



# THE DEFENDER

September 2017

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Newsletter of the American Civil Liberties Union of Iowa

## Martinez is a Major Iowa Supreme Court Win for Iowa Immigrants

**Immigrants like Monica Reyes can now breathe a little easier for themselves and other immigrants.**

Monica, who lives in Des Moines, was brought to the U.S. without documentation as a child. But now she has DACA (Deferred Action for Childhood Arrivals), a federal program that allows her to legally reside and work in the United States. Recent attacks on the fundamental rights of immigrants have left her deeply worried about her future, her family's future, and the future of those she cares about.

So the June victory in the case *State v. Martinez* before the Iowa Supreme Court was an important win. It struck down part of Iowa's unlawful forgery and identity theft statutes as applied to immigrants seeking employment. It also will deter local officials from deciding to take federal employment law into their own hands by going after local immigrants.

"At its heart, this case is about human

rights in Iowa, and specifically, whether local authorities can create a DACA-free zone through improper prosecution of a noncitizen for employment," said ACLU of Iowa Legal Director Rita Bettis.

The case centered on Martha Martinez, who was just 11 when her parents brought her from Mexico to Muscatine. Now in her 30s, Martha is the mother of four children, all citizens born in Iowa. She applied for and received DACA.

The process wasn't easy. She had to pass a rigorous background check and pay hefty fees. But as the Court's opinion recognized, Martha was a valuable, contributing member to her community.

DACA allows young people like Martha to "come out of the shadows." It gave her authorization to remain in the country, get a driver's license, go to school, get a job in her own name, and receive her very own Social Security number.

But when she applied for an Iowa driver's license, she found herself in a terrible bait and switch and in the crosshairs of local officials.



**Monica Reyes, a DACA recipient in Des Moines, said the Martinez case "has cleared the path for a lot of people."**

Facial recognition technology had turned up a prior driver's license for Martha: When she was 17, she had applied and received her license using a fictitious identification.

The Muscatine County Attorney pursued the charges despite the fact that federal immigration law makes it clear that only federal, not state or local officials, can regulate the employment of immigrants.

The Iowa Supreme Court granted review

**Continued on page 3**

## No More Shutting Iowa Schoolchildren into Closets

**Seclusion rooms and physical restraints should be a last resort, not a routine punishment.**

So-called "seclusion" or "time-out" rooms and physical restraints are being used in Iowa schools—not just to protect students and staff, but also to punish children for minor infractions.

That's why the ACLU of Iowa and six Iowa attorneys are asking the Iowa Department of Education to change its rules on the rooms and restraints.

The Iowa City school district, for example, had 18 incidents in a year in which elementary students were put in seclusion for minor infractions. They included stepping out of line at recess, having "attitude," or using foul

language.

In Cedar Rapids, a third-grader was shut into the seclusion room—a utility closet with fuse boxes on the wall—because she "wouldn't stop crying." Parents are often not informed that their child was put in seclusion.

"Iowa must update its rules to reflect growing consensus that seclusion and restraints should not be used to discipline or punish children," said Daniel Zeno, policy counsel for the ACLU of Iowa.

Children should be subjected to these practices only in emergencies and when there are no other alternatives."

The request asks for new rules so that seclusion and physical restraints are:

- Used only in emergency situations
- No more restrictive than necessary

- Used only as a last resort
- Never used for discipline or punishment of children

Iowa's rules on the use of seclusion and restraints are harsher than most other states'. In fact, only four other states (Arkansas, Illinois, Montana, and New York) still permit the use of seclusion when no person's physical safety is threatened. In comparison, 29 states have banned the use of seclusion and restraints to discipline or punish a child.

U.S. Department of Education data show that seclusion rooms and restraints are more likely to be used on children with disabilities and African-American children.

Seclusion rooms and restraints also are

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AMERICAN CIVIL LIBERTIES UNION of IOWA

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# Shackling of Kids In Courtrooms Must be Stopped

### Chained hands, feet only harm young people when appearing in court.

Lizzy was just 15 when, she says, she stood outside while her boyfriend jimied the apartment window of a friend, who was expecting them but hadn't shown up.

Long story short: Lizzy was charged with attempted burglary, pot possession, and harassing an officer when she mouthed off. She ended up in the Polk County juvenile detention facility. During that time, she made about a dozen court appearances, each time with her hands in metal cuffs, connected to a chain that went through a waistbelt, connected to shackles on her feet.

She was with court officers the whole time, and armed guards were stationed throughout the courthouse. "I couldn't have run anywhere even if I tried," she said.

One time, she said, guards ignored her complaints about tight shackles, and she bled bright red spots onto her white sneakers.

"I wasn't a flight risk," she said. "There was no reason for me to have those on."

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***"It's hard to even make eye contact with the judge when you're chained up like an animal." — Lizzy***

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Young people like Lizzy are the reason the ACLU of Iowa is asking the Iowa Supreme Court to change its rules on shackling juveniles when they make courtroom appearances, unless there is a known safety or security issue.

## County Attorney Agrees Not to Press Charges Against Teen Sending Non-Nude Selfies

### It's ludicrous to threaten charging a 14-year-old girl with sexual exploitation of a minor: herself.

In a case that made national news, the ACLU of Iowa was successful in getting a formal settlement with the Marion County Attorney to stop threats to press child pornography-related charges against a teenage girl and to pay \$40,000 in attorney fees.

The girl had sent photos to a boy of herself in her underwear that showed no more skin, as her mother pointed out, than



Lizzy of Ankeny, 17, shown here with her mom, Laura, was put in shackles so tight her ankles started to bleed onto her shoes.

Mental health experts agree that shackling harms children. Besides the lasting psychological damage of being chained, shackles make it harder for children to follow judges' instructions, take notes, or recall facts. They are less likely to communicate effectively and more likely to come across poorly to judges—not simply because of what the child looks like in shackles, but also because the stress of shackling diminishes their thinking and language skills.

In Lizzy's case, she said, all she could focus on was the tears running down her face and the snot running down her nose, which she couldn't wipe away because she was chained. ■

many swimsuit ads. Yet her family found itself caught in a nightmare when the county attorney threatened charges that could carry prison time and removal from her home if she didn't admit guilt and undergo inappropriate, harmful classes on the dangers of sexting.

"It's our job to raise our daughter, not the county attorney's," said the parents. "We want to raise our daughter in the way we believe best protects her, including her self-esteem, without the county attorney imposing his own sexist moral standards and using dangerous scare tactics on a teenage girl." ■

# Major Immigrants Rights Iowa Win

Continued from page 1

of the case, and ruled that indeed, federal laws regulating employment of immigrants preempt state laws. The case against Martha was dismissed.

Monica Reyes says she could have easily been in the same position as Martha.

“I was so happy to hear about this case,” Monica said.

“When you’re undocumented, you are constantly put into unfortunate situations because of your immigration status,” she said.

Monica said she feels that rulings like this one here in Iowa and the Cesar Vargas case in New York (which allowed a young undocumented man to practice law) “are clearing the way for so many other people.”

Working with cooperating attorneys Bram Elias and Jack Hathaway of the University of Iowa Legal Clinic, the ACLU of Iowa submitted an amicus brief in the case.

The ACLU was also allowed to participate in oral arguments before the Court, a rare honor for those submitting an amicus brief. ■



## BANNED BOOKS TRIVIA

### Banned Books Week Trivia Night and Fundraiser at Ingersoll Tap September 26

Join us for an evening of trivial questions about something really important: banned books.

To celebrate Banned Books Week, the ACLU of Iowa and Geeks Who Drink are hosting a fundraiser trivia night on Tuesday, September 26, from 7:00 to 8:30 p.m. at the Ingersoll Tap, 2837 Ingersoll Ave., Des Moines.

Come solo or form a team of up to six people. More people on your team mean you’re more likely to be able to come up with the answers!

Donations accepted at the door. For more details, go to the ACLU of Iowa Facebook events page about this fundraiser, visit our web site at [www.aclu-ia.org](http://www.aclu-ia.org), or email us at [info@aclu-ia.org](mailto:info@aclu-ia.org).



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# 2017 ACLU of Iowa Award Winners

## Jeevanjot “J.J.” Kapur Fosters Religious Understanding of Sikhs

**When J.J. was just 2, he saw a photo of Osama bin Laden on TV. He thought it was his father.**

That was a turning point for the family, which realized how deeply ignorance and misconceptions of their Sikh faith could run. And for J.J., now 17, it was the start of a mission to educate Iowans and others about Sikhism and to advocate for religious understanding of many types.

His success and commitment in conveying that message has earned him the 2017 Robert Mannheimer Youth Advocacy Award.

### Turning Ignorance Into Understanding

One of the first points he makes when teaching others about Sikhism is that it is not Islam—the two are completely different religions.

Like his father and other Sikh men, J.J. wears a turban. Also, Sikhs wear turbans and do not cut their long hair in reverence to their ancestors. While most Americans who wear turbans are Sikh, J.J. also helps Iowans understand that turbans worldwide are worn by men and women of many different cultures.

Through ignorance and prejudice, the turban has become for too many people a symbol of terrorism. When J.J.’s family was at a restaurant a few years ago, a group of teenagers snickered at them. Eventually, one of them spoke up, telling J.J.’s father to “go home, Osama.”

### Founded Sikh Youth Service Group

Turning a negative experience into a positive one, two years ago he founded the Iowa Sikh Turbanators, a youth service group that aims to amplify the voice and profile of Sikhs in Des Moines.

J.J. is also a frequent public speaker for panels, forums, and community groups. He has told his community’s story to rack up a series of impressive national forensics wins.

His debate speech, “Let’s Dance,” starts out with a Bollywood dance and focuses on his experiences as a Sikh American.

“In response to the discrimination our religious community experienced after 9/11, I tried to flip the script, to turn the destructive narratives about Sikhism on their heads so that Americans could see the reality that they obscure,” J.J. says.

The incident at the restaurant was painful. But it is gratifying for J.J. to see,



Founder of Iowa Turbanators J.J. Kapur

in stark contrast, the positive reaction when the Turbanators do outreach. At a recent event the group hosted, J.J. recalls, “As I poured hot tea for our Des Moines community members after the event, I remember seeing something on their faces: not fear, hatred, or mistrust—but friendliness and understanding.” ■



## BILL OF RIGHTS BRUNCH

### Award Winners To Be Honored at Bill of Rights Brunch

All award winners will be recognized at the ACLU of Iowa Bill of Rights Brunch on Saturday, September 23, from 10:00 a.m. to 12:30 p.m. at the Greater Des Moines Botanical Garden. Join us in honoring them!

Make reservations individually or for groups. Details on page 7 or go to [www.aclu-ia.org](http://www.aclu-ia.org).

## Attorney Glen Downey Honored

**The Des Moines attorney has worked alongside the ACLU in free speech and gender discrimination cases.**

Glen Downey of the Downey & Mundy law firm has been selected to receive the Dan Johnston Cooperating Attorney award. The annual award honors those who make sustained and extraordinary contributions to civil liberties through their work as ACLU of Iowa volunteer attorneys.

Downey worked with the ACLU of Iowa to represent a teen who was threatened with criminal charges of sexual exploitation of a child—herself (see page 2). In 2016, he also got charges of flag desecration dropped after a

veteran was charged for hanging the U.S. flag upside down on his own property to protest the Bakken pipeline.

Downey is also a member of the ACLU of Iowa legal committee, assisting in case evaluation and development.

Rita Bettis, ACLU of Iowa legal director, said, “We are so happy to honor his contributions. His skillful work and dedication on the legal panel and on behalf of ACLU clients have been critical to our efforts.”

The award is named in memory of the man who was the lead attorney in the landmark *Tinker v. Des Moines Schools* U.S. Supreme Court case during the Vietnam War, an ACLU of Iowa lawsuit. ■

## Planned Parenthood Partner in Reproductive Rights Battles

**It's been an extraordinary year for Planned Parenthood of the Heartland, but they've never backed down. That's why we're giving them the Partners in Liberty award.**

This first-ever award recognizes significant civil liberties contributions and leadership by an organization or coalition.

Despite overwhelming challenges, Planned Parenthood of the Heartland has stayed focused on delivering quality, affordable health care to Iowa women.

From seemingly all directions this year, the crucial services it offers were under assault. In the Iowa Legislature, multiple bills were introduced, each designed to restrict a woman's fundamental right to reproductive services, including abortion.

With the help of ally organizations, including the ACLU of Iowa, Planned Parenthood was able to rally its impressive number of supporters and defeat some of the worst proposed legislation.

Unfortunately, legislation was passed that all but eliminates the possibility of an abortion for a woman in Iowa after 20



Planned Parenthood of the Heartland held a pink glowstick vigil in June to mark the closing of four clinics in Iowa and to vow to continue to protect reproductive rights and women's health.

weeks. Legislators also were successful in passing one of the most restrictive abortion laws in the country, requiring women to wait 72 hours and to make a second, medically unnecessary clinic visit before obtaining an abortion.

All the while, Planned Parenthood was fighting off defunding efforts both at the

state and national levels, and ultimately had to close four Iowa health centers.

Undaunted, it is now the plaintiff in a lawsuit, represented by the ACLU of Iowa and Planned Parenthood Federation of America, challenging the constitutionality of the 72-hour forced waiting period and second unnecessary clinic visit. ■

## Leaders of the Iowa Women's March Given Noun Award

**Under tremendous pressure, two Iowa women launched the state's largest rally ever to create a moment in history.**

Like so many others, immediately after the election of President Trump, Sandy Mostaert of Ely and Stefanie Munsterman-Scraven of Cedar Rapids feared what the new administration would bring, especially for women and gender equality. Within days, they had connected with the national Women's March organizers and started planning for a Women's March at the Iowa State Capitol as well as helping women get to D.C.

Sandy, with the help of a small committee, thought the Des Moines event might get a few hundred people, tops. But the signups began to pour in and she soon realized that they had



Sandy Mostaert of Ely, Iowa, led the Iowa Women's March, which attracted an estimated 26,000 people to the Iowa State Capitol.



Stefanie Munsterman-Scraven, Cedar Rapids, organized Iowa attendance for the march on Washington in D.C. She attended with her daughter, Julia.

a major event on their hands. The organizers could have stepped back or cancelled, but instead, they made the event their full-time job and continued. Just six days before the event, RSVPs swelled from 5,000 to 10,000 for the rally at the Iowa State Capitol.

They could no longer have the January event inside the Capitol as originally planned,

so in a matter of days, they raised \$20,000 to cover everything from a monster PA system to porta-potties to busloads of people to city permits. The result was easily the largest demonstration in Iowa history. Previous records were 10,000 people. The Des Moines rally was an estimated 26,000 people, all of whom demonstrated peacefully. ■

# 2017 ACLU of Iowa Award Winners

## Mary Campos, Joy Corning Honored with Allen Award

For decades, these two women have changed the face of immigrants' rights and Iowa politics, earning them the Edward S. Allen Award. The honor is given to Iowans who have made a significant, long-term contribution to civil liberties.

### Mary Campos

In one way or another, Mary Campos, age 88, has touched the lives of hundreds, if not thousands, of Latinos, youth, and women in Iowa.

Her grandparents immigrated from Mexico, and Mary grew up in Oklahoma. Her parents were miners, so when the Oklahoma mines closed, they moved to Iowa to work as migrant workers. The family sometimes lived in the chicken coops of the people for whom they worked.



Mary Campos has worked tirelessly to register Latino voters and give all immigrants a voice.

### A Lifetime of Advocacy for Latinos

But grit and determination, along with deep compassion, helped Mary get through. Her husband was the first Latino deputy sheriff in Polk County, and she was an outspoken advocate for civil rights and equality in the city's hiring practices of police officers and fire fighters.

Mary ran for Des Moines City Council twice, but did not win. She went on to serve on numerous boards and councils as a champion for civil rights for women and people of color. She was the first Latino woman on the Iowa Civil Rights Commission. She's also been a long-time leader in the League for United Latin American Citizens (LULAC) and its voter registration drives.

### A Tutor in English and Citizenship

She has spent countless hours helping non-English speaking families learn English and walking them through the steps they need to become U.S. citizens. She has been a mentor to many younger Latinos who relied on her advice and her generosity when she took them into her home for months or even years.

ACLU of Iowa Board of Directors member Joe Enriquez Henry said, "There is no one else I know who has given up so much precious time to care for others in addition to her own family. ... I have watched young people enter her home and leave months or even years later as strong and determined individuals."

Her work has also earned her national and international awards, including the Ohtli Award, the highest honor given to individuals outside of Mexico.

### Joy Corning

Joy Corning, a long-time ACLU supporter, died in May. She was a former Iowa lieutenant governor, serving with Gov. Terry Branstad. She was also the first woman to seek the Republican nomination for Iowa governor.

She previously served as a state senator, first elected in 1990 and serving for two terms.



Photo: Mary Riche

Former Lieutenant Governor Joy Corning was a model of bipartisanship and a leader in women's rights.

Those who knew her were impressed with her commitment to putting people before politics. Joy was a vocal self-proclaimed moderate Republican who took progressive stances on issues like objecting to defunding Planned Parenthood, an organization that she believed in and served as a board member.

### The Face of Moderate Republicans

Joy was also among the first prominent members of the Republican Party to support marriage equality in Iowa.

She worked to get people with very different viewpoints to work together. After her death, *The Des Moines Register* wrote, "She modeled civility in politics and tried to help political opposites find common goals."

In her obituary, which she wrote, she stated she was "most passionate about issues related to children and families, women's health and rights, equality and justice, education and the arts."

### Worked Alongside a Democratic Lieutenant Governor

One of her final major projects was to co-chair the non-partisan coalition, Justice Not Politics, with Democrat and former Lieutenant Governor Sally Pederson. It supported the retention of Iowa Supreme Court justices who were under attack in 2010 after striking down Iowa's Defense of Marriage Act.

Pederson, like so many others who worked with Joy, came away impressed. "It was an honor to work so closely with her on behalf of an independent judiciary, and across party lines. In a time when partisan rancor defines our political process, Joy refused to let labels define her. She was defined by her convictions, and worked hard to see them realized." ■

# Bill of Rights Brunch September 23 At Des Moines Botanical Garden



**Enjoy mimosas, old friends, new acquaintances, and renewing our commitment to fighting for civil liberties during a challenging time.**

The Greater Des Moines Botanical Garden will once again be the setting for the annual gathering of the ACLU of Iowa.

From 10:00 a.m. to 12:30 p.m. on Saturday, September 23, enjoy brunch with mimosas and a bloody Mary bar.

Surrounded by beautiful gardens and water features, we'll gather to connect with fellow civil libertarians and honor some remarkable Iowans (see page 4-6 and the back cover for details). Those attending are welcome to stroll through the entire garden.

Mark Stringer, the ACLU of Iowa's new executive director, will be hosting the event. "We've never, in recent history, faced more serious challenges for civil liberties in our state and our nation," Stringer said. "This event is a good opportunity for concerned citizens to come together to connect, gain strength, and find out more about what we can do."

## Edward S. Allen Award

Joy Corning (*posthumously*)  
Mary Campos, Des Moines  
*See opposite page*

## Louise Noun Award

The Rev. Anna Blaedel, Iowa City  
*See back cover*  
Sandy Mostaert, Ely, and Stefanie Munsterman-Scriven, Cedar Rapids  
*See page 5*

## Dan Johnston Cooperating Attorney Award

Glen Downey, Des Moines  
*See page 4*

## Robert Mannheimer Youth Advocacy Award

Jeevanjot "J.J." Kapur, West Des Moines  
*See page 4*

## Partners in Liberty Award

Planned Parenthood of the Heartland  
*See page 5*

**To attend, fill out and mail the form, below, or visit us at [www.aclu-ia.org](http://www.aclu-ia.org).**

# Seclusion Rooms

*Continued from page 1*



A so-called seclusion room in Cedar Rapids, where an 8-year-old was shut in because she wouldn't stop crying. Note the electrical panel boxes on the wall.

harmful. Research shows that subjecting children to seclusion for discipline or punishment hurts student learning and success. It also can result in physical or psychological injury.

Iowa City School Board Member Chris Liebig said he objects to the use of the rooms in his district. "These are little dungeons that we have within the classrooms," he said.

Tammy Mimms, guardian of the 8-year-old held in a closet, said that shutting up a child like that is not acceptable. "If I did that, I absolutely would be reported to DHS."

## Register for the Bill of Rights Brunch

- I/We look forward to attending the Bill of Rights Brunch!  
\_\_\_\_\_ attendees (\$50 single ticket & \$25 student ticket)  
Guest names:

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\_\_\_\_\_  
\_\_\_\_\_

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### SPONSORSHIP OPPORTUNITIES:

- Yes, you can count on us! I/We will sponsor the Bill of Rights Brunch at the following sponsorship level:

- \$250 - Advocate (4 complimentary tickets)  
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 \$1,000 - Protector (12 complimentary tickets)

All Bill of Rights sponsors will be acknowledged in the printed program, on the ACLU of Iowa website, ACLU of Iowa social media sites, and in *The Defender* newsletter.

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**To register online, please visit: [www.aclu.org/secure/IA-BillofRightsBrunch-2017](http://www.aclu.org/secure/IA-BillofRightsBrunch-2017)**  
For questions, please call the ACLU of Iowa office at 515-243-3988 or email [events@aclu-ia.org](mailto:events@aclu-ia.org).

# Anna Blaedel Took a Stand Despite All the Risks

**What would you do if your commitment to rights and equality were challenged as being incompatible with your faith and your livelihood were threatened?**

If you were my friend, the Rev. Anna Blaedel, you would not back down. You would compassionately and respectfully argue for what's just. And you would persist for as long as it takes to change minds and hearts. To do anything less would be an abdication not only of your core principles, but of your very identity.

Back in April, Anna, a United Methodist campus minister at the University of Iowa, followed her conscience to treat all couples equally and officiated a same-sex wedding. She risked possible censure from her church, but, in the end, a complaint against her was brought to resolution and she moved the conversation in her denomination a few steps forward.

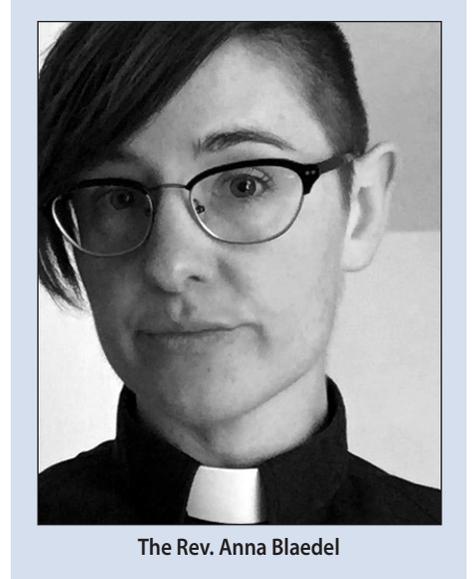
She was quoted in the media as saying, "I knew that officiating at this wedding could cost me my credentials, could cost me my job, could cost me my health insurance and could cost me my income. But I also knew that

saying 'no' to one of my best friends would cost me my integrity and my soul."

It's not the first time Anna has forced her denomination to grapple with acceptance of LGBT individuals. Last year, she came out in a landmark sermon to the Iowa United Methodist annual conference in Des Moines. Just being openly gay could have led to the loss of her ministry, according to denomination rules. But she has persevered and remains one of the most compelling, progressive voices in the Iowa United Methodist Church.

I've been inspired by Anna's prophetic stands for justice and equality. She has been a model for me of how to live a life of integrity. I believe her humble and tenacious efforts are worthy of your notice, too, and your celebration.

And that's why I'm delighted that Anna has been selected by our board and staff to receive the Louise Noun Award, named after another remarkable woman who led our organization during the landmark Tinker student black armband win in front of the U.S. Supreme Court in the late 1960s.



The Rev. Anna Blaedel

Anna will be among the honorees at this fall's Bill of Rights Brunch in Des Moines, and I hope you can join us to meet her.

**Mark Stringer**  
Executive Director, ACLU of Iowa

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Greater Des Moines Botanical Garden  
from 10:00 a.m. to 12:30 p.m.

**Saturday, September 23**

**The ACLU of Iowa**  
**Bill of Rights Brunch**

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