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ACLU of Iowa Files First Amendment, Religious Freedom Lawsuit in Westboro Baptist Church Flag Desecration Case

(Des Moines, IA) - The American Civil Liberties Union of Iowa today filed a class action lawsuit on behalf of three members of the controversial Westboro Baptist Church of Topeka, Kansas, to defend their freedom of expression and religion from law enforcement officials who persist in enforcing Iowa's unconstitutional flag desecration statutes. Public demonstrations held by Westboro church members often include dragging the U.S. flag on the ground, air spitting on the flag and other expressive acts designed to convey their belief that the U.S. flag has become an idolatrous symbol representing a country that is at odds with God.

Ben Stone, executive director of the ACLU of Iowa, said the ACLU filed the lawsuit because "the strength of our democracy requires tolerance of peaceful forms of public expression and religious activities." Stone said these principles are paramount, even though the ACLU strongly disagrees with the Westboro Baptist Church positions on such topics as LGBT rights.

The lawsuit contends that various Iowa law enforcement officials wrongly ordered Margie Phelps, Elizabeth Phelps, and Timothy Phelps to stop dragging and otherwise treating the U.S. flag disrespectfully at protests in Des Moines, Red Oak, and Council Bluffs. Church demonstrators "will continue to suffer irreparable harm to their personal rights of expression and religious freedom" as a result of law enforcement's continuing attempts to enforce Iowa's unconstitutional flag abuse statutes, the lawsuit contends.

Law enforcement officials at those protests cited their duty to enforce Iowa's flag desecration laws because the laws were "still on the books," even though those laws were ruled unconstitutional by U.S. Southern District of Iowa Judge Robert Pratt in 2007.

ACLU of Iowa Legal Director Randall Wilson, who is representing the Phelps, said that a class action was needed in this case because the church members actively demonstrate all over Iowa and should not be required to go to court again and again every time a church demonstrator encounters another police officer determined to enforce laws that the legislature should have removed from the books.

"It's a matter of enforcing good-faith compliance with the Constitution and the decisions of our courts," Wilson said. A portion of the Iowa Code cited in the lawsuit (718A.6), specifies that sheriffs and chiefs of police in Iowa can be removed from their office for failure to enforce Iowa's flag desecration law.

The lawsuit does not seek money.

The ACLU of Iowa is a non-profit, non-partisan organization that fights to advance civil liberties for all. It is the state affiliate of the national American Civil Liberties Union. The ACLU prides itself in upholding everyone's civil liberties, no matter who they are or what they believe. We have worked to assure the rights of all Iowans – from atheists to devout Christians, from labor unions to businesspeople and more – to make sure the constitutional rights of all are preserved. For more information, go to www.aclu-ia.org

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