



THE DEFENDER

January-April 2013

Vol. 41 / No. 1

Newsletter of the American Civil Liberties Union of Iowa

Victory! Driver's Licenses Granted to Iowa DREAMers

Young Iowa immigrants can now get the driver's licenses that allow them to work, go to school, take care of their families, and carry on with their lives.

The breakthrough came after months of efforts by the ACLU of Iowa and other immigrant advocacy groups.

Previously, it was unclear if the estimated 5,000 young Iowa immigrants who were granted Deferred Action for Childhood Arrivals (DACA) status could also receive driver's licenses. These bright young Iowans, often called DREAMers, were granted "authorization to be present" and work visas by President Obama last summer.

A Letter to Press the Issue

In October, when the ACLU learned that the Iowa Department of Transportation was considering this matter, legal staff wrote to DOT Director Paul Trombino, outlining for the department that Iowa law would require the department to issue the driver's licenses to Iowa DREAMers.

Initially misinterpreting the law, in December Trombino issued a statement saying he would not issue driver's licenses to DREAMers. The ACLU of Iowa

immediately prepared for the possibility of litigating the issue if necessary.

At the same time, the ACLU also filed written comments with the Iowa Legislature's Administrative Rules Review Committee, objecting to the department's decision and providing the guidance that further legislation was unnecessary (and potentially counterproductive), because DREAMers were already entitled to licenses under the existing law.

Building a Broad Coalition

We were joined in making those comments by the League of Latin American Citizens (LULAC) of Iowa, the American Friends Service Committee, the Catholic Conference, the Interfaith Alliance, and many others. We also worked behind the scenes to provide information to legislative and executive branch policymakers about possible solutions.

Finally in mid-January, the Department of Homeland Security clarified that DREAMers are indeed "authorized to be present"—prompting in just days a reversal of the decision by the Iowa DOT.

ACLU of Iowa Staff Attorney Rita Bettis, said "Recognizing that the DREAMers are



Antonia Rivera of Des Moines was brought to the U.S. at age 6 by her parents. Her entire adult life, she's had to work around not having a driver's license while earning a college degree, working at various jobs, and now taking care of her newborn baby, Ciel. She's eager to take advantage of the DOT's new policy to issue driver's licenses to DREAMers.

entitled to driver's licenses under Iowa law allows the state to be competitive with its neighbors in keeping these bright youngsters here, where they continue to contribute to our communities, schools, and businesses." ■

Working Against Juvenile Life Without the Possibility of Parole

The Iowa Legislature is considering three bills that would allow a judge to impose a life sentence without the possibility of parole for juveniles.

As of this newsletter's publication time in mid-March, the ACLU of Iowa strongly opposes all three as currently written: HB 1089, HSB 105, and HSB 33.

The sentences of 38 Iowans who were sentenced as children to life without the possibility of parole became invalid after the U.S. Supreme Court's holding in *Miller v. Alabama* last year. In that decision, the Court recognized that children are

inherently different than adults. Any sentencing scheme must take into account a child's lessened culpability and greater capacity for change.

These three bills would give sentencing judges the option of imposing either life without the possibility of parole to juveniles, or, at their discretion, a minimum sentence of 45, 50, or 60 years, depending on the bill.

Instead of these regressive bills, we want to see a proposal that allows for a meaningful possibility of parole for all juveniles and doesn't treat them as "throwaway kids."

Examples of states that have responded to *Miller v. Alabama* in a more reasonable

and humane way are Wyoming and California, which now allow inmates who were sentenced to life without the possibility of parole as children to reduce their sentences to a minimum of 25 years if they can successfully demonstrate real remorse and rehabilitation.

Our juvenile offenders are no less redeemable than California's or Wyoming's. We are working in the Iowa Legislature for thoughtful, careful reform that allows for proportionality and fairness in sentencing for juvenile offenders convicted of murder.

Iowa must do better. ■



ACLU

AMERICAN CIVIL LIBERTIES UNION
of IOWA

Published by

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Volume 41, Number 1

January-April 2013

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Printed on 10% recycled paper

Shackling Bill Update, In-State Tuition for Immigrant Students, DNA Testing, and More

We've been busy advocating for bills that promote civil liberties and working against those that will infringe upon our basic freedoms.



Rita Bettis

As of publication time just before the first legislative "funnel" in March, here are a few noteworthy bills that we're working on:

Limiting Restraints on Pregnant Women, Banning Restraints in Labor and Delivery HSB 95/SF 134

We have strongly supported this legislation. Eighteen states have laws prohibiting the abuse of shackles and other restraints on pregnant women as well as women in labor, delivery, and postpartum recovery. Restraints put pregnant women in prisons and jails at significant, known medical risk and threatens the safety and development of their pregnancies. It's cruel and unusual punishment that violates the U.S. and Iowa constitutions as well as international human rights law.

We've worked to document the practice in Iowa, which was showcased in a recent *Des Moines Register* investigation. That, in turn, fueled our efforts to successfully get a better—although insufficient—policy from the Iowa Department of Corrections limiting the use of restraints. We continue to work with a broad coalition of organizations to pass a law protecting the health and safety of women and their pregnancies in Iowa's prisons, jails, and detention facilities.

SF 134 has now passed out of the full Senate Judiciary Committee without a single "no" vote. As of publication time, it was ready to go before the full Senate chamber.

In-State Tuition for Iowa's Bright Undocumented Immigrant Youth SF 80

We support this legislation. This bill would ensure in-state tuition for young, high-achieving, undocumented immigrants who have beaten the odds and graduated from Iowa high schools and have been admitted to colleges and universities here.

As a matter of equal protection and due process, all Iowa residents should receive in-

state tuition at public institutions, regardless of immigration status.

GPS Monitoring of Civilians by Police HSB 91/SSB 1165

We oppose this legislation. This bill, which we successfully fought last year, is back. Like last year, it would create a new, problematic alternative to Iowa's warrant procedure for police who want to track Iowans' movements. This bill violates the warrant requirement for searches and seizures because it allows insufficiently detailed descriptions of the things or people to be searched (tracked). It also fails to require a written application and doesn't give Iowa judges the ability to assure of the credibility of informants.

DNA Testing for Lower-Level Crimes HSB 51/SSB 1028

We oppose this legislation. This expensive and invasive bill would require DNA profiling be completed on people convicted of aggravated misdemeanors, including for certain driving offenses. It would also sweep up hundreds of juveniles each year. Iowa already conducts DNA profiling for sex offenses and felonies. DNA samples would remain on file forever.

Voluntary Public Financing Bill SSB 1072

We are undecided (neutral) on this legislation, but are watching it carefully. This bill would give candidates the *option* of using public financing. It would also impose limits on contributions to candidates.

The bill involves an often-missed nuance of ACLU support of the *Citizens United* decision. We oppose mandatory limitations on political expenditures because we believe they limit political speech protected by the Constitution. But we are supportive of spending limits as a condition of voluntary public financing plans, so long as they are truly voluntary. Recognizing that large contributions can lead to corruption or the appearance of corruption, we also support reasonable limits on campaign contributions. ■



BE INFORMED!

Sign up for the ACLU of Iowa's *The Iowa Civil Liberties News* or *Legislative Update*. To sign up for one or both, simply email us at editor@aclu-ia.org.

Joe Henry of Iowa LULAC Named Louise Noun Winner

Joe Enriquez Henry, state director of the Iowa League of United Latin American Citizens, has been honored with the 2013 Louise Noun Award.

Enriquez Henry is being honored for his role as a plaintiff in the organization's voter suppression lawsuit against Iowa Secretary of State Matt Schultz. He will receive the award at the May 4 ACLU Foundation of Iowa Annual Dinner in Iowa City.

As state director of Iowa LULAC, Enriquez Henry provided critical support to the case, which resulted in a September 2012 injunction that protected the integrity of Iowa's November general election. Among other things, the injunction kept Schultz from sending intimidating letters to registered voters.

Working to Document Voter Suppression Efforts

Rita Bettis, the ACLU of Iowa staff attorney working on the case, said "In his role as the leader of LULAC in Iowa, he worked alongside the ACLU of Iowa to win a crucial judgment halting those rules from taking effect. In doing so, Iowa LULAC helped win an important victory for voting rights and equality in Iowa."

The Des Moines activist spent countless hours in the days leading up to the filing of the lawsuit, helping to document the harms that were already taking place because of Schultz's efforts, including collecting affidavits from new citizens.

Ben Stone, Executive Director of the ACLU of Iowa, said Enriquez Henry's testimony before the Iowa Legislature's Administrative Rules Committee was "important and persuasive."

Key in Registering Latino Voters

In addition, the award recognizes Enriquez Henry's leadership in a massive, highly successful LULAC non-partisan

voter registration effort in 2012, registering thousands of Iowans.

LULAC, founded in 1929, is the oldest Latino civil rights organization in the country. Enriquez Henry co-founded Council 307 because he wanted Latinos in Iowa to become part of a national organization that could help them reclaim their spirit in fighting to address their rights in the areas of immigration, jobs, health care, and education.

To that end, under Enriquez Henry's leadership, Iowa LULAC has been active in providing voter registration drives and in promoting awareness about language,



Joe Henry and LULAC member and long-time Des Moines activist Mary Campos staffed a voter registration booth at the Latino Heritage Festival in Des Moines last September.

immigration issues, jobs, education, and health care.

"Joe's leadership of LULAC demonstrates a remarkable and inspiring commitment to ensuring Latinos in Iowa secure equal access to the political process, education, and employment opportunities," said Stone.

The Louise Noun Award is named after the distinguished Des Moines activist, philanthropist, and former president of the ACLU of Iowa. It is given to those who have made significant contributions or displayed uncommon courage on behalf of civil liberties in the state. ■

Chris Eckhardt Continued Tinker Legacy of Social Justice, Activism

He gained fame as a teen in one of the three plaintiff's in the ACLU of Iowa's Tinker U.S. Supreme Court case. And into adulthood, Eckhardt remained an activist and advocate for social justice for all.

We were sorry to hear about the passing of Christopher Eckhardt, who left a lasting legacy on freedom of speech in this country as one of three young student litigants in *Tinker v. Des Moines Independent Community School District*.

Eckhardt died in Clearwater, Florida, on December 27 at age 62 after a long life filled with social justice work. But for many of us, it will be the youthful, idealistic images and actions of Eckhardt that we will remember most.

In December 1965, Mary Beth Tinker, John Tinker, and Chris Eckhardt, three teenagers from Des Moines, Iowa, were suspended for going to school wearing black armbands to support a truce in the Vietnam War. Represented by the ACLU of Iowa, the students and their families embarked on a four-year court battle that culminated in the landmark Supreme Court decision. In *Tinker*, the Court ruled that students do not "shed their constitutional rights to freedom of speech or expression at the school house gate."

Young Eckhardt traveled to Washington, D.C., to attend oral arguments in the case. In an later interview with a legal scholar, Eckhardt said he knew they would win their case when Justice Thurgood Marshall asked the school's attorney why just a few students

out of the districts' thousands would concern the school. "Seven out of 18,000 (students in the district), and the school board was afraid that seven students wearing armbands would disrupt 18,000? Am I correct?"

Chris continued into adulthood promoting justice, becoming a social worker. He also was involved in LGBT rights, prisoner rights, and in 2012 authored, "The Baker Act Conspiracy," a fact-based book about an undercover agent who exposed financial abuses and violations of patient rights.

Mary Beth Tinker, just age 13 when the *Tinker* case was filed, recently summed it up simply: "Chris was a very special, caring person with a big heart and a big commitment to social justice. He will be very missed." ■

ACLU OF IOWA

Annual Dinner

Saturday, May 4, 2013 • University Club, Iowa City

6:00 p.m. Check-in and Registration • 7:00 p.m. Buffet Dinner and Program



FEATURED SPEAKER

Michael Macleod-Ball

ACLU National Chief Legislative and Policy Counsel

Macleod-Ball oversees the efforts of the ACLU's various lobbyists and policy counsel in Washington, D.C. While the exact nature of his presentation is yet to be determined, he can speak to the ACLU's efforts on the Hill and the challenges facing civil liberties in Congress in the upcoming months. The evening dinner, held at Iowa City's University Club, is a highlight of the ACLU's year.

With a cocktail hour preceding the dinner, speaker, and awards, the event provides an opportunity for those in our state who support civil liberties to come together for an evening of renewing old acquaintances, making new connections, recognizing those who have made significant contributions to civil liberties in Iowa, and learning more about the many upcoming challenges in protecting the Constitutional rights of all Iowans.

LOUISE NOUN AWARD WINNER

Joe Henry of the League of United Latin American Citizens of Iowa

Join us in honoring our 2013 Louise Noun Award winner, Joe Enriquez Henry, state director of Iowa LULAC. Henry and LULAC have been key players as plaintiffs in the ACLU of Iowa's lawsuit to stop Iowa Secretary of State Matt Schultz's voter purge. LULAC also played an important role in registering a record amount of Latinos before the 2012 election.



ATTEND IN ONE OF THREE WAYS

1. Mail the completed form below with a check.
2. Pay with a credit card by going to www.aclu-ia.org and searching for "annual dinner" to make reservations electronically.
3. Email us at events@aclu-ia.org with the subject line "Annual dinner." Please include your full name, address, phone, and number attending. Please also specify when your check will arrive at our mailing address below.



ACLU FOUNDATION OF IOWA ANNUAL DINNER

Name(s): _____

Address: _____

Phone number: _____

Email address: _____

Note:

- \$50 per person in advance; \$55 at the door. Make checks payable to ACLU Foundation of Iowa.
- **Reservations requested by April 30.** After that date, email events@aclu-ia.org or call 515-243-3576, ext. *813.
- Mail this form and check to ACLU Foundation of Iowa, 505 Fifth Ave., #901, Des Moines, IA 50309.
- Students and other persons of limited means may request a scholarship dinner by emailing events@aclu-ia.org. You will be asked to submit a \$20 payment via check or credit card to hold the reservation, which will be refunded at the time of the dinner. Or simply contact the ACLU of Iowa office at the number above.

"I/we wish to make _____ reservations for \$50 each for the buffet dinner (vegetarian options are available).

In addition, I/we wish to make a donation of \$_____ to help provide gift dinners to students and/or persons of limited means.

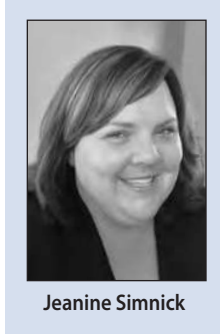
I/we cannot attend. However, please accept this tax-deductible donation in the amount of \$_____ to help cover the cost of gift dinners for those who cannot otherwise afford to attend.

Total enclosed: \$ _____

ACLU of Iowa Hires New Director of Development Jeanine Simnick

Jeanine Simnick comes to us with years of experience in non-profit development and a commitment to helping others.

We're delighted to announce the hire of Jeanine Simnick, an experienced development professional who will take our fundraising efforts to the next level.



Moving from St. Louis to Iowa, she has 14 years of non-profit experience. Most recently, she was the director of development for the largest homeless youth facility in St. Louis, Covenant House. She also has worked in development in higher education and at a hospice. She will receive her masters' degree in non-profit management this month.

"I'm excited to have this opportunity," says Simnick. "I look forward to doing what I can to help strengthen and support our most basic freedoms in Iowa."

"In the near future, I will be calling on a number of donors to introduce myself and ask to meet them personally," she says. "I view each donor as a unique partner with the ACLU and in the protection of our civil liberties. My role is to build on that partnership and make philanthropic dreams happen."

For nearly three decades, the ACLU of Iowa has relied on fundraising led by members of the board of directors and

supported by staff. This model was so successful that the ACLU adopted it nationally for other state offices to adapt.

But as other affiliates have moved on to other models for development and experienced even more success, it became apparent that the Iowa affiliate, too, could build its fundraising capacity by hiring a full-time staff member focused on development.

"The hiring of a staff professional to lead development efforts marks a new era for us," said Executive Director Ben Stone. "While the involvement of our 22 board members will still be essential, creating a development position allows the ACLU of Iowa to take fundraising to the next level to assure a strong foundation on which to advocate for civil liberties."

"We know there is much untapped potential for civil liberties support in Iowa," said Stone. "But with a limited, ever-changing, volunteer-led effort, we sometimes haven't been able to reach out in the consistent way we would like."

The timing for a development hire is optimal, Stone says. The board of directors recently authorized the creation of an Immigrants' Rights Initiative and the hiring of additional staff to implement that.

"Jeanine has excellent experience in non-profit development work, including launching a new program with an emphasis on personal visits," Stone said. "We are really looking forward to her guiding us toward a new chapter in our affiliate's fundraising story." ■



BOARD MEMBERS NEEDED

Hawkeye Chapter Seeks Potential Board Members

The Hawkeye Chapter of the Iowa ACLU seeks candidates for the forthcoming election of its Board of Directors. Board members serve staggered four year terms; five members will be elected in April.

We are looking for ACLU members who live in the counties of Benton, Cedar, Iowa, Johnson, Jones, Keokuk, Linn, Muscatine, or Washington. Board members are expected to attend bi-monthly meetings that are held on Sunday afternoons.

If you are interested in becoming a candidate for the Hawkeye Chapter board of directors, please submit a brief biography by April 15 to haclu@googlegroups.com or call 319-354-6639.

New Ex-Felon Voting Rights Flier for Iowa Available

With Governor Terry Branstad loosening his restrictions on restoring the voting rights of former felons, the ACLU of Iowa has revised its flier that explains how former felons can get their voting rights restored, complete with various forms to make locating those forms more convenient.

Check out printer-friendly revised flier at www.aclu-ia.org. Or contact us and we'll send you a copy. We're also happy to mail copies of the flier to voting rights advocates and parole offices. Email your request to editor@aclu-ia.org or call 515-243-3576.

Support Civil Liberties In Iowa!



Your tax-deductible donation directly funds litigation, legislative initiatives, and outreach to keep Iowans safe and free. Visit our website at www.aclu-ia.org and click on "Donate" or fill out this form.

Name _____

Address _____

City _____ State _____ Zip _____

Email _____ Phone _____

My check of \$ _____ is enclosed.

Clip and mail to: ACLU Foundation of Iowa, 505 Fifth Ave., #901, Des Moines, IA, 50309-2316.

1301NWS

Preparing for the Attack of the Domestic Drones

The ACLU has been prominently featured in recent news coverage of the secret use of drones to kill alleged terrorists abroad. As troubling as this international tactic may be, we need to be aware that there are powerful business interests working to bring drones in force to American skies as well.

The Federal Aviation Administration is predicting that there could be as many as 30,000 unmanned aerial vehicles over domestic skies by the end of the decade.

The drones of the not-too-distant future may be far different from the toy-like vehicles a handful of police departments around the country are currently considering. The public is understandably nervous over drones' game-changing implications for privacy and generalized surveillance by the government.

No Longer Futuristic Fantasy

What was once the stuff of science fiction is becoming big business. Drones have their own trade group, the Association for Unmanned

Aerial Systems International, which includes some of the nation's leading aerospace companies. And Congress now has "drone caucuses" in both the Senate and House.

We can bet that drones will become more powerful and less expensive. Advances in artificial intelligence will enhance their ability to carry out increasingly invasive surveillance. We can expect drones that will carry high-power zoom lenses, employ thermal imaging, and use radar to penetrate the walls of homes and businesses. With facial recognition software, they will be able to recognize and track individuals.

Data Storage and Sharing Concerns

And if data captured by drones is not immediately deleted, it could become a massive trove of video, audio, and other data. Although cameras have proliferated in our society, drones are different both because of their surveillance capabilities and the fact that it is the government doing the recording.

In February, Iowa legislators introduced three bills (SF 276, HF 410, and HF 427)

designed to allow drones only for certain activities and certain reasons. Other similar bills are being considered in at least 11 states. It is encouraging that in places like Nebraska, Virginia and Florida, such bills have received enthusiastic, bipartisan support. And a massive backlash in Seattle recently compelled the mayor to ground the drones already purchased by local police. They are going to be returned to the vendor.

In a democratic society, people should be able to go about their daily activities without their movements, activities, and associations being recorded and tracked by the government without a warrant. Americans do not want to live in a surveillance society. ■

Best,



Ben Stone
ACLU of Iowa
Executive Director

