

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

Jalesha Johnson, Louise Bequeaith, Brad Penna, Brandi Ramus, and Haley Jo Dikkers,

Plaintiffs,

v.

Stephan K. Bayens, Commissioner of the Iowa Department of Public Safety, *in his official and individual capacities*, Lieutenant Steve Lawrence, Iowa State Patrol District 16 Commander, *in his official and individual capacities*, and Sergeant Tyson Underwood, Assistant District 16 Commander, *in his individual capacity*, Iowa State Patrol Trooper Durk Pearston (Badge Number 168), *in his individual capacity*, and Iowa State Patrol Trooper John Doe #1, *in his individual capacity*.

Defendants.

Docket No. 20-306

DECLARATION OF JALESHA JOHNSON

I, Jalesha Johnson, declare as follows:

1. I am over the age of 18. I have personal knowledge of all the facts set forth in this declaration and would testify competently to those facts if called as a witness.
2. I was born and raised in Des Moines, Iowa, and continue to reside there.
3. I am enrolled at Drake University, studying secondary education, with a focus on English as well as social justice in urban schools.
4. I also work part-time for Run DSM, with the Des Moines Public Schools. We teach young kids to express themselves creatively through the arts.
5. I have been involved with the Des Moines Black Liberation Movement (“Des Moines BLM”) since its inception in May 2020. Our mission is to ensure all people can

live a liberated life, and we believe that every issue is a Black issue. As part of the larger Black Lives Matter (“BLM”) movement, one of our main goals is to address the systemic violence by law enforcement against Black people.

6. I serve as the Director of the Culture Department. As one of the Des Moines BLM Directors, I plan events, monitor emails, and conduct the promotional activity for the group. In my specific role, I focus on the influence of arts on activism. This involves bringing performers to events, leading the crowd in chants, and organizing healing workshops for our supporters, in which I lead the group in activities such as meditation and breathing exercises.

7. As a leader with Des Moines BLM, I have regularly organized and attended protests since the murder of George Floyd on May 25, 2020. Since then, we have scheduled events for four or five days of almost every week.

8. We made the decision to host our events at the Capitol in order to better communicate our message and to amplify its reach to specific audiences. At the Capitol, we could speak with and influence the Governor and legislators directly.

9. While it has been beautiful to witness the solidarity by supporters, it has been equally scary to see the reaction by law enforcement in Des Moines. Many of the early protests, especially, were met with violence by law enforcement officers. I have been assaulted, tear-gassed, and pepper-sprayed by officers. I have also seen the same happen to many other Des Moines BLM leaders and supporters.

10. On July 1, 2020, I attended a protest we had organized at the Capitol. At this event, we were asking Governor Reynolds to restore the voting rights of Iowans with felony convictions. The protest began at 10:30 am inside the Capitol, near the lobby.

11. My sister and I went inside the Capitol briefly to check in with other Des Moines BLM leadership, before going back outside. Outside, a group of five troopers with the Iowa State Patrol and one officer with the Des Moines Police Department (“DMPD”) stopped us and then arrested my sister. They took her back inside the Capitol building, and I followed them. Once we were inside, they took her into a room, but when I tried to enter, they pushed me to the ground. A few minutes later, they brought my sister back out from the side doors and took her to the paddy wagon. A few of us followed them outside.

12. I tried to adjust my sister’s hat because it was about to fall off her head. But when I did, another officer pushed me down again onto my knee, pounding it into the ground and breaking the skin. As a result of that, I immediately started bleeding down my leg, and was in a lot of pain and couldn’t use my knee. I had to wear a brace for two weeks.

13. Right after I was pushed to the ground for the second time, I saw an officer with DMPD arresting Mathew Bruce and another protester. As I tried to get closer to them to better see what was happening, a trooper with the Iowa State Patrol arrested me.

14. I was placed in a paddy wagon with six other people, including Louise Bequeaith. They drove the paddy wagon to what I believe was the Des Moines Police Station. They took us inside to a conference room, where we waited in handcuffs.

15. While we were in the conference room at the station, a Des Moines Police officer took me outside to take some photos of my injuries but did not offer any medical assistance. Then he brought me back inside.

16. Then, a trooper from the Iowa State Patrol who was in the conference room told us all that because of our actions at the Capitol, they were banning us from the Iowa Capitol Complex grounds for one year. He explained that if we were found present on the Capitol

grounds, we would be arrested and charged with criminal trespass. He did not provide us with clear geographic parameters of this ban, or what to do to challenge it, and I have still not received any follow-up documentation in writing.

17. After delivering the ban, the same officer with Iowa State Patrol who told us we were banned took my photo on his cellphone. Then, an officer with DMPD took down my name and contact information and told me they were charging me with interference with official acts.

18. We were then taken to the Polk County Jail.

19. I was released from Polk County Jail at around 9 pm that evening.

20. To my knowledge, there are seventeen Des Moines BLM leaders and supporters who were banned from the Capitol, two of whom are minors. Some people were provided with a written letter a couple weeks after July 1, 2020, telling them they were banned until January 1, 2021. Others, like myself, were given an oral ban only. Some of us were orally banned until January 1, 2021; while others, like me, were orally banned for one year, until July 1, 2021.

21. I do not know of any other group that has had its leadership or members banned from the Capitol in this way. It feels like we were targeted because of our message, specifically that of advocating to reform law enforcement practices.

22. By engaging in demonstrations at the Capitol during and after the legislative session, we were able to achieve important changes this summer: legislation banning chokeholds in most circumstances as making well as other reforms, and an executive order restoring voting rights to most people with felony convictions. My belief is that our success

through our Capitol protests was seen as a threat by law enforcement, and they did not want us to continue voicing our opinions.

23. Because of the ban, I and other directors of Des Moines BLM have been forced to change the way we operate. Specifically, we have had to relocate our protests away from the Capitol Complex grounds, because so many of our leaders and supporters were banned.

24. This has greatly impeded the reach of our message, and our ability to influence legislation and other public policy, because we do not have direct access to the audience of lawmakers, the Governor, and even, because the events held away from the Capitol are less visible and less iconic, of the press and the public. By entering the space at the Capitol, we were very effective in ensuring that the Governor, legislators, and the public more broadly were listening to us. We were able to directly pressure the Governor and legislators to take action. By banning us from the Capitol, they have taken away our most effective tool for advocating change and have silenced our message.

25. There were more Des Moines BLM events scheduled at the Capitol for that week relating to the issue of felon voting rights, but because of the ban, I and my fellow Des Moines BLM directors had to cancel or reschedule all of them. Starting the first week of June, Des Moines BLM had a standing daily invite from 10 am until approximately 3 pm at the Capitol. Our group would speak with legislators and the Governor to lobby for our demands. We also regularly had events with speakers and would engage in chanting. Those daily events were supposed to continue occurring, but we had to cancel them because many Des Moines BLM leaders were banned from the Capitol.

26. Because of the ban, we have had to hold protests at other locations, such as the Pappajohn Sculpture Park in Des Moines. However, at those events, we are not able to speak directly with or to those in power, or reach the audience that we could at the Capitol.

27. If this ban is lifted, Des Moines BLM will immediately relocate events back to the Capitol Complex grounds, and we would expect to have near-daily events there again.

28. Because of the ban, I have also been blocked from taking part in other organizations' and groups' events at the Capitol. On July 4, 2020, there was an event focused on the rights of Indigenous persons at the Capitol that I wanted to attend. Because the Iowa State Patrol had not given me clear boundaries for the Capitol Complex grounds, I completely avoided this event. Otherwise, as a leader of the Des Moines BLM group, I would have attended in order to show my support for Indigenous persons and the event.

29. During this time, clergy members also began holding a daily vigil at the Capitol building to stand in solidarity with those of us who were banned. I was also unable to attend those vigils, but would have, had it not been for the ban.

30. My job with Run DSM also takes me to the Capitol, often for fundraising events to provide our students with scholarships. Last year, we had three or four events at the Capitol in which my students and I performed spoken word on Capitol grounds. There are also events at which our group performs at the Capitol annually, such as the Women's March in Iowa, and the Black History month celebration. Earlier this summer I took one of my poets to the Capitol for a call to action. With schools reopening, the ban will affect my ability to perform my job if I cannot return to the Capitol complex grounds for one year.

31. I also normally regularly attend various political events at the Capitol. For example, in the early spring of 2020, I attended an event focused on supporting the Muslim

community in Iowa. I also volunteered at a voter registration drive held during an event that took place at the Capitol in September 2019. Because of the ban, though, I can no longer engage in these types of activities when they are held at the Capitol or what I understand are the broader Capitol Complex grounds based on a map that another Des Moines BLM supporter, Brandi Ramus, found online and shared with the group. This map is attached as **Exhibit A**, and is available at <https://das.iowa.gov/sites/default/files/general/pdf/CAPITOL%20COMPLEX%20PARKING.pdf>.

32. Attending and organizing events at the Capitol was the best way I found to ensure people in power heard me and my organization, Des Moines BLM. Because of the ban, I can no longer do that. I feel like my voice, and the message of Des Moines BLM, has been silenced. I think that silencing us was the intended effect, and I think the reason we have been treated differently from every other group I know of is largely because of our mission of reforming law enforcement.

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

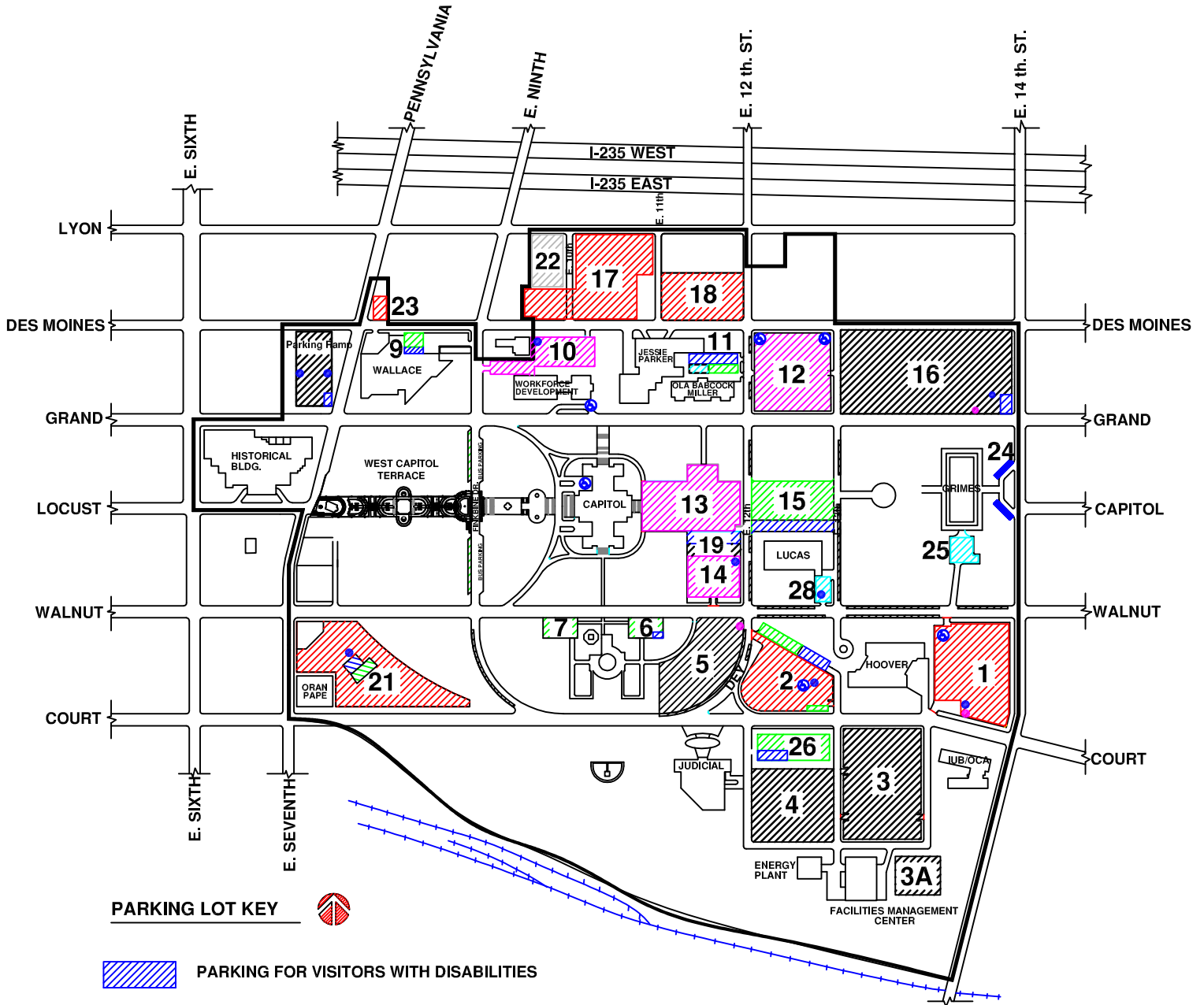
Executed this 3rd day of Oct, 2020














Jalesha Johnson

IOWA CAPITOL COMPLEX

EXHIBIT A



PARKING LOT KEY

-  PARKING FOR VISITORS WITH DISABILITIES
 -  VISITOR PARKING
 -  RESERVED / SERVICE PARKING
 -  CONTRACTOR PARKING
 -  EMPLOYEE ONLY
 -  RESERVED EMPLOYEE
 -  EMPLOYEE AND VISITOR PARKING
 -  STREET PARKING (PLEASE OBSERVE POSTED HOURS FOR NO PARKING)
-  CARPOOL/RIDESHARE VEHICLE SPACES
 -  MOTORCYCLE SPACES
 -  PARKING FOR EMPLOYEES WITH DISABILITIES

ADDITIONAL ACCESSIBLE PARKING IS ALSO LOCATED IN EMPLOYEE AND VISITOR LOTS.
 UPDATED SEPTEMBER 8, 2017

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing paper with the Clerk of Court by using the CM/ECF system.

The foregoing paper will also be served along with the Complaint and Summons to all Defendants.

Date: October 5, 2020

/s/Rita Bettis Austen
Rita Bettis Austen