, leading voice in opposition to the horrendous ICE raid in Postville last year, in which nearly 400 immigrants were rounded up and railroaded into plea bargains on criminal charges. As one of the first groups to condemn the terribly coercive legal process in the national press, the ACLU of Iowa helped set the tone for a national uproar which appears to have thwarted federal attempts to repeat that process.

The ACLU of Iowa also highlighted the human tragedy of what happened in Postville with a poignant story in our newsletter.

Following the Postville tragedy, our legal director worked with the national ACLU Immigrant Rights Project and other national immigrant rights groups to put together and attend a legal seminar in Kansas City for attorneys to learn how to effectively fight for the rights of their immigrant clients.

The ACLU Foundation of Iowa helped to establish and support the *Iowa Immigration Education Coalition*. Both the executive and legislative directors continue their work on committees and coalitions related to immigration reform. In the Iowa General Assembly, the ACLU of Iowa’s legislative director has played a key role in helping defeat several bills related to the rights of immigrants, including bills mandating employer databases and deportation.

The Iowa affiliate lent its voice and credibility to the cause of Sandra Zabaleta, a Guatemalan refugee mired in a deportation nightmare by signing on to a letter with dozens of other advocates that helped her to earn her an extension for time to argue her case for asylum.

### Rights of Youths

Ever since the United States Supreme Court decided our *Tinker v. Des Moines Schools* “Black Armband” free speech case (1969), the ACLU of Iowa has been closely identified with the vigorous defense of the rights of students and youth in Iowa. To that end, we are currently drafting our first ever comprehensive Student Rights Handbook for Iowa youth. In addition to the school-related free speech issues mentioned above, the ACLU of Iowa recently became involved in several other school and youth issues:

The legal program persuaded officials in Norwalk to reject a proposal requiring parental permission before students could join school clubs. This requirement would have discouraged student participation in groups such as gay/straight alliances.

We publicly opposed radical policy changes in the Des Moines Schools relating to mandatory school uniforms and school cyber searches of student web sites. In both instances, the ACLU of Iowa took the position that the government was intruding on parental authority.

The consideration of a written “religious liberty” policy in the Spencer public school system prompted us to express concerns that the policy was unnecessary, would lead to government promotion of Intelligent Design/Creationism as well as graduation prayer, and would likely diminish religious freedom rather than protect it.

When reports surfaced in the late summer of 2009 that five high school girls in Atlantic, Iowa, had been strip-searched by school officials, the ACLU Foundation of Iowa legal program offered assistance to the girls and their families, while helping the public understand the seriousness and potential illegality of what had allegedly occurred. (The Iowa law enacted in 1986 forbidding school strip searches was in large measure written by the ACLU of Iowa.)

## Right to Privacy

The ACLU of Iowa has traditionally been a vigorous defender of the right to privacy, and the recent past has been no exception.

When the *USA Today* newspaper called the ACLU of Iowa seeking our perspective on the growing practice of college officials insisting on the right to view all web postings of student athletes, we condemned the practice as an unreasonable invasion of privacy.

The Foundation's legal program sued the city of Davenport on two privacy issues:

Unfair traffic speed camera surveillance.

A so-called "parental responsibility" ordinance, which would punish students if a police officer merely thought their child had broken a curfew or broken a law. The city has appealed our district court victory.

In Iowa City, a proposal to require all restaurant and bar employees to agree to police-administered breath tests on demand quickly died after public criticism from our executive director.

Our legal program secured an important victory in a medical marijuana case that could result in the Iowa Pharmacy Board eventually removing cannabis from its list of Schedule I substances. In response to our suit, the Pharmacy Board for the first time launched statewide hearings to determine if it should allow cannabis to be used medically to alleviate the suffering of seriously ill patients.

Finally, the ACLU of Iowa again worked to convince legislators and the public that criminalizing cell phone use while driving was impractical and unenforceable.

## Voting Rights & Open Government

During the historic elections of 2008 the ACLU of Iowa provided important protections of voting rights:

In an effort to provide vitality to the recently earned right of felons to vote in Iowa, the ACLU of Iowa authored and began distributing 30,000 brochures explaining how felons can have their voting rights restored. The brochures, which are also available in Spanish, will continue to be distributed as we approach the 2010 mid-term elections.

WHETHER YOU ARE MOST ENTHUSIASTIC ABOUT THE NATIONAL ACLU'S WORK ON TORTURE, THE RULE OF LAW, ILLEGAL WIRETAPPING, INDEFINITE DETENTION AND RELIGIOUS FREEDOM, OR THE IOWA AFFILIATE'S LOCAL ADVOCACY ON MARRIAGE EQUALITY, FREE SPEECH, PRIVACY AND IMMIGRANT RIGHTS — YOUR TAX-DEDUCTIBLE GIFT TO THE FALL 2009 AGC PUTS YOUR VALUES AND PRIORITIES INTO ACTION!

In 2008, the affiliate foundation helped distribute over 5,000 ACLU pamphlets explaining in great detail the specific process for voting in Iowa.

Our legal director conducted an investigation into threatened prosecutions of voters by the Linn County Election Commissioner.

In the two-year period preceding the end of the 2009 legislative session, the legislative program worked tirelessly — and vocally — to mold an open meetings/open records proposal into something meaningful.

For his many years of service on behalf of open government, legislative director Marty Ryan was honored with the 2009 *Friend of the First Amendment Award* by the Iowa Freedom of Information Council.

## Religious Freedom/Separation of Church and State

In addition to the Spencer School Board and DART bus advertisement disputes mentioned previously, the ACLU of Iowa continued its efforts to promote religious freedom:

Our "Church Parking Only" lawsuit against the town of Leon in southern Iowa resulted in the elimination of government favoritism for church-going drivers.

The affiliate foundation hosted a reception in Des Moines for Jeremy Gunn, Director of the national ACLU project on Freedom of Religion and Faith, prior to his participation in a Drake Law School symposium on religious freedom.

## Rights of the Accused

The ACLU of Iowa continues to be a leading voice for rational sentencing and creative justice solutions.

The legislative program has been an active participant in the Criminal Justice Reform Coalition, including work on the issue of changing the law so juveniles, including kids as young as 14 years of age, can no longer be sentenced to life without parole.

The ACLU of Iowa has recently seen great progress in its long campaign to see the 100 to 1 disparity



between crack and powder cocaine sentences remedied.

Last spring, our legal director participated in a wonderful program about redemption and women in prison; the evening included the screening of *Any One of Us: Voices from Prison*, a video program produced by the ACLU Prison Project.

Our legal program demanded that merely “alleged” dependent abusers seeking employment not be red flagged by the Iowa Department of Inspections and Appeals.

As a member of the Iowa Sex Offender Research Council, the ACLU of Iowa’s executive director played the leading role in helping convince the group to publicly call for the unconditional repeal of Iowa’s “2000 foot law” as the state dealt with the Adam Walsh Act.

The Walsh Act, passed by Congress in 2007, threatens loss of federal funds for states which don’t comply with its many ill-conceived – and often expensive – mandates about the treatment and sentencing of sex offenders.

Under the guise of complying with the Walsh Act, changes in the Iowa Code were adopted, and the legislative program worked hard to make those changes as effective as possible. The legislative director wrote a powerful op-ed to the Des Moines Register and presented a vigorous leadoff statement during a public hearing held at the Capitol. In addition, the executive director debated the issue with the Department of Public Safety before dozens of central Iowa attorneys.

## Reproductive and Women’s Rights

The ACLU of Iowa takes seriously its commitment to the defense of reproductive freedom for Iowa women:

We submitted a letter, with the help of the ACLU Women’s Rights Project, to the U.S. Department of Health and Human Services asking it to reject a so-called “conscience” clause for pharmacists.

In addition to our participation in the Healthy Families Coalition, the ACLU of Iowa has long advocated for equal rights for women, and this past year helped get both equal pay and state board gender balance legislation enacted into law.

The Iowa affiliate was involved in the controversy at the University of Iowa regarding how it handled the investigation of an alleged sexual assault by two football players. The ACLU of Iowa was the first organization to publicly call for an *independent, outside* investigator to review whether the university had treated both the alleged victim and those accused of the assault fairly and in a manner that would help reveal the truth.

## General Advocacy

The ACLU of Iowa offers its voice and legal advocacy whenever and wherever civil liberties are in danger in Iowa. In 2008 and 2009 the ACLU of Iowa’s staff appeared in various media in the following ways:

They appeared in more than two-dozen story segments on television news broadcasts in the state’s capital city.

The executive director was featured in a television segment aired nationally on the Fox News Channel.

They made eight guest appearances on radio programs, six of which were broadcast statewide; and gave international interviews on Voice of America/Asia and Australian Public Radio. They also appeared as guests on the nationally syndicated “Queer Radio” and “Culture Shock” programs.

Views expressed by the Iowa ACLU staff were featured in the *Washington Post*, *Chicago Tribune*, *Miami Herald*, *Los Angeles Times*, *The USA Today* and *The Progressive* magazine.

During this period, the ACLU of Iowa legal program received over 300 email complaints, 250 inquiries by mail, and offered dozens of referrals to other groups. Additionally, scores of attorneys and other advocates sought informal advice from our senior staff.

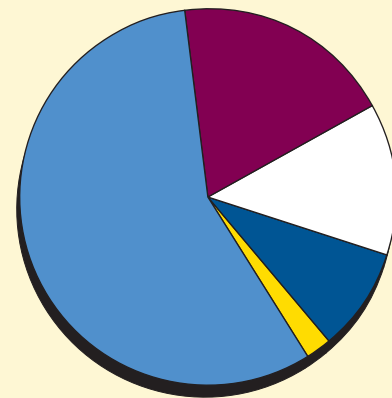


## BUILDING FOR THE FUTURE

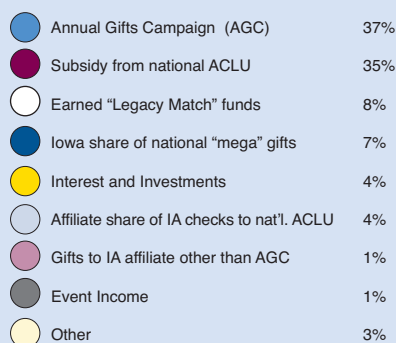
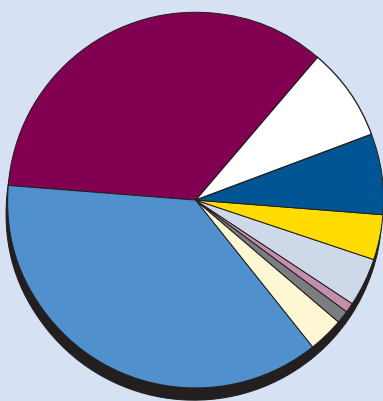
As the Iowa affiliate of the American Civil Liberties Union prepares to enter its 75th year of existence, the urgency of its mission continues to stand at the forefront of our societal conflicts. Regardless of which political party runs various branches – and levels – of our government, the need to stand up to efforts to erode civil liberties remains.

From the ongoing effort to secure accountability and the restoration of the rule of law at the federal level, to demands that state and local governments respect the individual rights of the people, the necessity of maintaining a stalwart ACLU is clear. Whether it is our recently upgraded website, our growing use of social networking tools, or our soon-to-be published *Student Rights in Iowa* handbook, the Iowa affiliate foundation is continually exploring new methods and strategies for effectively defending Iowans' rights and freedoms in the 21st Century. Our remarkably experienced senior staff of three – with an average tenure of nearly 18 years of ACLU service – has demonstrated that it can defend a broad range of civil liberties with vigor and remarkable efficiency.

ACLU FOUNDATION OF IOWA - BUDGETED EXPENSES  
FISCAL YEAR ENDING 3/31/2010



UNRESTRICTED INCOME - ACLU FOUNDATION OF IOWA  
FISCAL YEAR ENDING 3/31/2009



## HELP US CELEBRATE 75 YEARS OF ADVOCACY!

In 2010, the ACLU of Iowa will celebrate its 75th Anniversary! Many events are planned to commemorate this occasion. There are plans for the presentation of a brief history and video highlighting the rich story of the ACLU of Iowa since 1935. In addition, special events are slated for both **Iowa City** (May 1 – with guest speaker ACLU Executive Director Anthony Romero) and **Des Moines** (October 9 – featuring John Dean, noted author, columnist and commentator on contemporary politics, who became the key government witness during Watergate; and Jonathan Turley, expert commentator on constitutional law and Professor at George Washington Law School).

We hope you will do all you can to join us at these events – and ask that you please consider making a special, one-time gift to help us celebrate this remarkable milestone!



*Prizing Liberty and Maintaining Rights Since 1935*



**AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
of IOWA**

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