

FALL 2020

RACIAL JUSTICE IN
IOWA TAKES A SMALL
STEP FORWARD,
BUT THERE'S A LONG
JOURNEY TO GO.

NO JUSTICE NO PEACE

▶▶ SEE PAGE 6



EVERYTHING HAS CHANGED **AGAIN**



The University of Iowa in 1970 was the site of protests for days over the Kent State killings. Campus buildings were burned, local businesses vandalized, and police in riot gear made mass arrests.

IT SEEMS LIKE EACH

time we check the news, there’s another troubling violation of civil liberties—peaceful protesters attacked, voter suppression tactics employed, people in jails and prisons left vulnerable to the pandemic, and government leaders more concerned about winning political arguments than keeping their constituents safe. With each new development, it can feel like the world is falling apart.

It’s at times like these that I take comfort in the ACLU’s century-long commitment to civil liberties, especially in the most challenging of circumstances. As I’ve heard it said, history doesn’t exactly repeat itself, but it often rhymes. In the 100 years since its founding, the ACLU has reliably fought for what is right, even when others can’t or won’t. And with each new challenge our country has faced, we’ve played a role in helping to build a better and more fair democracy.

Our Iowa affiliate was formed in 1935 in part because striking workers who were labeled as Communists were being arrested and charged with “criminal syndicalism.” We successfully defended an organizing leader who was fired from

Maytag and wrongly fined and jailed. We took the case to the Iowa Supreme Court and won a victory that built legal precedent to protect workers to this day.

We supported the segregated lunch counter sit-ins, including the famous 1948 one at Katz Drugstore in Des Moines. We spoke out against Red Scare blacklisting and in support of the civil rights protests of the 1950s, the Vietnam protests of the 1960s, the women’s and LGBTQ rights marches of the 1970s, and beyond.

During those times too, surely, people felt despair and anger at the events unfolding around them. But I thank those who didn’t merely despair but who also took action. And today, so many of our supporters like you are doing just that. You’re showing up for protests and marches, contacting your elected representatives, posting signs in your yards, and engaging in social media in the most productive ways you possibly can.

I’m hopeful that in subsequent decades our grandchildren will look back and see how we, too, didn’t despair. We took action. We showed up. We spoke out. We supported what was right and fair.

Because the one thing we know about what the future holds is that it’s going to change. Again.

Mark
MARK STRINGER
ACLU of Iowa
Executive Director



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

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BAN the box

TO HELP IOWANS BUILD A NEW LIFE

A criminal record shouldn't define someone's entire existence. That's why the ACLU of Iowa and others filed an amicus brief in support of the Waterloo's "Fair Chance/Ban the Box" ordinance.

Adopted in 2019, it is the first of its kind in Iowa, though such ordinances are common elsewhere in the country. It prevents employers from asking about a job applicant's arrest or conviction

record early in the hiring process and from not hiring based solely on an applicant's conviction, unless the business has a legitimate business reason to do so.

The Iowa Association of Business and Industry in January filed a lawsuit to block the ordinance. But fair chance policies are vital to remedy racial disparities in employment and in our criminal legal system.

how did your legislator vote?

Check out our analysis of how state senators and representatives voted on civil liberties issues.

The ACLU of Iowa has analyzed how Iowa state senators and representatives voted on civil liberties issues over the past two years. We've published the findings in our Legislative Report and Civil Liberties Scorecard.

It focuses on several key votes on civil liberties issues, such as free speech, abortion, police reform, LGBTQ rights, and voting rights. It then gives each legislator a percentage score on how well—or badly—their votes protect civil liberties.

It allows voters to see at a glance how our representatives impacted core freedoms and rights. See the report at www.aclu-ia.org or ask for a copy from outreach@aclu-ia.org.



Deere and Company matches Wallas's donations to the ACLU.

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I give to the ACLU of Iowa because I feel that they do the right thing for America. I appreciate that my employer matches my charitable contributions, and I encourage others to find out if they can do the same.

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Contributions to the ACLU Foundation of Iowa, a 501(c)(3) organization, are tax-deductible to the extent of the current tax code.

During these extraordinary times, we're doing our best to make sure that time in Iowa jails and prisons doesn't become a death sentence from COVID-19. We're also staying vigilant in protecting abortion access in our state, as well as maintaining reliable, accurate sex education for young people, particularly in marginalized communities.

RIGHTS OF PRISONERS

Slowing the pandemic in prisons

"Decarceration" reduces the number of people behind bars, where social distancing is nearly impossible

Back in March, as the COVID-19 pandemic hit, the ACLU and 25 other Iowa organizations called for rapid "decarceration," that is, allowing as many people as reasonably possible to avoid or leave jails and prisons and instead go to friends, family, and other safer environments.

We called for releasing people from state prison who were slated to be released in the next 1 to 2 years, those who were held on relatively minor charges, or people whose health conditions made



Inmates have complained about inadequate hygiene in Iowa prisons.

them especially vulnerable to the disease.

We called for reforms to policing, arrest, bail, charging, and sentencing that would reduce the number of people going into county jails in the first place and allow many of those in county jail to get out.

Within weeks, the number of people in Iowa's jails had been significantly reduced. The state prison population, while

remaining beyond capacity, declined by about 10 percent, primarily because of early parole and a halt to most incoming transfers from county jails.

At the county level, many larger jails reported reductions 25 to 50 percent. This keeps not only those released safer, but also those who remain incarcerated, staff, and surrounding communities.

There's more to be done. There have been numerous complaints from inmates about the lack of sanitation and hygiene supplies and the lack of even the slight social distancing that could reasonably take place



Confined to small cells containing multiple people, Iowa prisoners are at high risk for COVID-19.

in a jail or prison. More low-risk prisoners should be released, now and continuing into the future. ■

COVID-19 IN LOCAL JAILS

Larger county jails have reduced populations by **25 to 50 percent**

REPRODUCTIVE RIGHTS

Forced delays for abortions temporarily blocked

The law was passed in the middle of the night with little public notice

The so-called "24-hour waiting period" abortion law, passed by the Iowa Legislature in May, would have made it significantly harder to get an abortion. It requires people wanting an abortion to make a medically unnecessary appointment at least 24 hours after the first appointment

before actually getting an abortion. Because of scheduling and logistics, working in the additional unnecessary appointment could delay an abortion by several days or even weeks.

The law would have gone into effect on July 1, but an

COVID-19 IN STATE PRISONS

The Iowa prison system has reduced its population by 10 percent, but is still well over capacity.



Planned Parenthood focuses education on areas in Iowa with high pregnancy and STI rates.

decreased need for abortion.

Decades of research also show that comprehensive approaches to sex education, which include information on condoms, contraception, and abstinence, effectively delay sexual activity and increase condom and contraceptive use when young people do become sexually active.

Rita Bettis Austen, ACLU of Iowa Legal Director, said, that striking down House File 766 was important "because the ability of an individual to fully exercise their reproductive rights depends on having access to complete information." ■

injunction secured by the ACLU of Iowa on behalf of Planned Parenthood temporarily puts the harmful law on hold. The court will then at a later date determine whether the law is unconstitutional and if it should be struck down permanently.

The additional appointment and at least 24-hour delay before getting an abortion would cause excessive hardship for low-income Iowans, requiring many to take time off work or school, arrange and pay for child care, and often drive hours to get health care. In reality, because of limits in scheduling, it could delay some people's abortions by weeks.

The district court determined that if the law went into effect, people seeking abortions "will be delayed, or in some cases, entirely deprived of a fundamental right under the Constitution." ■

MISLEADING NAME
The law calls it a "24-hour" wait, but with scheduling and logistics realities, it actually could delay an abortion by weeks.

REPRODUCTIVE RIGHTS
Victory in Planned Parenthood sex ed lawsuit

A new law would have banned the organization from getting crucial grants

In May, the Polk County District Court determined that a state law that would block Planned Parenthood from receiving two federal grants to provide sex education in Iowa schools was unconstitutional.

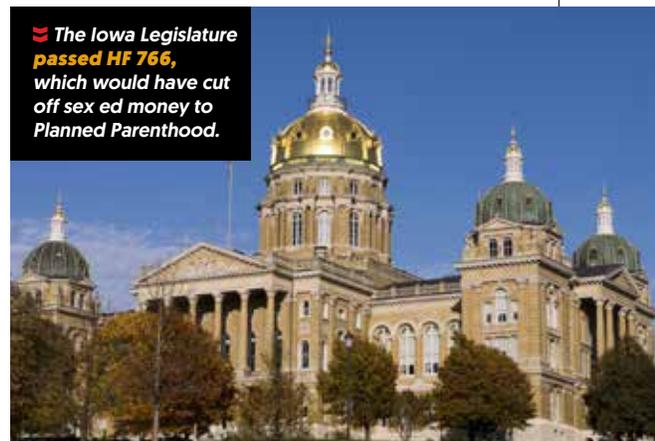
In May, the Legislature recklessly passed House File

766 in an effort to strip Planned Parenthood from as much funding, of any sort, as possible. So the ACLU, on behalf of Planned Parenthood, sued.

Planned Parenthood applied for and received the grant money, which is administered by the state to provide state-approved, age-appropriate, medically accurate sex and relationship education at 31 schools and 12 community-based youth organizations. Planned Parenthood focuses this education on areas of the state with the highest rates

of unintended pregnancies and STIs. Research shows that when young people receive comprehensive sex education, they are more likely to have healthy relationships, lower rates of unintended pregnancies, and

The Iowa Legislature passed HF 766, which would have cut off sex ed money to Planned Parenthood.



EDUCATION IS KEY

“The ability of an individual to fully exercise their reproductive rights depends on having access to complete information.”

RITA BETTIS AUSTEN
Legal Director

no justice no peace



THE MAY 25 MURDER OF GEORGE FLOYD SPARKED PROTESTS ALL ACROSS IOWA AND THE NATION. IT'S BEEN A FORMATIVE MOMENT IN OUR HISTORY, SPURRING LIMITED PROGRESS FOR RACIAL JUSTICE.

And there is much, much more work to be done. Deep, systemic racial disparities pervade policing in our state and the criminal legal system. Every day, damage is disproportionately being inflicted on Iowans who are Black, Indigenous, and people of color. The numerous protests in Iowa, many led by Black Lives Matter and the Des Moines Black Liberation Movement, have forced leaders to more clearly recognize biases in

policing and take small but important steps to start addressing these problems.

EXCESSIVE FORCE BY POLICE

It is tragic that protests about police brutality were met with blatant displays of more police brutality. But this summer in Iowa City, Des Moines, and Waterloo, law enforcement used tear gas—a chemical agent that is banned for wartime use—on Iowans who were protesting. In many cases, they also indiscriminately

used pepper spray and other forms of excessive force. In Des Moines and elsewhere, police used “kettling,” that is, improperly blocking escape routes of protesters so they can’t leave and then using force and in some cases arresting protesters for “failure to disperse.” The ACLU of Iowa has resoundingly criticized these tactics, which violate protesters’ First Amendment rights, and has assisted and continues to assist protesters with

information about their rights and legal avenues for relief.

LEGISLATIVE REFORM

In response to the thousands of Iowans who took to the streets in protest, the Iowa Legislature in June unanimously passed a policing reform bill. House File 2647:

- » Defines and bans most, but not all, chokeholds by police
- » Authorizes the Iowa Attorney General to prosecute law enforcement when they kill people
- » Prevents an officer from being hired in the state if they have previously been convicted of a felony, fired for serious misconduct, or were laid off or quit to avoid being fired for serious misconduct

» Mandates that every law enforcement agency in the state must provide and every law enforcement officer must participate in annual de-escalation and prevention-of-bias training

» Mandates that the law enforcement academy issue and every law enforcement officer adhere to training guidelines on de-escalation, prevention of bias, diversity, racial/ethnic and other kinds of disparities, and on the history and role of the civil rights movement.

But the Iowa Legislature has yet to pass a comprehensive, meaningful, statewide anti-racial profiling bill, which the ACLU and others have been pushing for years. Racial profiling by law enforcement is a driver of racial disparities

CENTER PHOTOGRAPH BY JOE CRIMMINGS; FAR RIGHT PHOTOGRAPH BY THE DAILY IOWAN/KATIE GOODALE

[PUTTING IT IN CONTEXT]

REPRODUCTIVE CARE IS A RACIAL JUSTICE ISSUE

The victory in winning a temporary injunction against Iowa's latest abortion law (page 4) is also a victory for racial equity. Black women in Iowa face severe barriers to accessing essential reproductive health care because of factors like structural racism, gendered oppression, and economic disparities. So abortion restrictions have a disproportionate impact on them.

This unjust medical system also results in the fact that Black Iowa women are six times more likely to die as the result of being pregnant or giving birth than white women.

Left: The five members of the Iowa Legislature's Black Caucus in June stood with fists in the air as the Iowa House passed a police reform bill. **Center:** On Grand Ave. in Des Moines, protesters in June laid down for 8 minutes and 46 seconds, the length of time George Floyd was kneeled on by police. **Right:** Protesters chant "Don't Shoot!" at a May 30 rally at the University of Iowa.



in the criminal legal system; it's crucial that it be banned.

In fact, over the past four years, legislation banning racial profiling in our state has been introduced but hasn't made much progress. It's past time for the Legislature to pass a comprehensive, meaningful, statewide anti-racial profiling bill. The legislation should ban racial profiling outright, as well as pretextual stops—stops where an officer says it's for one thing, like failure to signal a turn, but it's really for another reason, which is too often bias-based. That legislation should also require public data collection, analysis, and public access to the data from traffic

stops that include racial breakdowns.

LOCAL REFORM AT CITY LEVEL

At the city level this summer, some leaders were moved by Floyd's death and the resulting unrest to finally push forward long-advocated measures

The Des Moines City Council in June passed an ordinance that we've been advocating for years. It prohibits racial profiling in traffic stops and other police actions, and requires training on implicit bias and de-escalation techniques, among other things. But it fell short of creating a civilian review board with adequate oversight of police and it didn't ban

pretextual stops.

In June, the Iowa City Council passed a 17-point resolution designed to address systemic racism in law enforcement, but it's not clear how many will actually make it into city law.

A handful of other Iowa city councils took less-far reaching or immediate actions.

Daniel Zeno, ACLU of Iowa Policy and Advocacy Director, summed it up this way: "These beginning steps are positive and long overdue. However, let's hope that the additional necessary steps for this work to continue don't take another highly publicized murder of a Black man by police to create needed change."

Thousands of Iowans can finally vote

As of August 5, Iowa was no longer the last state in the nation that permanently and for life stripped people convicted of a felony of their right to vote.

Gov. Kim Reynolds signed an executive order that allows most people with felony convictions (except for certain homicide convictions) to vote after serving the terms of their sentences, including probation and parole.

Other states, recognizing that preventing people from participating in democracy is harmful, have changed similar laws.

The change has important implications for racial equity.

Previously, one in 10 Black Iowans couldn't vote because of a felony conviction. Overall, an estimated 50,000 Iowans couldn't vote because of a

felony conviction. Now the challenge is to educate impacted Iowans about their new eligibility to vote. For more information, see

www.youcanvoteiowa.org.

1 in 10
BLACK IOWANS
COULDN'T VOTE
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AS OF AUGUST,
THAT CHANGED



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GOOD TO KNOW

How to VOTE BY MAIL

Election Day is Tuesday, November 3

There are different ways to cast your vote, but voting by mail can be done without having to go out.

1 ARE YOU REGISTERED TO VOTE?

- » You have to be registered before you vote by mail.
- » If you moved

from a different state or even a different address recently, you will have to register to vote or update your registration in Iowa.

- » If you want, you can go online and check to see if you're registered at www.tinyurl.com/AmlRegisteredIA
- » Otherwise, you can call your county auditor's office. If you don't know that number, call the Johnson County auditor at 319-356-6004 and they'll be happy to help you.

2 FILL OUT THE REQUEST FORM.

It's what asks for a ballot to be mailed to you.

- » You may have received one in the mail. If not, you can ask your county auditor for one.
- » This request form **MUST** be received by the county auditor by **Saturday, Oct. 24.**

3 RECEIVE THE ACTUAL BALLOT.

You'll receive it in the mail. Complete it and mail it back to your county auditor.

- » It **MUST** be post-marked by **Monday, Nov. 2, 2020.**

More Iowa voting information at www.aclu-ia.org/vote.