

# **“The Great Law of Peace” Video about Injunuity, November 12, 2013**



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# Declaration of Independence, July 4, 1776

IN CONGRESS, JULY 4, 1776.  
THE UNANIMOUS  
DECLARATION  
OF THE  
THIRTEEN UNITED STATES OF AMERICA.

**W**HEN, in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume, among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's GOD entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the Causes which impel them to the Separation.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed, by their CREATOR, with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate, that Governments long established, should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

He has refused his Assent to Laws, the most wholesome and necessary for the public Good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and pernicious to Tyranny.

He has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining, in the mean Time, exposed to all the Dangers of Invasion from without, and Convulsions within.

He has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

He has erected a Multitude of new Offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance.

He has kept among us, in Times of Peace, Standing Armies, without the Consent of our Legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution,

and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

For quartering large Bodies of Armed Troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all Parts of the World:

For imposing Taxes on us without our Consent:

For depriving us, in many Cases, of the Benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended Offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments;

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection, and waging War against us.

He has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People.

He is, at this Time, transporting large Armies of foreign Mercenaries to complete the Works of Death, Desolation, and Tyranny, already begun with Circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

He has constrained our Fellow-Citizens, taken Captive on the high Seas, to bear Arms against their Country, to become the Executioners of their Friends and Brethren, or to fall themselves by their Hands.

He has excited domestic Insurrections amongst us, and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes, and Conditions.

In every Stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every Act which may define a Tyrant, is unfit to be the Ruler of a free People.

Now have we been wanting in Attention to our British Brethren. We have warred them, from Time to Time, of Attempts by their Legislature to extend an unwarrantable Jurisdiction over us. We have reminded them of the Circumstances of our Emigration and Settlement here. We have appealed to their native Justice and Magnanimity, and we have conjured them by the Ties of our common Kindred to disavow these Usurpations, which would inevitably interrupt our Connections and Correspondence. They too have been deaf to the Voice of Justice and of Consanguinity. We must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them, as we hold the Rest of Mankind, Enemies in War, in Peace Friends.

We therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS ASSEMBLED, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all Allegiance to the British Crown, and that all political Connection between them and the State of Great-Britain, is, and ought to be, totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of Right do. And for the Support of this Declaration, with a firm Reliance on the Protection of DIVINE PROVIDENCE, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honour.

*John Hancock.*

GEORGIA, { *Barton Gwinnett,*  
*Lyman Hall,*  
*Gen. Walton.*

NORTH-CAROLINA, { *Wm. Hooper,*  
*Joseph Hewes,*  
*John Penn.*

SOUTH-CAROLINA, { *Edward Rutledge,*  
*Tho. Heyward, junr.*  
*Thomas Lynch, junr.*  
*Arthur Middleton.*

MARYLAND, { *Samuel Chase,*  
*Wm. Paca,*  
*Tho. Stone,*  
*Charles Carroll, of Car-*  
*rollton.*

VIRGINIA, { *George Wythe,*  
*Richard Henry Lee,*  
*Th. Jefferson,*  
*Benja. Harrison,*  
*Tho. Nelson, jr.*  
*Francis Lightfoot Lee,*  
*Cartor Braxton.*

PENNSYLVANIA, { *Robt. Morris,*  
*Benjamin Rush,*  
*Benja. Franklin,*  
*John Morton,*  
*Gen. Cymer,*  
*Tho. Smith,*  
*Geo. Taylor,*  
*James Wilson,*  
*Geo. Ross.*

DELAWARE, { *Cesar Rodney,*  
*Geo. Read.*

NEW-YORK, { *Wm. Floyd,*  
*Phl. Livingston,*  
*Frans. Lewis,*  
*Lewis Morris.*

NEW-JERSEY, { *Richd. Stockton,*  
*Tho. Witherspoon,*  
*Frans. Hopkinson,*  
*John Hart,*  
*Abra. Clark.*

NEW-HAMPSHIRE, { *Josiah Bartlett,*  
*Wm. Whipple,*  
*Matthew Tbernton.*

MASSACHUSETTS-  
BAY, { *Saml. Adams,*  
*John Adams,*  
*Robt. Treat Paine,*  
*Elbridge Gerry.*

RHODE-ISLAND AND  
PROVIDENCE, &c. { *Step. Hopkins,*  
*William Ellery.*

CONNECTICUT, { *Roger Sherman,*  
*Saml. Huntington,*  
*Wm. Williams,*  
*Oliver Wolcott.*

IN CONGRESS, JANUARY 18, 1777.

**T**HAT an authenticated Copy of the DECLARATION OF INDEPENDENCY, with the Names of the MEMBERS of CONGRESS, subscribing the same, be sent to each of the UNITED STATES, and that they be desired to have the same put on RECORD.

By Order of CONGRESS,

*John Hancock, President.*

*Wm. Hooper*  
*John Hancock*

Courtesy of Library of Congress, "In Congress, July 4, 1776. The unanimous declaration of the thirteen United States of America," 4 July 1776

# Preamble to the U.S. Constitution, September 1787

**W**E, the People of the United States, in order to form a more perfect union, ■ establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.



# U.S. Constitution, 1787 (pg.2)

*Town-Clerk of East-Greenwich*

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect and defend, the Constitution of the United States."

**SECT. 2.** The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officers in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices; and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers, and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the recess of the Senate, by granting Commissions, which shall expire at the end of their next Session.

**SECT. 3.** He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them; and in Case of Disagreement between them, with respect to the Time of adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall commission all the Officers of the United States.

**SECT. 4.** The President, Vice-President, and all civil Officers of the United States, shall be removed from Office, on Impeachment for and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors.

## ARTICLE III.

**SECT. 1.** The judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their Offices during good Behaviour; and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

**SECT. 2.** The judicial Power shall extend to all Cases in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers, and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States, between a State and Citizens of another State, between Citizens of different States, between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

**SECT. 3.** Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason, unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture, except during the Life of the Person attainted.

## ARTICLE IV.

**SECT. 1.** Full Faith and Credit shall be given in each State to the public Acts, Records and judicial Proceedings, of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings, shall be proved, and the Effect thereof.

**SECT. 2.** The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person, charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall, on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person, held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour; but shall be delivered up, on Claim of the Party to whom such Service or Labour may be due.

**SECT. 3.** New States may be admitted by the Congress into this Union; but no new State shall be formed or created within the Jurisdiction of any other State;

nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations, respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed, as to prejudice any Claims of the United States, or of any particular State.

**SECT. 4.** The United States shall guarantee to every State in this Union, a Republican Form of Government, and shall protect each of them against Invasion; and, on Application of the Legislature, or of the Executive, (when the Legislature cannot be convened) against domestic Violence.

## ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution; or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention, for that Purpose, and any Amendments proposed in either Mode, shall be valid, so long as they shall be ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: Provided, that no Amendment which may be made prior to the year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses, in the ninth Section, of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

## ARTICLE VI.

All debts contracted, and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the former Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges, in every State, shall be bound thereby; any Thing in the Constitution or Laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office, or public Trust, under the United States.

## ARTICLE VII.

The Ratification of the Conventions of Nine States shall be sufficient for the Establishment of this Constitution, between the States so ratifying the same.

Done in Convention, by the unanimous Consent of the States present, the seventeenth day of September, in the Year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our Names.

GEORGE WASHINGTON, President,  
(and Deputy from Virginia,  
New-Hampshire John Langdon, Nicholas Gilman,  
Massachusetts Nathaniel Gorham, Rufus King,  
Connecticut William Samuel Johnson, Roger Sherman,  
New York Alexander Hamilton.

New Jersey William Livingston, David Brearley,  
William Paterson, Jonathan Dayton.

Pennsylvania Benjamin Franklin, Thomas Mifflin,  
Robert Morris, George Clymer, Thomas Fitzsimons,  
Jared Ingersoll, James Wilson, Gouverneur Morris.

Delaware George Read, Gunning Bedford, jun.  
John Dickinson, Richard Basset, Jacob Broom.

Maryland James McHenry, Daniel of St. Tho. Jenifer,  
Daniel Carroll.

Virginia John Blair, James Madison, jun.  
North-Carolina William Blount, Richard Dobbs Spaight, Hugh Williamson.

South-Carolina John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

Georgia William Few, Abraham Baldwin.  
Attest, WILLIAM JACKSON, Secretary.

IN CONVENTION, Monday, September 17th, 1787.  
P R E S E N T,  
The States of New-Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.

**RESOLVED,**  
THAT the preceding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of their Legislature, for their Assent and Ratification; and that each Convention assenting to and ratifying the same, should give Notice thereof to the United States in Congress assembled.

**RESOLVED,** That it is the Opinion of this Convention, that as soon as the Conventions of Nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the time and place for commencing Proceedings under this Constitution: That after such Publication the Electors should be appointed, and the Senators and Representatives elected;

That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes, certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled: That the Senators and Representatives should convene at the time and place assigned; That the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and that after he shall be chosen, the Congress, together with the President, should without Delay proceed to execute this Constitution.

By the unanimous Order of the Convention,  
GEORGE WASHINGTON, President,  
WILLIAM JACKSON, Sec'y.

In Convention, Sept. 17, 1787.

## S I R,

WE have now the Honour to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our Country have long seen and desired, that the power of making laws, peace and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the Union; but the impolicy of allotting such extensive trust to one body of men is evident;—there exists the necessity of a different organization.

It is obviously impracticable in the federal government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interests and safety of all. Individuals entering into society must give up a share of liberty to procure the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between the rights which must be surrendered, and those which shall be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which are involved our prosperity, safety, justice, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and that the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensible.

That it would meet the full and entire approbation of every State is not perhaps to be expected; but each would doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, our hope and belief; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the Honour to be, Sir, your Excellency's most obedient and humble Servants;  
G E O R G E W A S H I N G T O N, President.

By unanimous Order of the Convention,  
His Excellency the President  
of Congress.

## UNITED STATES in Congress assembled.

Friday, September 25, 1787.  
Present, New-Hampshire, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina and Georgia, and from Maryland Mr. Ross. Congress having received the report of the Convention lately assembled in Philadelphia, Resolved, unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates, chosen in each State by the People thereof, in conformity to the resolves of the Convention made and provided in that case.

## CHARLES THOMSON, Sec'y.

State of Rhode-Island and Providence Plantations.  
In GENERAL ASSEMBLY, Ochsers Session, 1787.

IT is Voted and Resolved, That the Report of the Convention, lately held at Philadelphia, proposing a New Constitution for the United States of America, be printed as soon as may be: That the following Number of Copies be sent to the several Town-Clerks in the State, to be distributed among the Inhabitants, that the Freeman may have an Opportunity of forming their Sentiments of the said proposed Constitution, to wit: For Newport 10, Portsmouth 25, Middletown 15, New-Shoreham 15, Jamestown 16, Tiverton 40, Little-Compton 30, Providence 10, Smithfield 75, Scituate 55, Foster 55, Glocester 60, Cumberland 40, Cranston 50, Johnston 30, North-Providence 20, Wethersfield 31, North-Kingstown 50, South-Kingstown 100, Charlestown 25, Richmond 25, Exeter 31, Hopkinton 30, Bristol 20, Warren 10, Barrington 10, Warwick 30, East-Greenwich 25, West-Greenwich 22, and Coventry 30. A true Copy.

Witness, HENRY WARD, Sec'y.  
PROVIDENCE: Printed by JOHN CARTER.

# Bill of Rights in the U.S. Constitution, September 25, 1789 (pg.1)

## AMENDMENTS TO THE CONSTITUTION.(a)

ART. I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Religion.  
Freedom of  
Speech. Right  
of petition.

ART. II. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Right to bear  
and keep arms.

ART. III. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Quartering of  
soldiers.

ART. IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.(b)

Unreasonable  
searches and  
seizures prohi-  
bited.

ART. V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb;(c) nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

No warrant to  
issue but on  
oath or affirma-  
tion.

Trials for capi-  
tal offences, or  
infamous  
crimes.

No one to be  
twice put in  
jeopardy of life  
or limb, for the  
same offence.

ART. VI. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

Private prop-  
erty not to be  
taken for public  
use without just  
compensation.

Trial by jury  
in criminal  
cases.

Trial by jury  
in civil cases.

ART. VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.(d)

Excessive bail  
not to be re-  
quired, nor ex-  
cessive punish-  
ments inflicted.

ART. VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Enumeration  
of rights not to  
be construed to  
deny or dispar-  
age those re-  
tained by the  
people. Re-  
served powers.

ART. IX. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. X. The powers not delegated to the United States by the Con-

(a) The first ten of these amendments were proposed by Congress, (with others which were not ratified by three fourths of the legislatures of the several states,) by resolution of 1789, post, pp. 97, 98, and were ratified before 1791. The eleventh amendment was proposed by Congress by resolution of the year 1794, post, p. 402, and was ratified before 1796. The twelfth article was proposed by Congress by resolution of October, 1803, vol. 2, p. 306, and was ratified before September, 1804.

(b) *Ex parte Burford*, 3 Cranch, 448; 1 Cond. Rep. 594.

(c) *United States v. Haskell and Francis*, 4 Wash. C. C. R. 402. *United States v. Gilbert*, 2 Sumner's C. C. R. 19.

(d) The amendments to the Constitution of the United States, by which the trial by jury was secured, may, in a just sense, be well construed to embrace all suits which are not of equity or admiralty jurisdiction, whatever may be the form they may assume to settle legal rights. *Parsons v. Bedford et al.* 3 Peters, 433.

# Bill of Rights in the U.S. Constitution, September 25, 1789 (pg.2)

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## AMENDMENTS TO THE CONSTITUTION.

stitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Limitation of  
the judicial  
power.

ART. XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.<sup>(a)</sup>

Election of  
President and  
Vice President  
of the U. S.

ART. XII. § 1.<sup>(b)</sup> The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

§ 2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President: a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

§ 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

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<sup>(a)</sup> The amendment to the Constitution by which the judicial power was declared not to extend to any suit commenced or prosecuted by a citizen or citizens of another State, or by foreign subjects against a State, prevented the exercise of jurisdiction in any case past or future. *Hollingsworth v. The State of Virginia*, 3 Dall. 378; 1 Cond. Rep. 169.

<sup>(b)</sup> This amendment was proposed in October, 1803, and was ratified before September, 1804.

# Iowa Constitution, 1857 (pg.1)

## CONSTITUTION OF THE *State of Iowa.*

**WE, THE PEOPLE OF THE STATE OF IOWA,**  
*grateful to the Supreme Being for the blessings hitherto enjoyed,  
and feeling our dependence on Him for a continuation of those bless-  
ings, do ordain and establish a free and independent govern-  
ment, by the name of the State of Iowa, the boundaries  
whereof shall be as follows:*

*Beginning in the middle of the main channel of the Mis-  
sissippi River, at a point due East of the middle of the mouth of  
the main channel of the Des Moines River, thence up the mid-  
dle of the main channel of the said Des Moines River, to a  
point, on said river where the Northern boundary line of the  
State of Missouri—as established by the constitution of that  
State—adopted June 12th. 1820—crosses the said middle of the  
main channel of the said Des Moines River; thence Westward  
by along the said Northern boundary line of the State of Mis-  
souri, as established at the time aforesaid, until an extension  
of said line intersects the middle of the main channel of the  
Missouri River; thence up the middle of the main channel  
of the said Missouri River to a point opposite the middle of  
the main channel of the Big Sioux River, according to Vic-  
ollott's Map; thence up the main channel of the said Big  
Sioux River, according to the said map, until it is intersected  
by the parallel of forty three degrees and thirty minutes, North  
latitude; thence East along said parallel of forty three degrees  
and thirty minutes until said parallel intersects the middle of  
the main channel of the Mississippi River; thence down the  
middle of the main channel of said Mississippi River to the  
place of beginning.*

# Iowa Constitution, 1857 (Transcribed Excerpt)

## Transcribed Excerpt from the Constitution of the State of Iowa

### **Preamble**

WE THE PEOPLE OF THE STATE OF IOWA, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows:

# Independence Hall in Philadelphia, Pennsylvania, ca. 1900



Courtesy of Library of Congress, "Independence Hall, Philadelphia," Detroit Publishing Co., ca. 1900

# “How Does a Bill Become a Law?” Infographic

## HOW DOES A BILL BECOME A LAW?

### 1 EVERY LAW STARTS WITH AN IDEA



That idea can come from anyone, even you! Contact your elected officials to share your idea. If they want to try to make it a law, they will write a bill.

### 2 THE BILL IS INTRODUCED

A bill can start in either house of Congress when it's introduced by its primary sponsor, a Senator or a Representative. In the House of Representatives, bills are placed in a wooden box called "the hopper."



Here, the bill is assigned a legislative number before the Speaker of the House sends it to a committee.

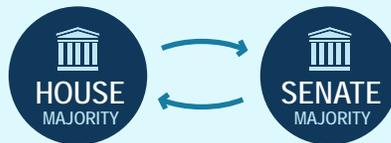
### 3 THE BILL GOES TO COMMITTEE

Representatives or Senators meet in a small group to research, talk about, and make changes to the bill. They vote to accept or reject the bill and its changes before sending it to:

**the House or Senate floor for debate or to a subcommittee for further research.**

### 4 CONGRESS DEBATES AND VOTES

Members of the House or Senate can now debate the bill and propose changes or amendments before voting. If the majority vote for and pass the bill, it moves to the other house to go through a similar process of committees, debate, and voting. Both houses have to agree on the same version of the final bill before it goes to the President.



#### DID YOU KNOW?

The House uses an electronic voting system while the Senate typically votes by voice, saying "yay" or "nay."

### 5 PRESIDENTIAL ACTION

When the bill reaches the President, he or she can:

#### ✓ APPROVE and PASS

The President signs and approves the bill. The bill is law.



#### The President can also:

##### Veto

The President rejects the bill and returns it to Congress with the reasons for the veto. Congress can override the veto with 2/3 vote of those present in both the House and the Senate and the bill will become law.

##### Choose no action

The President can decide to do nothing. If Congress is in session, after 10 days of no answer from the President, the bill then automatically becomes law.

##### Pocket veto

If Congress adjourns (goes out of session) within the 10 day period after giving the President the bill, the President can choose not to sign it and the bill will not become law.

Brought to you by



# “The Three Branches of Government and How They Work in Iowa” (pg.1)



*Serving the Iowa Legislature*

## THE THREE BRANCHES OF GOVERNMENT: HOW THEY WORK IN IOWA

*In Iowa government, as at the national level of government, power is distributed among three branches: legislative, executive, and judicial. The legislative branch creates laws that establish policies and programs; the executive branch carries out the policies and programs contained in the laws; and the judicial branch resolves any conflicts arising from the interpretation or application of the laws. While each branch of government has its own separate responsibilities, one branch cannot function without the other two branches.*

### LEGISLATIVE BRANCH

[www.legis.iowa.gov](http://www.legis.iowa.gov)

The Iowa Constitution establishes the state's lawmaking authority in a general assembly consisting of a Senate and a House of Representatives. The Iowa General Assembly is often referred to as the "Iowa Legislature" or simply the "Legislature."

#### Legislative Districts

The Iowa Senate consists of 50 members. Each Senator represents a separate geographic area of the state. This area is called a district. There are 50 Senate districts in Iowa. Currently, each Senate district contains approximately 58,500 people.

The Iowa House of Representatives consists of 100 members. As with the Senate, each Representative serves a separate district. There are 100 House districts in Iowa (two within each Senate district). Currently, each House district contains approximately 29,300 people.

Every Iowan is represented by one Senator and one Representative in the General Assembly. Since the districts are all of nearly equal population, all Iowans are represented equally in the General Assembly. Senate and House district boundaries are redrawn every 10 years to reflect changes in Iowa's population as determined by the U.S. Census Bureau. This process is known as redistricting. The new district lines were drawn in 2011, based upon the 2010 census. The new district lines became effective with the November 2012 general election.

#### Legislator Terms, Elections, Qualifications

All Senators and Representatives are elected by registered voters within the district. Senators are elected to four-year terms. Representatives are elected to two-year terms. Every two years, elections take place for all House districts and half of the Senate districts. Elections for even-numbered Senate districts are held in presidential election years, and elections for odd-numbered Senate districts are held in midterm election years.

Legislator qualifications include the following: A person must be a U.S. citizen, a resident of Iowa for at least one year, and a resident of that person's district for at least 60 days prior to election. A Senator must be at least 25 years of age by the date of office placement, and a Representative must be at least 21 years of age by the date of office placement.

#### Legislative Sessions

Each General Assembly lasts two years. The Iowa Constitution requires the legislative sessions of each General Assembly to convene yearly on the second Monday in January. Legislators' per diem expenses extend up to 110 calendar days during the first year of the General Assembly (odd-numbered

# “The Three Branches of Government and How They Work in Iowa” (pg.2)

years) and up to 100 calendar days during second year of the General Assembly (even-numbered years), but the session may be adjourned earlier or later.

## **Leadership**

To maintain organization, the Senate and House each adopt a set of rules every general assembly for their respective members and a set of joint rules for certain actions between the two chambers. Additionally, the Senate and House each elect leaders to make decisions on day-to-day business. This leadership consists of presiding officers and the majority and minority floor leaders.

## **Presiding Officers**

In the Senate, the presiding officer is the President of the Senate. The President of the Senate’s powers include referring bills to committee, recognizing members during debate, and making procedural rulings.

In the House, the presiding officer is the Speaker of the House. The Speaker’s powers include appointing members to committees, naming committee chairpersons, referring bills to committee, and making procedural rulings.

The President of the Senate and the Speaker of the House each serve a two-year term (the full length of the General Assembly) and are chosen by members of their respective majority parties prior to the start of the legislative session. They are elected formally by the entire membership at the start of the session.

## **Party (Caucus) Leaders**

A member of the Legislature may belong to the Democratic party or Republican party, be an independent, or belong to a third party. The party with the greater number of members in a chamber is the majority party, while the party with the second-highest number of members in a chamber is the minority party.

The majority and minority caucuses in each chamber select caucus leaders. There are four caucus leaders—the Senate Majority Leader, House Majority Leader, Senate Minority Leader, and House Minority Leader.

The caucus leader plays a major role in determining the priorities of the caucus. The caucus leader serves as spokesperson for the caucus and presides at meetings of the caucus. Unlike in the House, the Senate Majority Leader appoints committee chairpersons and committee members in the Senate. However, the Senate Majority Leader, like the House Majority Leader, has the power to decide which bills will be called up for debate.

## **Committee Process**

Every General Assembly considers hundreds of proposed new laws, as well as changes to existing laws. These proposals, called bills, may originate in either the Senate or House.

In each chamber, a bill must be reviewed and approved by a committee before it is considered by the chamber as a whole. The committee chairperson presides over the committee’s meetings and decides which bills will be debated and voted on. After debating a bill, if a majority of committee members vote to move the bill forward, the bill then goes to the floor for consideration.

## **Passage of Bills**

A bill that passes out of the committee process in its chamber of origin is eligible to be voted on by the entire chamber. If the bill is approved by a majority of the members in that chamber, it is sent to the other chamber, where it follows the same path.

If a bill is approved in the same form by a majority of the members in both the Senate and House, it is sent to the Governor. If the Governor signs the bill, it becomes law.

# “The Three Branches of Government and How They Work in Iowa” (pg.3)

## EXECUTIVE BRANCH

[www.governor.iowa.gov](http://www.governor.iowa.gov)

While the legislative branch makes the laws in Iowa, the executive branch carries out the laws. The executive branch is headed by the Governor.

### Governor’s Term, Qualifications

The Governor is elected to a four-year term. To be Governor, a person must be at least 30 years old by the time of election, and must have been a U.S. citizen and a resident of Iowa for at least two years before the election.

### Duties of the Governor

As chief administrator of Iowa’s government, the Governor is responsible for the various state departments and agencies. The Governor appoints department and agency heads and other state officials not elected by the people. The Governor’s appointments are generally subject to approval by the Senate.

The Governor takes final action on all bills passed by the Iowa General Assembly. The Governor has three options: sign the bill, veto the bill (or item veto an appropriations bill), or take no action. In the case of a veto, the Legislature may override the veto with two-thirds of the members of each chamber voting to reconsider and pass the bill a second time. If, during session, the Governor does not sign or veto a bill, it becomes law after three calendar days (except Sundays). Bills received by the Governor during or after the last three calendar days of session shall be signed or vetoed within 30 calendar days.

The Governor has the option to use three types of vetoes: the veto, item veto, and pocket veto. The veto indicates the Governor’s disapproval of an entire bill. The item veto may be used only for bills which appropriate funds. It strikes a specific item of an appropriations bill. A pocket veto occurs when the Governor fails to take action within 30 calendar days on a bill received within or after the last three calendar days of session. In the case of a pocket veto, the entire bill fails to become law. When the Governor vetoes or item vetoes a bill, a veto message explaining why the veto was made is delivered to the chamber of origin with the bill and is then filed with the Secretary of State. The Governor’s veto messages can be accessed on the Iowa General Assembly website, [www.legis.iowa.gov](http://www.legis.iowa.gov), in the “Enrolled Bills” section.

Each year, the Governor reports to the General Assembly on the financial condition of the state and makes recommendations on how the state’s money should be spent. After a session ends, if a matter arises in which legislators need to reconvene, the Governor has the power to call a special session of the General Assembly.

### Other Executive Branch Leaders

In addition to the Governor, other elected leaders of the executive branch are the Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Secretary of Agriculture. All are elected to four-year terms.

#### • Lieutenant Governor

The Lieutenant Governor succeeds the Governor in case of death, impeachment, resignation, removal from office, or other disability. The Governor and Lieutenant Governor are elected as a team. The Lieutenant Governor’s duties are assigned by the Governor.

#### • Secretary of State

The Secretary of State serves as the state commissioner of elections, maintains corporations’ records, registers trademarks, commissions public notaries, and preserves original documents such as the Iowa Constitution and Iowa land patents and deeds. The Secretary of State Business Services Division is responsible for filing a wide variety of documents including Uniform Commercial Code financing statements, trademarks, business entity documents, and other

# “The Three Branches of Government and How They Work in Iowa” (pg.4)

statutorily required special filings. The office also supervises Iowa’s 99 county auditors in the administration of Iowa’s election laws and prescribes uniform election practices and procedures.

## • Auditor of State

The Auditor of State is required by law to annually examine the books, accounts, and records of every state department and agency and conduct or arrange financial audits of every local governmental body receiving state funds, including counties, cities, and school districts.

The Auditor ensures that government is open and accountable to its citizens by providing independent, accurate, and timely audits of the financial operations of Iowa’s state and local governments. The office also conducts reviews of government activities to help ensure they are conducted in an effective, efficient, and legal manner. In addition, the office works with government officials, certified public accounting firms conducting government audits, and individual citizens.

## • Treasurer of State

The Treasurer of State is the keeper of the state’s treasury—the depository for funds that have been collected.

The Treasurer receives all revenues from state departments, agencies, and the federal government and is responsible for all consequent bank relations. The office is the investor and custodian of the state’s general fund, the reserve funds, and the road use tax fund. The Treasurer accounts for funds on a cash basis and balances regularly with the Iowa Department of Revenue. Also, the Treasurer redeems all proper warrants of the state and coordinates state bonding activity regarding the payment for state projects such as prisons and the Iowa Communications Network.

The Treasurer meets each month with the banking superintendent and the Auditor of State to set interest rates to be paid on public funds held in depositories. The office also set guidelines and rates for the debt obligation of public bodies in Iowa. The office prepares an annual report of bonded indebtedness of state and local governments in Iowa and provides below-market financing for alternative crops and nontraditional livestock, for targeted small businesses, for the transfer of rural small businesses, for traditional livestock farmers, and for value-added agriculture projects.

## • Secretary of Agriculture

The Secretary of Agriculture heads the Department of Agriculture and Land Stewardship, which the Iowa Legislature established in 1923 to encourage, promote, and advance the interests of agriculture and related businesses.

The department monitors the changing global conditions in agriculture. The department also promotes Iowa’s interests in the global market economy by increasing Iowa’s agricultural market share, both domestic and foreign, and removing unnecessary barriers to agricultural trade.

The department develops and encourages agricultural education and new avenues for Iowa producers to market their products, increasing independent farmers’ impact on the market. The department strives to add value to Iowa agriculture by developing new products, which create a link for Iowa farmers with consumer-ready markets. The department also works to preserve Iowa’s soil and improve water quality and protects consumers and producers by assuring the quality of Iowa agricultural products and animal health.

## Executive Branch Organization

The agencies which make up the executive branch of state government are organized into a number of departments, each with a department head. Department heads are appointed by the Governor, subject to confirmation by the Senate. Exceptions include the Secretary of Agriculture, Attorney General, Auditor of State, Secretary of State, and the Treasurer of State who are elected statewide.

The department head coordinates, directs, and executes the department’s functions, compiles a

# “The Three Branches of Government and How They Work in Iowa” (pg.5)

comprehensive budget, and submits an annual report to the Governor and the Legislature on the operation of the department. Executive branch departments: Administrative Services, Agriculture and Land Stewardship, Aging, (Department for the) Blind, Commerce, Corrections, Cultural Affairs, Economic Development, Education, Homeland Security and Emergency Management, Human Rights, Human Services, Inspections and Appeals, Management, Natural Resources, Public Defense, Public Health, Public Safety, (Board of) Regents, Revenue, Transportation, Veterans Affairs, and Workforce Development.

## **Attorney General**

As head of the Department of Justice and chief legal officer of the state, the Attorney General represents the state and its agencies in court cases, gives legal advice to state agencies, and issues written opinions on questions of law submitted by state officials.

The Attorney General’s Consumer Protection Division protects consumers from fraud and ensures fair competition in the marketplace. The division enforces laws that protect the buying public from false or misleading advertisements or sales practices. It also enforces laws that make sure consumers can access information to help them make important decisions, like credit disclosure laws that help consumers compare loan offers.

The Attorney General’s Office also assists in fighting crime, alongside Iowa law enforcement officers and county attorneys. The Area Prosecutions Division prosecutes major criminal cases that county attorneys refer to the Attorney General. The Criminal Appeals Division strives to keep in place the criminal convictions and sentences obtained by county attorneys and state prosecutors. The Office of Prosecuting Attorneys Training Coordinator provides in-depth training programs for county attorneys in civil and criminal law. The Crime Victim Assistance Division provides services and assistance to victims of violent crimes. The office also monitors the criminal justice system and recommends changes in state law or policy as needed.

The Administrative Law Division provides legal services to all levels of state government, including agencies and boards. Separate divisions represent the Iowa departments of Human Services, Revenue, and Transportation. The Special Litigation Division defends tort claims and lawsuits brought against state agencies, officials, and employees.

The Farm Division serves as the primary legal counsel for nearly all bureaus of the Iowa Department of Agriculture and Land Stewardship, including all 15 administrative bureaus, five regulatory bureaus, and five laboratory bureaus. Also, the division represents the interests of Iowa farmers in litigation in state and federal courts and works with other state attorneys general in multistate investigations and litigation.

The Office of Consumer Advocate investigates the legality of rates and practices of all utility companies subject to the jurisdiction of the Iowa Utilities Board, and represents consumers and the public generally before state and federal agencies concerning those matters.

## **JUDICIAL BRANCH**

*[www.iowacourts.gov](http://www.iowacourts.gov)*

While the legislative branch of government makes the laws and the executive branch carries out the laws, it is the judicial branch (court system) that interprets and applies the laws to settle disputes in civil cases and determine guilt or innocence in criminal cases. Federal courts handle cases that involve a violation or application of the U.S. Constitution or federal laws passed by the U.S. Congress. State courts handle cases that involve a violation or application of the state’s constitution or laws passed by the state’s legislature. As in the federal courts and other state court systems, Iowa’s court system includes two general types of courts: trial courts (called District Courts in Iowa) and appellate courts (the Supreme Court and Court of Appeals). In the Iowa judicial branch, all judicial officers and court staff are state employees.

### **District (Trial) Courts**

# “The Three Branches of Government and How They Work in Iowa” (pg.6)

Civil and criminal cases begin in trial courts. The Iowa District Courts have jurisdiction (authority) over all civil, domestic, criminal, juvenile, and probate cases that involve an interpretation or application of state law. The Iowa District Courts have dispense of more than 750,000 cases per year. There is a District Court in each of the 99 counties in Iowa, which are organized into eight judicial districts for administrative purposes and 14 judicial election districts for selecting judges. Each judicial district has a Chief Judge and judicial officers with varying degrees or types of authority: Judicial Magistrates, Associate Juvenile Judges, Associate Probate Judges, District Associate Judges, and District Court Judges.

## **Judicial Magistrates**

Judicial Magistrates are part-time judicial officers who have limited legal authority and normally hear cases only within their county of residence. Magistrates can issue search warrants, conduct the initial appearance in all criminal cases, conduct trials in small claims civil cases (involving amounts up to \$6,500), and hear certain involuntary hospitalization (mental health and substance abuse) matters. Each county is assigned at least one Magistrate. Magistrates are appointed by a County Magistrate Appointing Commission and serve four-year terms. Each county has a County Magistrate Appointing Commission that is comprised of the following members: a district judge designated by the Chief Judge of the judicial district to serve until a successor is designated, three members appointed by the county board of supervisors, and two attorneys elected by the attorneys in the county.

## **Associate Juvenile Judges**

Associate Juvenile Judges are full-time judges whose authority is limited to juvenile court matters. There are five Associate Juvenile Judges. They have authority to issue orders, findings, and decisions in cases that involve juvenile delinquency, adoption, children in need of assistance (due to neglect or abuse), termination of parental rights, and involuntary mental health hospitalization matters involving juveniles. Each Associate Juvenile Judge is appointed by the District Judges of the judicial district from a list of three nominees screened and selected by the County Magistrate Appointing Commission. Associate Juvenile Judges serve six-year terms and face a retention election within their judicial election district at the end of each term.

## **Associate Probate Judges**

Associate Probate Judges are full-time judges whose jurisdiction is limited to probate cases (estate issues, conservatorships, and trusteeships). They have authority to audit accounts and perform judicial duties in probate as prescribed by the Chief Judge. Associate Probate Judges serve six-year terms and face a retention election within their judicial election district at the end of each term. Each Associate Probate Judge is appointed by the District Judges of the judicial district from a list of three nominees screened and selected by the County Magistrate Appointing Commission. Iowa has one Associate Probate Judge.

## **District Associate Judges**

District Associate Judges are full-time judges who have authority to handle all matters within a Magistrate’s jurisdiction, serious and aggravated misdemeanor and class “D” felony cases, civil suits involving claims up to \$10,000, and most juvenile matters. There are 69 District Associate Judges. Each District Associate Judge is appointed by the District Judges of the judicial district from a list of three nominees submitted by a County Magistrate Appointing Commission. District Associate Judges serve six-year terms and face a retention election within their judicial election district at the end of each term.

## **District Court Judges**

District Court Judges are full-time judges who have authority to handle any case filed in the District Court. However, they typically handle the most serious criminal cases (felonies), civil cases involving claims of more than \$10,000, and all domestic relations cases (divorce, modifications of divorce decrees, and child custody, visitation, and support issues). District Judges serve six-year terms and face retention elections within their judicial election district at the end of each term. Iowa has 116 District Court Judges. There is a District Nominating Commission for each of Iowa’s 14 judicial election subdistricts. Each District Nominating Commission has 11 members; a chair, who is the most

# “The Three Branches of Government and How They Work in Iowa” (pg.7)

senior district court judge in the district; five members elected by lawyers; and five members appointed by the Governor.

## **Appellate Courts**

Appellate courts review cases appealed from the district courts. They also rule on the constitutionality of laws passed by the legislature and actions taken by the executive branch. There are two appellate courts in Iowa: the Supreme Court and the Court of Appeals. The Supreme Court usually retains the appeals that involve substantial constitutional issues, are the most complex, involve issues of significant interest to the public or judicial system, or challenge a state law for the first time. The State Judicial Nominating Commission is composed of eight commissioners elected by lawyers (two from each congressional district), and nine commissioners appointed by the Governor and confirmed by the Iowa Senate (at least two from each congressional district). The chairperson is elected by commission members. The commission handles the nomination of new Supreme Court and Court of Appeals judges.

Each justice of the Iowa Supreme Court is appointed by the Governor from a list of three nominees submitted by the State Judicial Nominating Commission. Supreme Court Justices serve eight-year terms and face a statewide retention election at the end of each term.

## **Court of Appeals**

The Iowa Court of Appeals consists of nine judges. They work in panels of three judges to decide all appeals assigned by the Iowa Supreme Court, which constitute a substantial majority of all appeals filed in the state. Each Court of Appeals judge is appointed by the Governor from a list of three nominees selected by the State Judicial Nominating Commission. Court of Appeals judges serve six-year terms and face a statewide retention election at the end of each term.

## **Supreme Court**

The Iowa Supreme Court, comprised of seven justices, is the highest court of the state. All appeals from decisions in Iowa’s District Courts are filed with the Iowa Supreme Court, where the appeals are screened to determine which appellate court should decide the cases. The Supreme Court usually retains the appeals that are the most complex, involve issues of significant interest to the public or justice system, or challenge a state law for the first time. Most other appeals are transferred to the Iowa Court of Appeals for consideration. The Supreme Court also may review decisions made by the Court of Appeals. All seven Supreme Court justices participate in all the decisions made in cases concluded by a formal written opinion by the court.

In addition to deciding cases, the Iowa Supreme Court is responsible for licensing and disciplining attorneys, adopting rules of procedure and practice used throughout the state courts, and overseeing the operation of the entire state court system.

Each justice of the Iowa Supreme Court is appointed by the Governor from a list of three nominees submitted by the State Judicial Nominating Commission. Supreme Court Justices serve eight-year terms and face a statewide retention election at the end of each term.

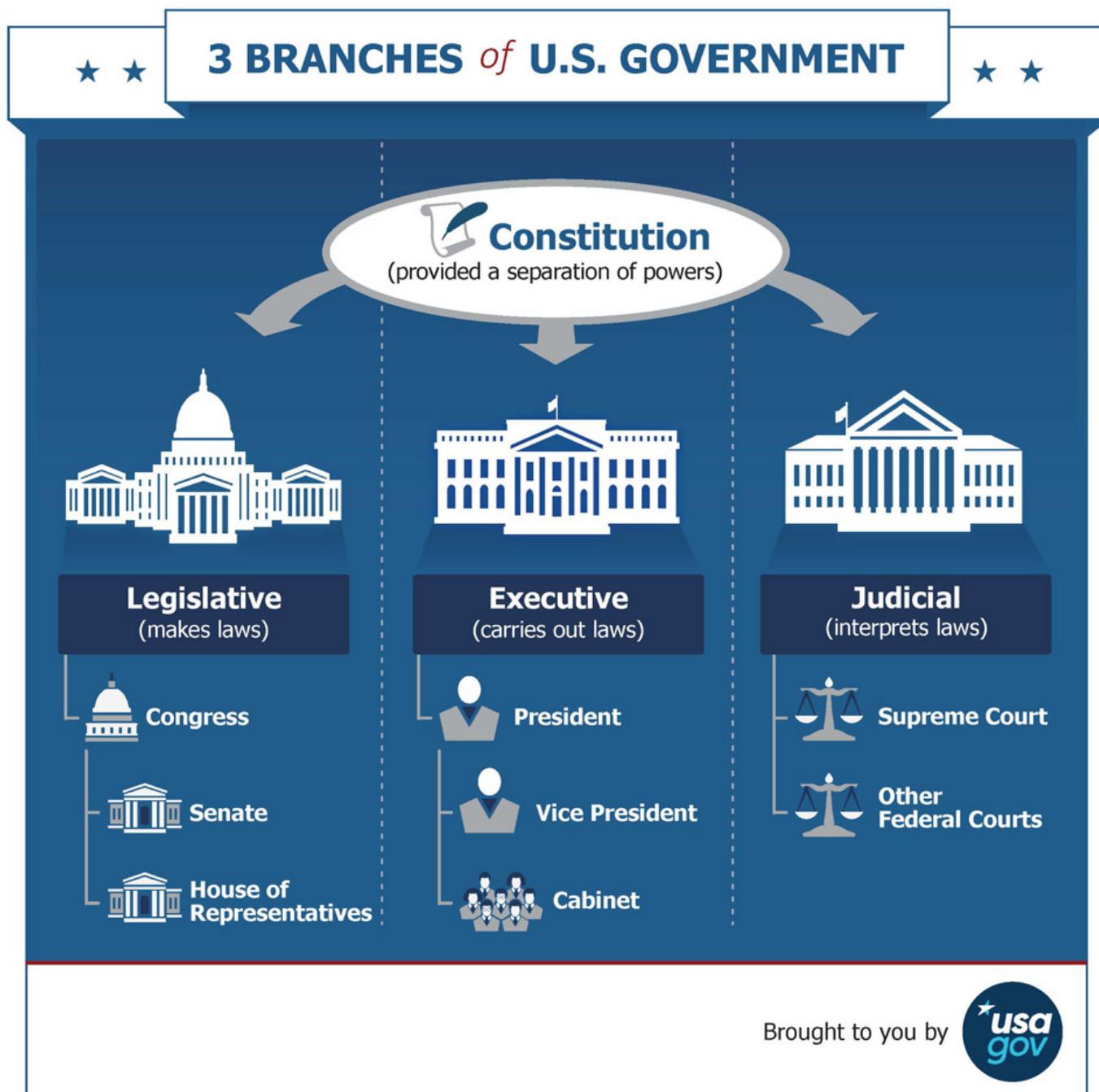
06/18/2019

Legislative Information Office – Room G16

Iowa State Capitol

Iowa General Assembly website: [www.legis.iowa.gov](http://www.legis.iowa.gov)

# Comparing Three Branches of Government in Iowa Versus the U.S. (pg.1)



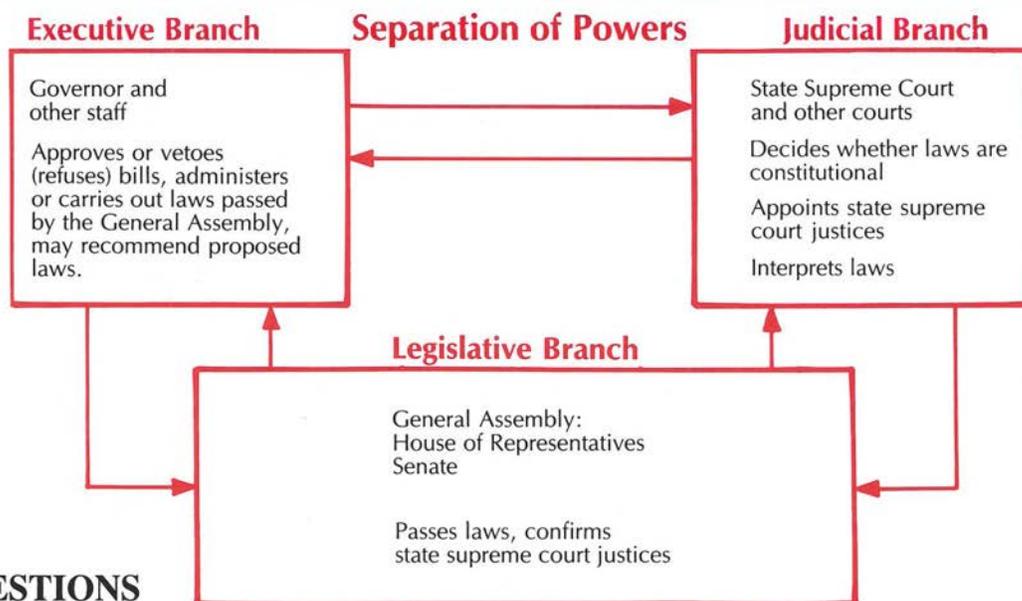
# Comparing Three Branches of Government in Iowa Versus the U.S. (pg.2)

notes. The value of the notes varied from bank to bank. It was impossible to know the current value of the notes of all banks. In Iowa, the Constitution of 1846 prohibited banks of issue. They had no official currency. At one time, over 300 kinds of money circulated in Iowa.

When the new Constitution of 1857 was adopted, a new bank with many branches was begun. This was called the State Bank because the state made the rules. The State Bank gave Iowans money they could trust.

Iowa's present constitution is based on the Constitution of 1857. The Constitution of 1857 included a Bill of Rights based on the first ten amendments to the U.S. Constitution (*see box*). It also provided for three branches of government (*see chart*).

Like the U.S. Constitution, Iowa's Constitution has been changed many times. Other articles in this issue of the *Goldfinch* talk about how both documents were changed. □



## QUESTIONS

Read the separation of powers chart and answer the questions by writing a "T" for true or "F" for false on the line before each question.

- \_\_\_ 1. The Governor is part of the legislative branch.
- \_\_\_ 2. The State Supreme Court *and* other courts are part of the judicial branch.
- \_\_\_ 3. The General Assembly cannot pass laws.
- \_\_\_ 4. The judicial branch decides whether laws are constitutional.
- \_\_\_ 5. The executive branch can approve or veto bills.

Chart by Kay Chambers

# Marbury v. Madison, 1803 (pg.1)

DECEMBER, 1801.

137

it shall have been paid to the creditor. The sheriff may certainly make such payment out of court, if no circumstance occurs which legally obstructs or opposes it, such as an injunction from the court of chancery, in which case, by the law of Virginia, the money must be returned; or an execution against the goods and chattels of the person to whom the money in his hands shall be payable. In the latter case it seems to the court still to be the duty of the sheriff to obey the order of the writ and to bring the money into court, there to be disposed of as the court may direct. This was done in the case of *Armistead v. Philpot*, and in that case the court directed the money to be paid in satisfaction of the second execution. This ought to be done whenever the legal and equitable right to the money is in the person whose goods and chattels are liable to such execution.

TURNER  
v.  
FENDALL.

In the case of Turner and Fendall, the sheriff not having brought the money into court, but having levied an execution on it while in his hands, has not sufficiently justified the non-payment of it to the creditor; and therefore the court committed no error in rendering judgment against him on the motion of that creditor. If the payment of the damages should be against equity, that was not a subject for the consideration of the court of law which rendered the judgment.

Judgment affirmed.

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WILLIAM MARBURY

v.  
JAMES MADISON, SECRETARY OF STATE  
OF THE UNITED STATES.

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FEBRUARY, 1803.

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AT the last term, viz. December term, 1801, William Marbury, Dennis Ramfay, Robert Townsend Hooe, and William Harper, by their counsel, Charles Lec, esq. late attorney general of the United States,

MARBURY  
v.  
MADISON.

# Marbury v. Madison, 1803 (Overview)

## Marbury v. Madison

### [Library of Congress: Marbury v. Madison](#)

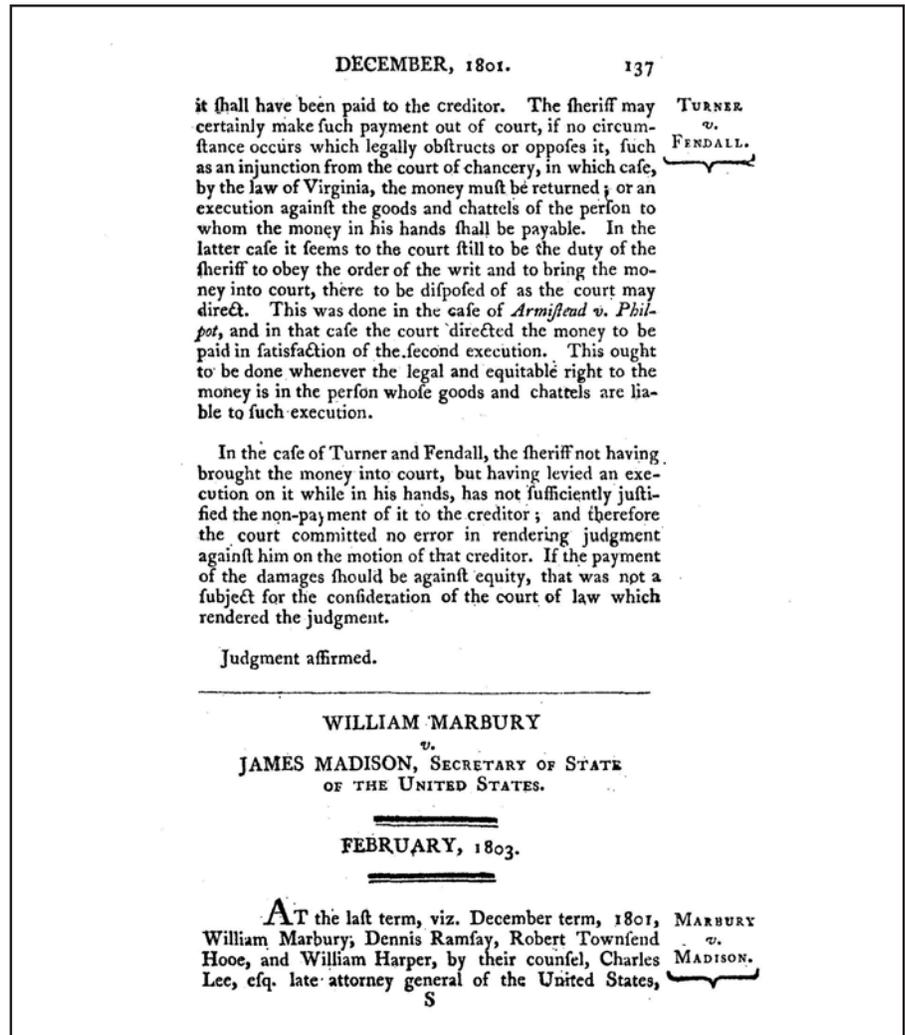
The U.S. Supreme Court case *Marbury v. Madison* (1803) established the principle of judicial review—the power of the federal courts to declare legislative and executive acts unconstitutional. The unanimous opinion was written by Chief Justice John Marshall.

President John Adams named William Marbury as one of forty-two justices of the peace on March 2, 1801. The Senate confirmed the nominations the following day, March 3, which was Adams's last full day in office. However, acting Secretary of State John Marshall failed to deliver four of the commissions, including Marbury's. When Thomas Jefferson took office on March 4, he ordered that the four remaining commissions be withheld. Marbury sued the new secretary of state, James Madison, in order to obtain his commission. The Supreme Court issued its opinion on February 24, 1803.

### [The Establishment of Judicial Review](#)

Although it was first asserted in *Marbury v. Madison* to strike down an act of Congress as inconsistent with the Constitution, judicial review did not spring full-blown from the brain of Chief Justice Marshall. The concept had been long known, having been utilized in a much more limited form by Privy Council review of colonial legislation and its validity under the colonial charters, and there were several instances known to the Framers of state court invalidation of state legislation as inconsistent with state constitutions.

Courtesy of Library of Congress, "*Marbury v. Madison*," *Primary Documents of American History*  
Courtesy of Constitution Annotated, "*ArtIII.S1.1.1.1 Judicial Vesting Clause: Doctrine and Practice*"



# Architect's Drawing of the Iowa State Capitol, ca. 1880



Courtesy of State Historical Society of Iowa, ca. 1880

# Supreme Court Building in Washington, D.C., ca. 1980



Courtesy of Library of Congress, Highsmith, Carol M., "Supreme Court Building, Washington, D.C.," ca. 1980

# The White House in Washington, D.C., ca. 1980



Courtesy of Library of Congress, Highsmith, Carol M., "The White House, Washington, D.C.," ca. 1980

# Aerial View of the U.S. Capitol in Washington, D.C., April 30, 2007



Courtesy of Library of Congress, Highsmith, Carol M., "Aerial View, United States Capitol Building, Washington, D.C.," 30 April 2007

# Iowa Supreme Court Ruling on *Montgomery v. Ralph*, 1839

Ordered that this court now adjourn till tomorrow 8 A.M.

Charles Mason  
Chief Justice

Thursday morning July 11th 1839. Court met pursuant to adjournment, Present, Charles Mason Chief Justice, and Joseph Williams associate.  
Jordan of Montgomery  
vs  
Ralph a man of Color

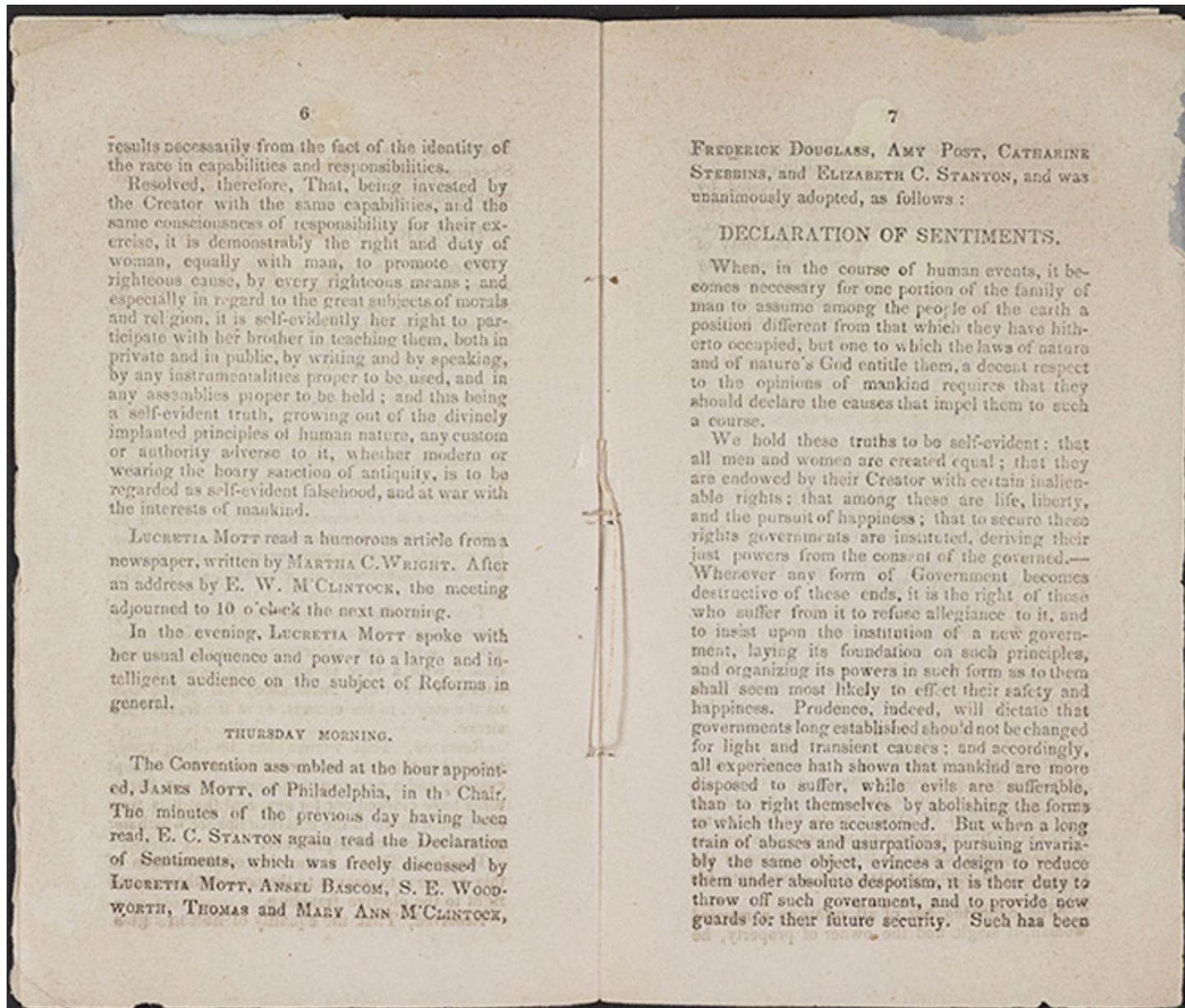
And now on this day, this cause was submitted to the Court by consent, on a case of facts stated and on file; and it appearing to the satisfaction of the Court, on argument of Counsel, that the said Ralph a man of color, is free by operation of Law; it is therefore ordered and adjudged, that he be discharged from further duress and restraint, and that he go hence without day

The committee appointed for the purpose of preparing a set of rules for the government of the practice in this Court, reported, which report was adopted, ordered to be spread upon the record, and copies thereof sent to each of Clerks of the District in the several Counties in this Territory

Ordered that this Court now adjourn, Sine Die.

Charles Mason  
Chief Justice

# “Declaration of Sentiments” Address by Elizabeth Cady Stanton in Seneca Falls, New York, July 1848



# Illustrated Portraits of Dred Scott and His Family, Harriet, Eliza and Lizzie, 1857

339. *Submitted in Charles Moore's office N.Y. June 23. 1857.* LC-USZ62-79305 (entire page)

**FRANK LESLIE'S**  
**ILLUSTRATED**  
**NEWSPAPER**

Entered according to Act of Congress, in the year 1857, by FRANK LESLIE, in the Clerk's Office of the District Court for the Southern District of New York. (Copyrighted June 22, 1857.)

No. 82.—VOL. IV. NEW YORK, SATURDAY, JUNE 27, 1857. [PRICE 6 CENTS.]

**TO TOURISTS AND TRAVELLERS.**  
 We shall be happy to receive personal assurances, of kind or no, touching advertisements and notices, from every person who pleases to correspond with our paper.

We take this opportunity of returning our thanks to our numerous artistic correspondents throughout the country, for the many sketches we are constantly receiving for a share of the work of the day. We trust they will spare as pains to furnish us with drawings of events as they may occur. We would also remind them that it is necessary to send all sketches, if possible, by the earliest opportunity.

**VISIT TO DRED SCOTT—HIS FAMILY—INCIDENTS OF HIS LIFE—DECISION OF THE SUPREME COURT.**

While standing in the Fair grounds at St. Louis, and engaged in conversation with a prominent citizen of that enterprising city, he suddenly asked us if we would not like to be introduced to Dred Scott. Upon expressing a desire to be thus honored, the gentleman called to an old negro who was standing near by, and our wish was gratified. Dred made a rude obeisance to our recognition, and seemed to enjoy the notice we expended upon him. We found him on examination to be a pure-blooded African, perhaps fifty years of age, with a shrewd, intelligent, good-natured face, of rather light frame, being not more than five feet six inches high. After some general efforts before, through correspondents, and failed, and our own business, and let dat nigger 'ome? Some of dese days dey'll

have it taken. The gentleman present explained to Dred that it was proper he should have his likeness in the "great illustrated paper of the country," overruled his many objections, which seemed to grow out of a superstitious feeling, and he promised to be at the gallery the next day. This appointment Dred did not keep. Determined not to be failed, we sought an interview with Mr. Cruse, Dred's lawyer, who promptly gave us a letter of introduction, explaining to Dred that it was to his advantage to have his picture taken to be engraved for our paper, and also directions where we could find his domicile. We found the place with difficulty, the streets in Dred's neighborhood being more closely defined in the plan of the city than on the mother earth; we finally reached a wooden house, however, protected by a balcony that answered the description. Approaching the door, we saw a stout, fifty-looking negro, perhaps thirty years of age, who, with two female assistants, was busy ironing. To our question, "Is this where Dred Scott lives?" we received, rather hesitatingly, the answer, "Yes." Upon our asking if he was home, she said,

"What white man arter dat nigger fot?—why don't white men 'tend to his own business, and let dat nigger 'ome? Some of dese days dey'll stand dat nigger—dat are a fact."

ELIZA AND LIZIE, CHILDREN OF DRED SCOTT.

DRED SCOTT. PHOTOGRAPHED BY FITZGERALD, OF ST. LOUIS.

HIS WIFE, HARRIET. PHOTOGRAPHED BY FITZGERALD, OF ST. LOUIS.

Courtesy of Library of Congress, "Visit to Dred Scott - His Family - Incidents of His Life - Decision of the Supreme Court," Frank Leslie's Illustrated Newspaper, 27 June 1857

# Arabella (Belle) Babb Mansfield, First Certified Female Attorney in the United States

## Arabella (Belle) Babb Mansfield

Arabella “Belle” Babb Mansfield was born on August 23, 1846 in Des Moines County, Iowa. Her family moved to Mount Pleasant, Iowa, in 1860 when her father died. She graduated from Iowa Wesleyan College in 1866. She studied law for two years at her brother’s law office. Ms. Mansfield passed a rigorous bar examination administered by the all-male members of the Henry County Bar Association in 1869, thus becoming the first certified woman attorney in the United States. As a result of Ms. Mansfield passing the examination, Iowa state law was changed to allow women to practice law.

She never practiced law in the traditional sense. Instead she enjoyed a long and successful career as an educator, public orator, world traveler, art historian and journalist. Ms. Mansfield was also a pioneer in the Iowa Suffrage movement, chairing the first Iowa Suffrage Association state convention in 1870, held in Mount Pleasant, Iowa. She was the group’s first secretary and campaigned for equal educational opportunities for women as well as voting rights. She was also active in drafting the Constitution for the Henry County Woman Suffrage Association.

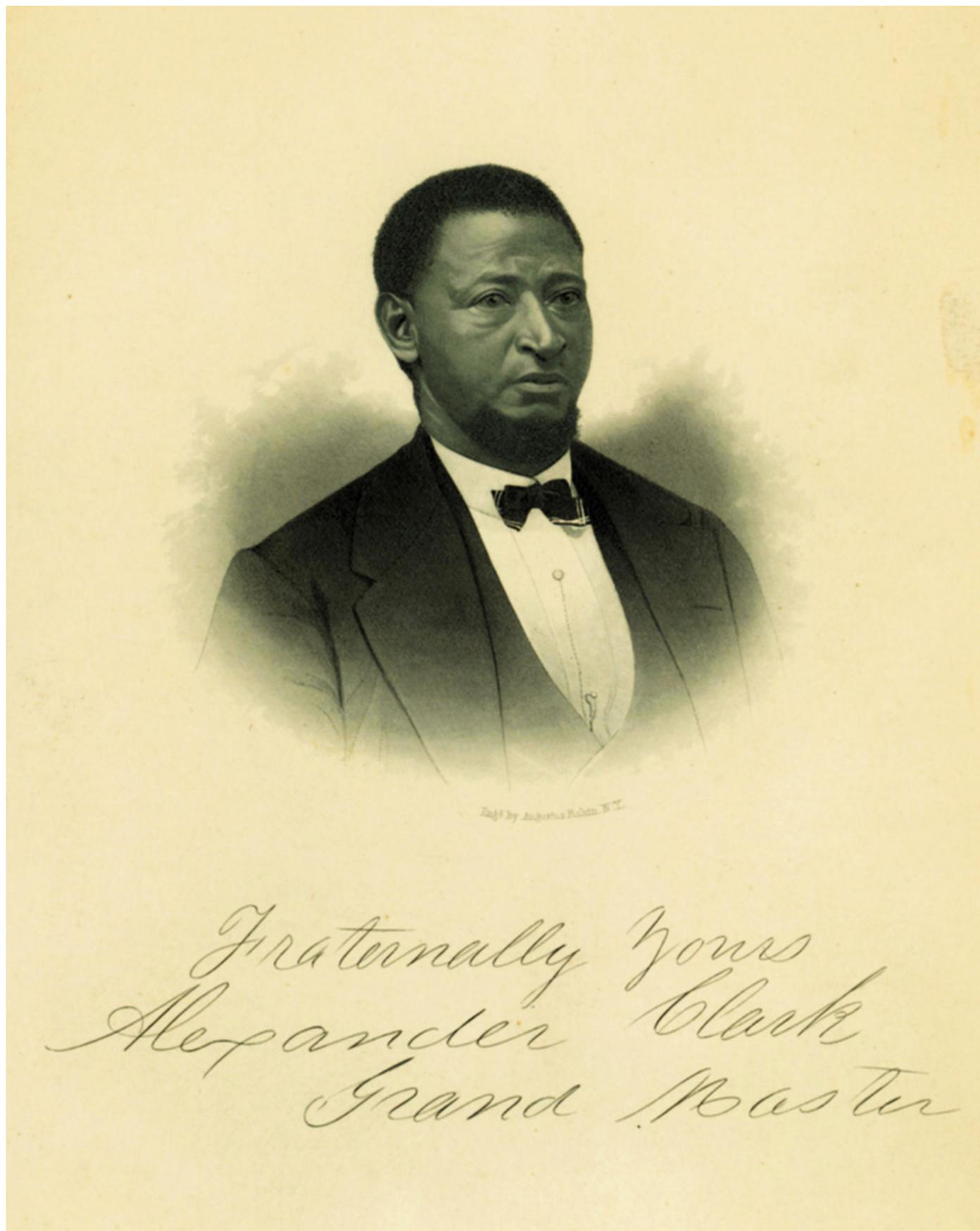
Ms. Mansfield also traveled with her husband to England, France, Germany, Switzerland, Italy, Belgium, Austria and Scotland. She attended classes and observed different courts of law during her travels. She also was on the faculty of Iowa Wesleyan College, Simpson College and DePauw University. She died in 1911 at the age of 65 and is buried at Forest Home Cemetery in Mount Pleasant.

*This profile was written by was written by Kristen Corey, Office on the Status of Women and Mary Elgar, Mount Pleasant*

*Photo credit: Iowa Department of Human Rights, Iowa Women’s Hall of Fame*



# Portrait of Alexander Clark, 1868



Courtesy of State Historical Society of Iowa, Robin, Augustus, Portrait of Alexander Clark: Engraving, New York: Date unknown

# Iowa Supreme Court Rules on Equal Access

## The Iowa Supreme Court Rules on Equal Access to Schools and Common Carriers

*Outside In: African-American History in Iowa* by Bill Silag, Susan Koch Bridgford and Hal Chase,  
Published by the State Historical Society of Iowa, 2001. Pg. 72-73

Alexander Clark was a man of many parts -- a political leader, an orator, a barber, an investor in Muscatine real estate, a conductor on the Underground Railroad, and a recruiter for the Union Army. Clark was also a father of three children and cared passionately about their education. In 1867 he wrote a letter to the *Muscatine Journal*: “[M]y personal object is that my children attend where they can receive the largest and best advantages of learning.”

Clark noted the contrasts between Muscatine’s segregated schools. The white schools were conveniently located in the city, while the black school was “nearly a mile from many of the small colored children, keeping more than a third of them from school.” The white schools had “globes and charts and competent teachers,” whose salaries ranged from \$700 to \$900 a year. The black school had none of these advantages, and its teacher was paid a yearly salary from \$150 to \$200. The white schools “have prepared and qualified pupils by the hundred for the high school; the colored school has never prepared or qualified one that could pass an examination for any class in the high school.”

On September 10th, 1867, Alexander Clark's 12-year-old daughter, Susan, presented herself at Muscatine’s white “Grammar School No. 2” And was refused entry. That same day, the principal of the school wrote to Alexander Clark: “I am authorized by the school board of this city to refuse your children admittance into Grammar School No. 2.”

Clark, as “next friend” of his daughter, filed a lawsuit in the Muscatine County District Court, asking for a writ of mandamus to compel the school board to admit Susan into Grammar School No. 2. The district court ordered the writ, and the board of directors appealed, claiming that it had the right to maintain a separate school for black children. In *Clark v. The Board of Directors, etc.*, the Iowa Supreme Court affirmed The District Court's decision, holding that children of color could not be refused admission to Iowa's district schools.

In its opinion, the court reviewed the history of Iowa's discriminatory school statutes, but noted that the Constitution of 1857 had created a statewide board of education, which was required to “provide for the education of *all the youths of the State*, through a system of common schools.” The court reasoned that this constitutional provision and subsequent legislation removed from the board of directors all discretion to decide “what *youths* shall be admitted.”

The court rejected the board's argument that because it maintained several schools within the district, it could decide which of the several schools a student could attend and, pursuant to this discussion, could require Susan Clark to attend the black school. If the board would require African American children to attend separate schools, it equally could require German, Irish, French, English, and children of other nationalities to attend separate schools. The court concluded: “[T]he board cannot, in their discretion...deny a youth admission to any particular school because of his or her nationality, religion, color, clothing or the like.”

In 1870, the Iowa legislature struck out the words “white male” from the statute concerning the qualifications to practice law. Now Alexander Clark could realize and even higher ambition for his children, and his son, Alexander Clark Jr., became the first African-American student to enroll in the State University's Law Department in Iowa City, receiving his law degree in 1879. Clark Sr. himself attended the law school in 1883 and graduated the following year.

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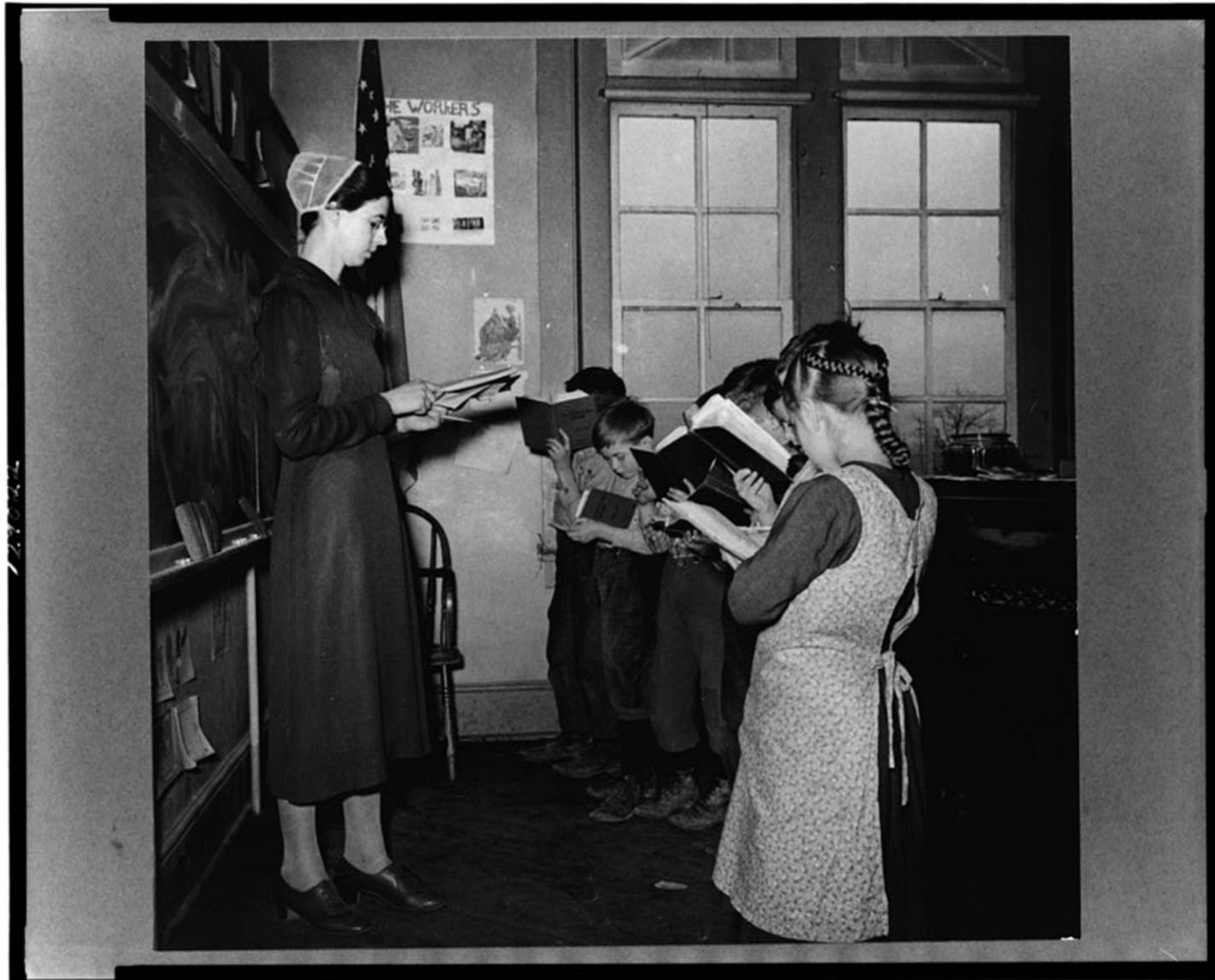
Courtesy of State Historical Society of Iowa, Silag, Bill, Bridgford, Susan Koch & Hal Chase, *Outside In: African-American History in Iowa*, pg. 72-73, 2001

# Ola Babcock Miller, Iowa's First Secretary of State



Courtesy of Iowa Department of Human Rights, "Ola Babcock Miller"

# “Mennonite School Teacher with Class of Amish, Mennonite and Pennsylvania Dutch Children,” March 1942



Courtesy of Library of Congress, Collier, John, Jr., “Lancaster County, Pennsylvania. Mennonite School Teacher with Class of Amish, Mennonite, and Pennsylvania Dutch Children,” March 1942

# **“Republican Senators During a Meeting on Amendments to the Civil Rights Act,” May 20, 1964**



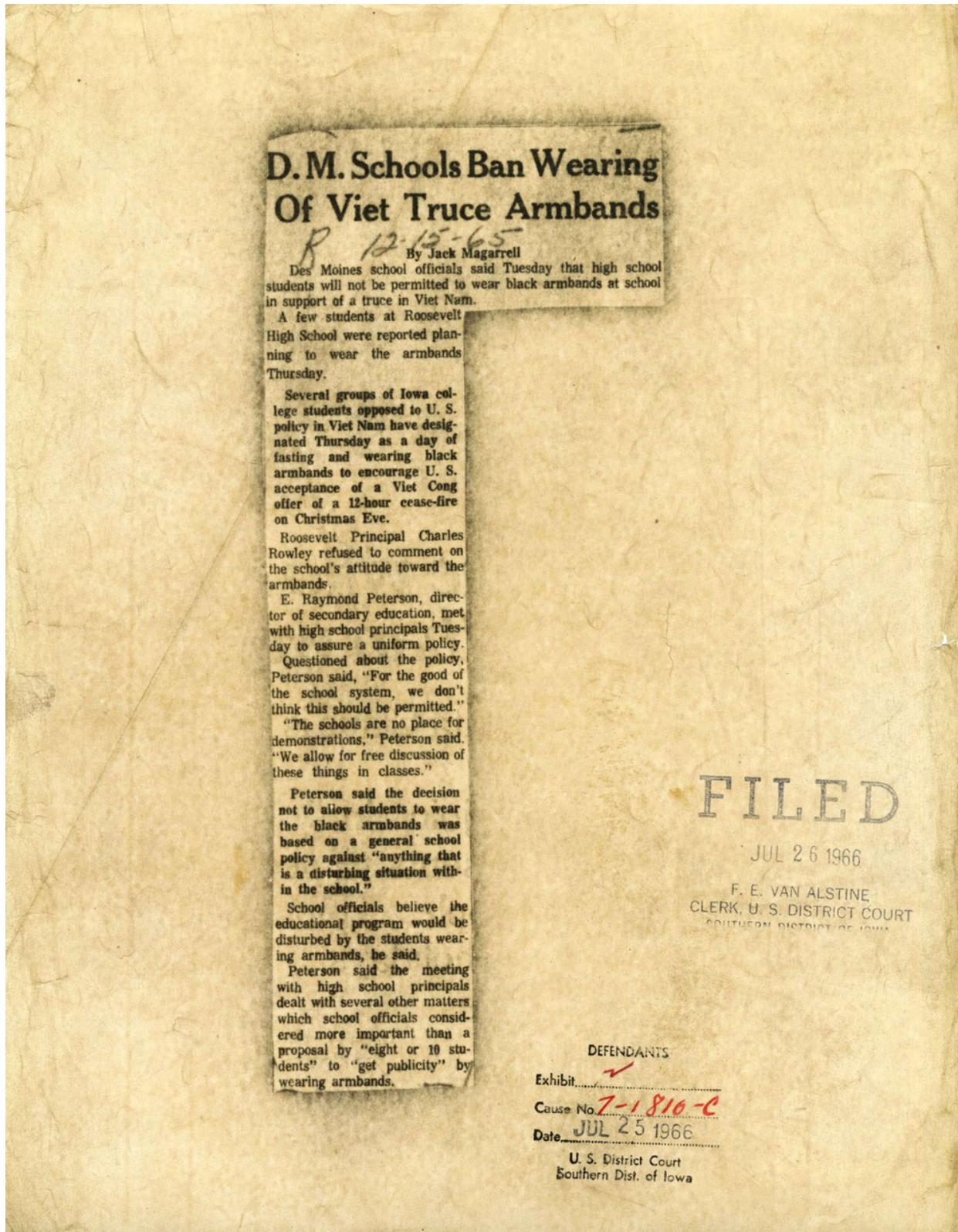
Courtesy of Library of Congress, Trikosko, Marion, S., “Republican Senators during a meeting on amendments to the Civil Rights Act,” 20 May 1964

# Participants at a Civil Rights March from Selma to Montgomery, Alabama, 1965



Courtesy of Library of Congress, Pettus, Peter, "Participants, Some Carrying American Flags, Marching in the Civil Rights March from Selma to Montgomery, Alabama in 1965," 1965

# "D.M. Schools Ban Wearing of Viet Truce Armbands" Newspaper Article, December 15, 1965



Courtesy of National Archives, Magarrell, Jack, "D.M. Schools Ban Wearing of Viet Truce Armbands" *The Des Moines Register*, 15 December 1965

# President Lyndon B. Johnson Signs 1968 Civil Rights Act, April 11, 1968



Courtesy of Library of Congress, Leffler, Warren K., "Lyndon Baines Johnson signing Civil Rights Bill," 11 April 1968

# March in Support of Migrant Workers in Des Moines, Iowa, February 1969



Courtesy of Iowa Women's Archives, University of Iowa Libraries, Iowa City, Iowa, "March in Support of Migrant Workers," *The Des Moines Register*, February 1969

# News Release from Muscatine Community Effort Organization about H. J. Heinz Company Boycott, 1969

----- NEWS ARTICLE -----

The people of the Midwest and all Mexican-Americans and Latin Americans--- We are facing a great need for your support of the great BOYCOTT of HEINZ, so all I am asking you for is to stand up and speak for your rights of this boycott. I want all Mexican-Americans to be in front leading the great boycott against Heinz. The voice of the RAZA has to be heard and we the RAZA have to yell out, and tell our people to follow, our past and lead the people to the right road and to fight for our rights. Let us join hands and stick this out with pride and dignity. Let us not let Heinz rule the migrants of the past, let's get what we want from Heinz for our children and relatives that arrive every year from many states. We expect better housing, better wages and better opportunities for our people and fellow migrants, and let's not get their children into the fields, where they can get sick or get sun stroke. Let us give our children a better education so that we will not be known as dumb Mexicans, because Heinz likes this and this is why the RAZA is striking back to support our rights in the Constitution of the United States.

Let us leave the chickens in the chicken shacks, and the pigs in the pig pens and we better move into better housing and let's join with the great boycott of grapes with CESAR CHAVEZ. Let's support them and at the ~~same~~ same time support ourselves. But work together and help every migrant worker of the United States and support them with all we have.

BY C.E.O.  
OF MIDWEST.

## “Iowa Constitution and Race” from Iowa PBS, 1978



Courtesy of Iowa PBS, “The Path to Statehood,” The Iowa Heritage: Program #3, Iowa PBS, 1978

# “Religious Rights” Essay from *The Goldfinch*, February 1987



The Des Moines Register

## Religious Rights

**I**N HAZLETON, Iowa, local school officials tried to force Amish children to board a bus to go to a public school in November, 1965. Amish parents protested. Amish kids scrambled terrified into nearby cornfields (*photo, above*). They did not want to attend the public schools.

The State of Iowa is responsible for the education of Iowa children. It has a law that says school teachers must be certified and students must attend school until they are 16 years old. Officials closed the Amish school because the teacher was uncertified.

The Amish-Mennonites are a religious group originally from Switzerland who came to the U.S. to freely practice their religious way of life.

Most Amish believe farming is the simplest and best way of life. They use old farming methods. Clothing and homes are kept as plain as possible. The Amish discourage knowledge of the modern world outside of their settlement.

To teach their children this way of life, the Amish have their own schools. Amish teachers teach reading, writing, and arithmetic. At home,

children learn farming, cooking, sewing, and gardening. The Amish believe that education beyond the eighth grade is unnecessary to be a good farmer.

All over the state, people talked about the Amish school issue. The Amish based their right to have separate schools on the First Amendment to the U.S. Constitution. The First Amendment says that government cannot make rules about religion. Religious rights are also protected in the Iowa State Constitution.

In 1967 the Iowa General Assembly passed a law that **exempted** (excused) the Amish from hiring certified teachers and from requiring their children to attend public schools. But students must be taught in a state-certified private school.

Later in 1972, the U.S. Supreme Court ruled on a case about a group of Wisconsin Amish who wanted to keep their children out of public schools. The Court said that under the First Amendment, the Amish may educate their children in the way they believe is right. □

# “The Black Armband Case” Essay from *The Goldfinch*, February 1987 (pg.1)

## The Black Armband Case

**A**S A STUDENT, what rights do you have? Does the U.S. Constitution protect your rights? One of the rights guaranteed by the First Amendment is freedom of speech.

In the 1960s some Des Moines students tested the Constitution’s definition of freedom of speech. A few students wore black armbands to school to support a **truce** (period of peace) in the Vietnam War (1965-73). Black armbands are a symbol of sadness that are sometimes worn to protest some action.

School officials **banned** (prohibited) the wearing of black armbands and suspended the students from school. The students, in turn, took their case to the U.S. Supreme Court. The case turned out to be one of the most famous students’ rights cases in history.

Read the following article then answer the questions. (*Answers on page 23.*)

Des Moines school officials announced that high school students would not be allowed to wear black armbands at school in support of a truce on Christmas eve in Vietnam. The Des Moines *Register* reported on December 15, 1965, that a few students at Roosevelt High School were planning to wear the armbands. One Des Moines school official said, “For the good of the school system we don’t think this should be permitted. The schools are no place for demonstrations.”

Two more students were suspended from school for wearing black armbands on December 17. Chris Eckhardt, 15, of Roosevelt High School



The Des Moines Register

*Mary Beth Tinker, 13, and her mother listen to the Des Moines School Board debate about black armbands in 1965.*

and Mary Beth Tinker, 13, of Harding Junior High School were sent home from school. Chester Pratt, Harding’s principal, said Tinker’s armband caused no disturbance, but she was sent home because of the ban on wearing black armbands in school.

Mary Beth’s brother, John Tinker, 15, and two other students were also suspended from school.

# “The Black Armband Case” Essay from *The Goldfinch*, February 1987 (pg.2)



Des Moines School Superintendent Dwight Davis said that the rule against armbands was not intended to prevent students from expressing their views.

A few days later, the Des Moines School Board held a special meeting to discuss the right of students to wear the armbands in school. The *Des Moines Register* reported: “After a two-hour debate in a meeting room packed with 200 persons—students and adults—the board voted, 4-3 to continue a ban on armbands.”

In April of 1966, Mary Beth and John Tinker and Christopher Eckhardt filed a complaint in U.S. District Court. They wanted school officials to end the ban on armbands. They said the ban violated students’ rights of free speech.

## Tinker v. Des Moines

The U.S. Supreme Court heard their case

called *Tinker versus Des Moines* in February, 1969. The court said the students had the right to wear armbands to school. Seven out of the nine supreme court judges agreed that “students’ constitutional rights of free speech permits them to conduct orderly protests, so long as they do not interrupt school activities or the rights of others.” The court said the Des Moines students wore the armbands to show their disapproval of the Vietnam War and their support of a truce. The students did not interrupt school activities. Supreme Court Justice Abe Fortas wrote that the students “caused discussion outside the classrooms, but not interference with work and no disorder. In these circumstances, our Constitution does not permit officials of the state to deny their form of expression.”

One supreme court justice who disagreed with the decision of the court wrote that the ruling would encourage other pupils in Iowa and elsewhere to “defy their teachers on practically all orders.”

The *Des Moines Register* reported in 1984 that the black armband case, or “*Tinker versus Des Moines* was and is . . . the most important student First Amendment decision in history.” □

## QUESTIONS

1. What reasons did the U.S. Supreme Court give for and against students’ rights to wear armbands?
2. Discuss the following situations. Do you have the right to write a newspaper article that criticizes school officials? Do you have the right to wear a button that criticizes government officials? Why or why not?

# Iowa Supreme Court Case *Varnum v. Brien*, April 3, 2009 (pg.1)

## VARNUM v. BRIEN

Supreme Court of Iowa.

Katherine VARNUM, Patricia Hyde, Dawn Barbouroske, Jennifer Barbouroske, Jason Morgan, Charles Swaggerty, David Twombly, Lawrence Hoch, William M. Musser, Otter Dreaming, Ingrid Olson, and Reva Evans, Appellees, v. Timothy J. BRIEN, In His Official Capacities as the Polk County Recorder and Polk County Registrar, Appellant.

No. 07-1499.

Decided: April 03, 2009

Roger J. Kuhle and Michael B. O'Meara, Assistant County Attorneys, for appellant. Dennis W. Johnson of Dorsey & Whitney, LLP, Des Moines, and Camilla B. Taylor and Kenneth D. Upton, Jr. of Lambda Legal Defense & Education Fund, Inc., Chicago, IL, for appellees. John M. Murray of Murray & Murray, PLC, Storm Lake; Paul Benjamin Linton, Special Counsel, Thomas More Society, Northbrook, IL; Paul R. Devin, Supreme Advocate, Knights of Columbus, New Haven, CT; and Thomas Brejcha, President and Chief Counsel, Thomas More Society, Chicago, IL, for amicus curiae Knights of Columbus. Norman L. Springer, Jr. of McGinn McGinn Jennings & Springer, Council Bluffs, Mathew D. Staver, Stephen M. Crampton, Mary E. McAlister, and David M. Corry, Liberty Counsel, Lynchburg, VA, for amicus curiae Liberty Counsel. Michael J. Manno, West Des Moines, for amici curiae Jews Offering New Alternatives to Homosexuality, Parents and Friends of Ex-Gays & Gays, and Evergreen International. Jason M. Steffens of Simmons Perrine, PLC, Cedar Rapids, and Roger T. Severino of The Becket Fund for Religious Liberty, Washington, DC, for amicus curiae The Becket Fund for Religious Liberty. Andrew J. Boettger of Hastings & Gartin, LLP, Ames, and Steven W. Fitschen, Barry C. Hodge, and Nathan A. Driscoll of The National Legal Foundation, Virginia Beach, VA, for amicus curiae The National Legal Foundation. David James Hanson of Hofmeyer & Hanson, P.C., Fayette, and Joshua K. Baker of Institute for Marriage and Public Policy, Manassas, VA, for amici curiae James Q. Wilson, et al., Legal and Family Scholars. Timm W. Reid of Galligan, Reid & Galligan, P.C. and Iowa Liberty and Justice Center, Des Moines, and Benjamin W. Bull, Brian W. Raum, and James A. Campbell of Alliance Defense Fund, Scottsdale, AZ, for amicus curiae Iowa Legislators. Robert R. Anderson, Vinton, Stuart J. Roth of American Center for Law & Justice, Washington, DC,

# Iowa Supreme Court Case *Varnum v. Brien*, April 3, 2009 (Transcribed Excerpt)

## Transcribed Excerpts from Iowa Supreme Court Case *Varnum v. Brien*, April 3, 2009

...In this case, we must decide if our state statute limiting civil marriage to a union between a man and a woman violates the Iowa Constitution, as the district court ruled. On our review, we hold the Iowa marriage statute violates the equal protection clause of the Iowa Constitution. Therefore, we affirm the decision of the district court...

Unlike opposite-sex couples in Iowa, same-sex couples are not permitted to marry in Iowa. The Iowa legislature amended the marriage statute in 1998 to define marriage as a union between only a man and a woman. Despite this law, the six same-sex couples in this litigation asked the Polk County Recorder to issue marriage licenses to them. The recorder, following the law, refused to issue the licenses, and the six couples have been unable to be married in this state. Except for the statutory restriction that defines marriage as a union between a man and a woman, the twelve plaintiffs met the legal requirements to marry in Iowa...

In turning to the courts, the twelve plaintiffs filed this lawsuit in the Polk County District Court. They claimed the statutory same-sex marriage ban violates certain liberty and equality rights under the Iowa Constitution. The individual rights claimed by plaintiffs to be adversely affected (by the action of the legislative branch in enacting the same-sex marriage ban and the action of the government officials of the executive branch in enforcing the ban) included the fundamental right to marry, as well as rights to privacy and familial association. Additionally, plaintiffs claimed the legislative and the executive actions unconstitutionally discriminated against them on several bases, including sexual orientation...

The plaintiffs produced evidence to demonstrate sexual orientation and gender have no effect on children raised by same-sex couples, and same-sex couples can raise children as well as opposite-sex couples. They also submitted evidence to show that most scientific research has repudiated the commonly assumed notion that children need opposite-sex parents or biological parents to grow into well-adjusted adults. Many leading organizations, including the American Academy of Pediatrics, the American Psychiatric Association, the American Psychological Association, the National Association of Social Workers, and the Child Welfare League of America, weighed the available research and supported the conclusion that gay and lesbian parents are as effective as heterosexual parents in raising children.

For example, the official policy of the American Psychological Association declares, "There is no scientific evidence that parenting effectiveness is related to parental sexual orientation: Lesbian and gay parents are as likely as heterosexual parents to provide supportive and healthy environments for children."

Almost every professional group that has studied the issue indicates children are not harmed when raised by same-sex couples, but to the contrary, benefit from them. In Iowa, agencies that license foster parents have found same-sex couples to be good and acceptable parents. It is estimated that more than 5800 same-sex couples live throughout Iowa, and over one-third of these couples are raising children.

The district court concluded the statute was unconstitutional under the due process and equal protection clauses of the Iowa Constitution and granted summary judgment to the plaintiffs. It initially ordered the county recorder to begin processing marriage licenses for same-sex couples, but stayed the order during the pendency of an appeal.

# “Celebrating Ten Years of Marriage Equality in Iowa—Yes, Iowa,” April 3, 2019 (pg.1)

## Celebrating Ten Years of Marriage Equality in Iowa—Yes, Iowa

*With Varnum v. Brien, Iowa became the third state in America to recognize marriage equality*



By Zach Wahls

Today — April 3, 2019 — marks the tenth anniversary of the *Varnum v Brien* decision from Iowa’s Supreme Court, which legalized same-sex marriage in our state. We were only the third state in America to recognize marriage equality, and we were the first to do so with a unanimous ruling from our Supreme Court. If you have never read the actual decision from the court, it is worth reading in full and is easy to read, even if, like me, you are not a lawyer.

It feels like the decision was handed down just yesterday — and a lifetime ago. April 3, 2009 was a Friday, sunny and crisp, not unlike today. My moms were in the air, flying to visit family in North Carolina, when the *Gazette* broke the news that morning. They were both struck by successive feelings of shock, disbelief, and then joy and then relief. At the time, I was a senior in high school. This morning, I was able to share my experience on the floor of the Iowa Senate.

As the son of a same-sex couple, I had grown up with a front-row seat to, and often been directly affected by, the effects of discrimination against LGBTQ people. And because my mother Terry was diagnosed with multiple sclerosis when I was eight years old, I saw first-hand how “intersectionality” — the intersection, in my mother’s case, of her disability and her sexual orientation — compounded our family’s challenges. In medical situations, my mother Jackie was often overlooked or outright ignored because she was not a male spouse, despite the fact that she both had a medical power of attorney and is herself a highly trained medical professional.

For us, “intersectionality” was not sociological gobbledygook; it was our reality. And the *Varnum* decision made a world of difference — including in ways that we were not expecting.

In April 2009, as most people will also clearly remember, our economy was in tatters. I know many people wondered why our state government was focused on LGBT rights for a small minority group when so many people were still suffering so much economic harm. The lawsuit that led to the *Varnum* decision was sparked in late 2005,

Courtesy of Zach Wahls, Wahls, Zach, “Celebrating Ten Years of Marriage Equality in Iowa—Yes, Iowa,” April 3, 2019

# “Celebrating Ten Years of Marriage Equality in Iowa—Yes, Iowa,” April 3, 2019 (pg.2)

## Celebrating Ten Years of Marriage Equality in Iowa—Yes, Iowa

*With Varnum v. Brien, Iowa became the third state in America to recognize marriage equality*

several years before the Great Recession hit. But I can understand the confusion many non-LGBT people felt about the timing of the decision, because the economic crisis hit our home, too.

Just a few months after the Varnum decision, my mother Jackie was let go from the University of Iowa Hospitals and Clinics as UIHC went through rounds of layoffs to adjust to the shrinking economy. Without the Varnum decision, Jackie would not have been able to access the fringe benefits vis-à-vis my mother Terry's employment that were accessible to and enjoyed by heterosexual couples.



Benefits, of course, are not the point of marriage, but formal recognition of a relationship's worth as they pertain to health insurance can and do make a life or death difference. I have a close friend whose mother came out as a lesbian later in life and who lived in Illinois with her partner. The inability to access the health insurance benefits of her partner cost my friend's mother everything. Without insurance, she was unable to afford the cancer treatments that may have saved her life. Our society failed her, but the Varnum decision helped blaze a trail to ensure that such discrimination was left in our past, where it belongs.

I am proud to live in a state that has led the nation on social progress since our inception, on everything from “the matter of Ralph” in 1839 concerning slavery, to the racial integration of our public schools in 1868 and allowing America's first woman lawyer, Arabella Mansfield, to the Iowa bar in 1869. That proud tradition was continued ten years ago by a group of seven courageous justices who were willing to do the right thing in the pursuit of a more just and equitable society. It is in that spirit that I wish to congratulate my mothers on twenty-three years together. Later this year, they will celebrate their tenth anniversary of marriage.

Congratulations Moms, congratulations Iowa—and thank you, from the bottom of my heart, to everyone who made this celebration possible.

