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Johnson County Auditor Tom Slockett Prevails in Free Speech Case Against Iowa Ethics and Campaign Disclosure Board

Des Moines, Iowa – Former Johnson County Auditor Tom Slockett has prevailed in his lawsuit against the Iowa Ethics and Campaign Disclosure Board, which reprimanded him in 2012 for making campaign phone calls on his personal cell phone while physically present in his county auditor's office.

Slockett was reprimanded for making the calls while running for reelection as county auditor. The issue at stake was his location when making the calls. The Board had argued that being on public property – be that in his office, in the hallway, or other government-owned property – constituted improper “expenditure” of government funds.

The ACLU of Iowa took up Slockett's case because the reprimand raised an important First Amendment free speech issue. Joseph Fraioli, ACLU of Iowa staff attorney, said, “At its core, the First Amendment protects the freedom of elected officials to communicate the concerns of their constituents and inform the electorate of their intention to address those concerns. Especially during these uncertain times, when free speech is too often viewed with skepticism, we must ensure that elected officials' speech is not impermissibly censored.”

The ACLU of Iowa, on behalf of Slockett, said there were several problems with the Board's sweeping and inaccurate interpretation of the Iowa law that prohibits “governing bodies” from expending “public moneys” for political purposes.

A key point was that under the Board's overturned interpretation, a person's mere *presence* on public property would be an expenditure of public moneys. It had argued that a government official's mere physical presence on public property reduced the value of the property.

That type of strict interpretation is problematic, and would effectively ban constitutionally protected political speech by elected officials on all public property. Had the Board's theory been upheld, even a public official's core political speech on a public sidewalk could have been regulated as an “expenditure.”

The ACLU ultimately prevailed in this argument, because the district court found that the Board's interpretation was not supported by the language of the statute passed by the Iowa legislature.

The ACLU also pointed out that by violating the free speech rights of elected officials and candidates, the Board was also suppressing the voices of the People in the exercise of their own democratic rights, by silencing the officials they elect.

The ACLU of Iowa has been litigating this case against the Board for more than four years. The effort was led by attorneys Randall Wilson, Rita Bettis, and staff attorney Joseph Fraioli who argued on Slockett's behalf at the final hearing at the district court.

Slockett said, "This victory demonstrates what I have said for years now and what I was told by the county attorney at the time – that my speech was protected by the First Amendment. The Board's actions toward me unjustifiably impugned my character after decades of public service. The ability of elected officials to speak freely to citizens on important public matters is fundamental to our democracy, and I am very pleased with this long sought Court victory".

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The ACLU of Iowa is a private, 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 work 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, please go to www.aclu-ia.org.

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