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

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

We, whose names are under-written, the Representatives of the United States of America, in General Congress, Assembled, do, by these Presents, wholly and completely declare and set forth, 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 are free and independent Nations, that we do, therefore, most solemnly, form a League of Friendship with all foreign Nations, mutual Assistance Against all the Alliances of the British Crown, and Establishment of Policies under one Superintendant Government.

John Hancock, President.

CONFIRMED:

Ordered, That an authentic Copy of the DECLARATION be sent, by the Minister of Congress, to each of the United States, and that it be to be had in the House next to RECORD.

John Hancock, President.
We, 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.
The privileges of the people of the United States shall not be infringed, which includes the rights of religion, speech, press, and assembly. No bill of attainder, ex post facto law, shall be passed.

No exactions of any kind shall be levied, except taxes levied in proportion to the direct tax assessed on property. All elections shall be held under a fair and impartial system of ballot boxes, and the vote of each elector shall be free from interruption or obstruction.
U.S. Constitution, 1787 (pg 2)

"The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense; but no tax shall be laid which may import any new contribution for support of religion, or shall in any way impinge upon the liberty of conscience or the free exercise of religion. 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 Confederation."
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.

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.

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.

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)

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.

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.

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)

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

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-

Religion.
Freedom of Speech. Right of petition.
Right to bear arms.
Quartering of soldiers.
Unreasonable searches and seizures prohibited.
No warrant to issue but on oath or affirmation.
Trials for capital offenses, or infamous crimes.
No one to be twice put in jeopardy of life or limb; for the same offense.
Private property not to be taken for public use without just compensation.
Trial by jury in criminal cases.
Trial by jury in civil cases.
Excessive bail not to be required, nor excessive punishments inflicted.
Enforcement of rights not to be construed to deny or disparage those retained by the people. Reserved powers.

(a) The first ten of these amendments were proposed by Congress, (with others which were not ratified by three-fourths of the several states,) by resolution of 1789, post. p. 59, 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, 446; 1 Cond. Rep. 694.


(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. Parens v. Bedinger et al. 3 Peters, 433.

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Courtesy of Library of Congress, Madison, James, “Amendment to the U.S. Constitution,” U.S. Congress, 25 September 1789
AMENDMENTS TO THE CONSTITUTION.

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

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. (a)

Art. XII. § 1. (b) 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.

(a) 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. 189.

(b) This amendment was proposed in October, 1803, and was ratified before September, 1804.
CONSTITUTION OF THE STATE OF IOWA.

WE, the people of the State of Iowa, grateful to the Supreme Being for the blessings which have poured upon us, and feeling our dependence on Him for a continuation of the same, do ordain and establish a free and independent government, 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 Mississippi River, at a point due East of the middle of the mouth of the main channel of the Des Moines River, thence of the middle 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 Westwardly by along the said northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Mississippi River, thence up the middle of the main channel of the said Mississippi River to a point opposite the middle of the main channel of the Big Sioux River, according to the said plat; thence up the main channel of the said Big Sioux River, according to the said plat, until it is intersected by the parallel of latitude thirty degrees and thirty minutes; thence due East alone said parallel of thirty 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.
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
“How Does a Bill Become a Law?” Infographic

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.”

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.

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.
   - 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.

DID YOU KNOW?
The House uses an electronic voting system while the Senate typically votes by voice, saying “yay” or “nay.”
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

The Iowa Constitution establishes the state’s lawmaker 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
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.
EXECUTIVE BRANCH

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

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 subsequent 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 sets 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


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

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

Courtesy of LSA, “The Three Branches of Government and How they Work in Iowa,” Legislative Services Agency (LSA)
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 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 misdemeanors 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
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.

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06/18/2019
Legislative Information Office – Room G16
Iowa State Capitol
Iowa General Assembly website: www.legis.iowa.gov

Courtesy of LSA, “The Three Branches of Government and How they Work in Iowa,” Legislative Services Agency (LSA)
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

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 Armstrong v. Philip, 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.

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.

WILLIAM MARBURY

v.

JAMES MADISON, SECRETARY OF STATE
OF THE UNITED STATES.

FEBRUARY, 1803.

AT the last term, viz. December term, 1803, MARBURY
William Marbury, Dennis Ramsay, Robert Townsend
Hove, and William Harper, by their counsel, Charles
Lee, esq. late attorney general of the United States,
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 Constitution Annotated, “ArtIII.S1.1.1 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

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

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

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

Charles Mason
Chief Justice

Thursday morning July 14, 1839. Court met pursuant to adjournment. Present, Charles Mason, Chief Justice, and Joseph Williams, Associate.

Judge of Montgomery

Ralph a man of color

And now on this day, this cause was submitted to the court by consent, on a bill of facts, states now 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 arrest 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 judges of the district in the several counties in this territory.

Ordered that this court now adjourn, sine die.

Charles Mason
Chief Justice

Courtesy of State Historical Society of Iowa, Mason, Charles, 1839
“Declaration of Sentiments” Address by Elizabeth Cady Stanton in Seneca Falls, New York, July 1848

Resolved, therefore, That, being invested by the Creator with the same capabilities, and the same consciousness of responsibility for their exercise; it is demonstrably the right and duty of woman, equally with man, to promote every righteous cause, by every righteous means; and especially in regard to the great subjeus of morals and religion, it is self-evident her right to participate with her brother in teaching them, both in private and in public, by writing and by speaking, by any instrumentality proper to be used, and in any assemblies proper to be held; and this being a self-evident truth, growing out of the divinely implanted principles of human nature, any custom or authority adverse to it, whether modern or wearing the hoary sanction of antiquity, is to be regarded as self-evident falsehood, and at war with the interests of mankind.

Louisa Mott read a humorous article from a newspaper, written by Martha C. Wright. After an address by E. W. McClinton, the meeting adjourned to 10 o’clock the next morning.

In the evening, Lucretia Mott spoke with her usual eloquence and power to a large and intelligent audience on the subject of Reform in general.

THURSDAY MORNING.

The Convention assembled at the hour appointed, James Mott, of Philadelphia, in the Chair. The minutes of the previous day having been read, E. C. Stanton again read the Declaration of Sentiments, which was freely discussed by Lucretia Mott, Anne Bacom, S. E. Woolworth, Thomas and Mary Ann McClinton.

Frederick Douglass, Amy Post, Catharine Sterritt, and Elizabeth C. Stanton, and was unanimously adopted, as follows:

DECLARATION OF SENTIMENTS.

When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one 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 that impel them to such a course.

We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights: that among these are life, liberty, and the pursuit of happiness: that to secure these rights governments are instituted, deriving their just powers from the consent of the governed.

Whenever any form of Government becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a 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 shown 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 duty to throw off such government, and to provide new guards for their future security. Such has been

Courtesy of Library of Congress, Stanton, Elizabeth Cady, “Declaration of Sentiments,” July 1848
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 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

Fraternally Yours
Alexander Clark
Grand Master

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

“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

D. M. Schools Ban Wearing of Viet Truce Armbands

By Jack Magarrell

Des Moines school officials said Tuesday that high school students will not be permitted to wear black armbands at school in support of a truce in Viet Nam.

A few students at Roosevelt High School were reported planning to wear the armbands Thursday.

Several groups of Iowa college students opposed to U. S. policy in Viet Nam have designated Thursday as a day of fasting and wearing black armbands to encourage U. S. acceptance of a Viet Cong offer of a 12-hour cease-fire on Christmas Eve.

Roosevelt Principal Charles Rowley refused to comment on the school's attitude toward the armbands.

E. Raymond Peterson, director of secondary education, met with high school principals Tuesday to assure a uniform policy.

Questioned about the policy, Peterson said, "For the good of the school system, we don't think this should be permitted." "The schools are no place for demonstrations," Peterson said. "We allow for free discussion of these things in classes."

Peterson said the decision not to allow students to wear the black armbands was based on a general school policy against "anything that is a disturbing situation within the school."

School officials believe the educational program would be disturbed by the students wearing armbands, he said.

Peterson said the meeting with high school principals dealt with several other matters which school officials considered more important than a proposal by "eight or 10 students" to "get publicity" by wearing armbands.
President Lyndon B. Johnson Signs 1968 Civil Rights Act, April 11, 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
The people of the Midwest and all Mexican-Americans and Latin Americans—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 roll 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 or 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 time support ourselves. But work together and help every migrant worker of the United States and support them with all we have.

By C.i.c.G. of Middlet.

Courtesy of LULAC Council 10 Records, Iowa Women’s Archives, University of Iowa Libraries, Iowa City, “Muscatine Community Effort Organization (CEO) News Article on the Boycott of Heinz,” 1969
Religious Rights

IN 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 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

As 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 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.
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?
VARNUM v. BRIEN

Supreme Court of Iowa.

Katherine VARNUM, Patricia Hyde, Dawn Barbouroske, Jennifer Barbouroske, Jason Morgan, Charles Swaggerty, David Twombley, 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

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.
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,
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 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.