

A Timeline of Iowa's Civil Rights History

Introduction

“Our liberties we prize, and our rights we will maintain.”
-Motto of the Iowa State Seal, (1847-Present)

Iowa's legal actions pursued a unique historical trajectory. Iowa—unlike adjacent Midwestern states or the United States federal government—did not always follow the national majority opinion or reside in the comfort of popular, public sentiment. The Iowa Supreme Court often ruptured with the status quo and embraced what was once considered “out of place,” “unacceptable,” or “taboo.” The unprecedented historical, legal accomplishments of the Supreme Court all originate from a foundational belief that has permeated Iowa from its very inception; namely, “a powerful commitment to the equality and inalienable rights of all people within its borders.”¹ This core conviction appears in Article I, § 1 of the state constitution. “All men and women are, by nature, free and equal, and have certain inalienable rights among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.”² Iowa's commitment to the preservation of civil and human rights—as made clearly evident by the first article and section of the constitution—spans the gamut of the state's legal, social, and political development. The following timeline endeavors to chronicle the extraordinary legal opinions rendered by the Iowa Supreme Court, along with other major historical occurrences regarding Iowa's distinctive value for civil rights.

1838 – The United States Congress created the Iowa Territory.³

1839 – Abner Kneeland, a pantheist, arrived in Iowa after being arrested in Massachusetts for his religious beliefs. He and his followers sought to practice their religion freely.⁴

1839 – “The Case of Ralph” was decided by the Territorial Supreme Court allowing a slave residing in Iowa to retain his freedom. “No man in this territory can be reduced to slavery”⁵ proclaimed the court.

¹ “Brief *Amici Curiae* of Iowa Professors of Law and History,” 4 (2007), available at <http://data.lambdalegal.org/pdf/legal/varnum/iowa-historians-and-law-professors-iowa-supreme-court-brief.pdf>

² Iowa Constitution as qotd. in “Brief *Amici Curiae*,” 4 (2007).

³ Chronological history of Iowa, available at <http://www.shgresources.com/ia/timeline/>.

⁴ Ibid.

⁵ “Brief *Amici Curiae*,” 5 (2007).

“In 1834, a Missouri resident named Montgomery entered into a written agreement with his slave Ralph. The agreement allowed Ralph to reside in the Iowa territory to earn money to purchase his freedom for \$550 plus interest. Ralph went to Dubuque where he found a job working in the lead mines. He failed to pay this amount and after five years had passed Montgomery sent bounty hunters to abduct Ralph and return him to Missouri. Ralph was brought before the district court by a writ of *habeas corpus*, and the proceedings were transferred to the Iowa Supreme Court, which agreed to hear the case.⁶” “The Case of Ralph” decision was overturned by the United States Supreme Court *Dred Scott v. Sandford* decision of 1857.

1846 – State of Iowa Admitted to United States.

“Ansel Briggs was elected the first governor of the state of Iowa on October 26, 1846, before Iowa had been admitted to the Union. The newly elected General Assembly of the state of Iowa met on November 30, 1846, also before Iowa had been admitted to the Union. The statehood bill was passed by the House of Representatives on December 12, 1846; by the Senate on December 24, 1846; and was signed into law on December 28, 1846.”⁷

1847 – Great Seal of the State of Iowa Adopted.

“The Great Seal of the State of Iowa is used on official documents, such as bills that become law, and on proclamations of governors. The description of the seal has not been changed since it was adopted by the General Assembly in February, 1847. The seal reads: ‘Our liberties we prize, and our rights we will maintain.’ ”⁸

1851 – The Iowa territorial law of 1839 banning interracial marriage was eliminated.

“Iowa was the third state to reject the “anti-miscegenation” law. Bans on the law in neighboring states took many years to follow suit: such bans fell in Illinois in 1874; South Dakota 1957; in Nebraska in 1963; and in Missouri not until 1967, after the United States Supreme Court struck down all miscegenation laws in *Loving v. Virginia*.”⁹

1855 – The University of Iowa opens, admitting both men and women on an equal basis.

“The first student body numbered 124, of which 41 were women. The University of Iowa was the first public university to grant a law degree to a woman (1873) and to an African American (1879), and the first to put an African American student on a varsity athletic squad. The University also had the first female college newspaper editor in 1907. U of I also was also the first state university to recognize an LGBT student organization

⁶ “Early Civil Rights Cases,” Iowa Judicial Branch, available at http://www.judicial.state.ia.us/Public_Information/Iowa_Courts_History/Civil_Rights/

⁷ “Iowa History Timeline,” Iowa Pathways, available at http://www.iptv.org/iowapathways/timeline_text.cfm?timeChunkStart=1840&timeChunkEnd=1849

⁸ Ibid.

⁹ “Brief *Amici Curiae*,” 14 (2007).

and the first public institution to offer insurance benefits to domestic partners of its employees.”¹⁰

1856 – The General Assembly passed an act permitting the Native American Indians still in the state to remain here, particularly in Tama County.¹¹

1857 – Iowa's Constitution goes into effect.

“One of the major debates at Iowa’s constitutional convention focused on Article I, § 1. By the end of the convention the words of the first Article were changed from “All men are by nature, free and independent,” to ‘All men are, are by nature, free and *equal*.’ ”¹²

1868 – The Iowa Supreme Court rules on the landmark *Clark v. The Board of Directors*.

“On September 12, 1867, 12-year-old Susan Clark was denied admission to Muscatine's Second Ward Common School Number 2 because she was black. Her father, Alexander Clark, brought a lawsuit to allow admission of his daughter to the public schools. In 1868, the Iowa Supreme Court held that "separate" was not "equal" and ordered Susan Clark, an African-American, admitted to the public schools. This effectively integrated Iowa's schools 96 years before the federal court decision, *Brown v. the Board of Education* in Topeka, did the same thing on a national scale. Alexander Clark, Jr. was the first black graduate of the College of Law at the University of Iowa. Alexander Clark, Sr. was the second one.”¹³

1869 – Woman Suffrage Convention Held in Mount Pleasant.

“In the spring of 1870 Quaker activist Joseph A. Dugdale issued a call for a state convention to organize the Iowa Woman Suffrage Association in Mt. Pleasant. Dugdale was a nationally-known anti-slavery activist. After the Civil War he turned his energies to the woman's suffrage movement. The convention was a major event in southeast Iowa. About 1,200 people attended; speakers included Amelia Bloomer and Annie Savery.”¹⁴

1869 – Iowa Supreme Court ruled that women may not be denied the right to practice law in Iowa and admitted Arabella A. Mansfield to the bar.

“Mansfield prepared for the bar exam by studying with her brother, Washington I. Babb of Mt. Pleasant. The examining committee for the bar stated that Mansfield’s admission was authorized, “not only by the language of law itself, but by the demands and necessities of the present time and occasion.” Arabella A. Mansfield was the first woman in the United States to be granted a law license.”¹⁵

¹⁰ One Iowa, “Iowa’s Noble Courage in Civil Rights,” 5 (2007).

¹¹ Chronological history of Iowa.

¹² Ibid.

¹³ “Iowa History Timeline,” Iowa Pathways.

¹⁴ Ibid.

¹⁵ One Iowa, “Iowa’s Noble Courage in Civil Rights,” 3 (2007).

1870 – The State University of Iowa opened a medical school that admitted both men and women.¹⁶

1871 – Amelia Jenks Bloomer Becomes First President of the Iowa Woman Suffrage Association.

“Amelia Jenks Bloomer was a suffrage and temperance leader from Council Bluffs. She was the first president of the Iowa Woman Suffrage Association, fifty years before women gained the right to vote. She is most famous for the short skirt and pantaloon costume which bears her name. Bloomer is most importantly remembered for her role in promoting the cause of women's voting rights in Iowa and for her newspaper publishing experience in the temperance movement.”¹⁷

1873 – The Iowa Supreme Court rules on *Coger v. Northwestern Union Packet Co.*

“Emma Coger, mixed-race woman was forcibly removed from a steamboat dining cabin reserved for whites. In holding that Coger was entitled to the same rights and privileges as white passengers, the Court invoked the federal Civil Rights Act of 1866 and the Fourteenth Amendment, but ultimately rested its conclusion on Article I, § 1 of the Iowa Constitution. The Supreme Court proclaimed, “The principle of equality is announced and secured by the very first words of our State constitution which relate to the rights of the people, in language most comprehensive, and incapable of misconstruction, namely: ‘All men are, by nature, free and equal.’”¹⁸

1875 – Emma Haddock, of Iowa City, was admitted as the first woman to practice law before the United States federal courts.

“Three years later, the state Supreme Court appointed Haddock to examine law students for admission to the bar.”¹⁹

1876 – Jennie McCowen was one of the first women to graduate from the University of Iowa Medical Department.

“In 1884 she wrote, ‘In no state has it been more freely conceded that human interests are not one but many, and that the work of the world, broad and varied, must fall not upon one sex, nor upon one class, but that each individual, in return for benefit received, is in honor bound to bear his or her share of the burden.’”²⁰

1879 – “Iowa General Assembly removed the words “white male” from the statute governing qualifications to practice law. In contrast, in 1872, the United States Supreme

¹⁶ “Iowa History Timeline,” Iowa Pathways.

¹⁷ “Iowa History Timeline,” Iowa Pathways.

¹⁸ “Brief *Amici Curiae*,” 19 (2007).

¹⁹ *Ibid.*, 12.

²⁰ *Ibid.*, 12.

Court declined to overturn the Illinois Supreme Court's refusal to admit a woman to the practice of law in Illinois."²¹

1900 – Carrie Chapman Catt was elected the first president of the National Woman Suffrage Association.

“Carrie Clinton Lane Chapman Catt was the most famous woman suffrage leader in history, holding her post as president of the National Woman Suffrage Association for 28 years. Born in Wisconsin, she grew up near Charles City, Iowa and graduated from Iowa State College. She taught school in Mason City. Her long service as President of the National Woman Suffrage Association was of record length, and after the Nineteenth Amendment was ratified, she founded the League of Women Voters.”²²

1905 – Beginning of the Niagra Movement.

“George H. Woodson, an attorney from Buxton, Iowa, co-founded the Niagra Movement. The association later became the National Association for the Advancement of Colored People (NAACP).”²³

1906 – Iowa Supreme Court rules on *State v. Amana Society*.

“The Amana Society was a religious settlement whose members believed in the communal ownership of property – a belief sharply at odds with prevailing common-law views regarding property. Justice Ladd explained that the purposes of the state's corporate laws had to be balanced against the Society members' right to religious freedom.

‘Certain it is that the status of the individual members [of the Amana Society] is not in accordance with the prevailing American ideals... But in this country all opinions are tolerated and the entire freedom of action allowed, unless this interferes in some way with the rights of others. Each individual must determine for himself what limit he shall place upon his aspirations... Under the blessings of free government, every citizen should be permitted to pursue that mode of life which is dictated by his own conscience.’”²⁴

1911 – John L. Lewis Organizes AFL.

“Iowa native John L. Lewis organized the American Federation of Labor (AFL), the largest labor federation in the world.”²⁵

1915 – NAACP Organized in Iowa.

²¹ One Iowa, 3.

²² “Iowa History Timeline,” Iowa Pathways.

²³ Ibid.

²⁴ “Brief *Amici Curiae*,” 10 (2007).

²⁵ “Iowa History Timeline,” Iowa Pathways.

“The Iowa chapter of the National Association for the Advancement of Colored People (NAACP) was organized in Des Moines. S. Joe Brown was the first president.”²⁶

1922 – Black Newspaper Expand.

“Black businessman J.B. Morris bought The Iowa Bystander. With the help of the National Association for the Advancement of Colored People (NAACP), his wife and brother, Mr. Morris launched the Bystander statewide.”²⁷

1922 – First Woman Elected to Statewide Office.

“When May Francis was elected Iowa Superintendent of Public Instruction, she became the first woman elected to a statewide office in Iowa.”²⁸

1925 – National Bar Association.

“A group of attorneys, including two Iowans—George H. Woodson and Samuel Joe Brown—founded the National Bar Association. The NBA was the first association of African American legal professionals.”²⁹

1928 – First Woman Elected to the Iowa Legislature.

“Carolyn Pendray was the first woman elected to either house of the Iowa legislature. She was elected to the House in 1928 and the Senate in 1932.”³⁰

1932 – First Woman Elected Iowa Secretary of State.

“Viola (Ola) Babcock Miller was an early leader in the state for women's suffrage. In 1932 she was elected as Iowa's first female secretary of state. In 1935 she convinced the legislature that a statewide law enforcement agency was needed, particularly to enforce highway safety laws. The Iowa State Patrol was created in 1935 and placed under Viola Babcock Miller's control. One of the first such agencies in the nation, the Iowa State Patrol grew from a force of 50 patrol officers to 150 officers by 1938 under her leadership.”³¹

1934 – First Mosque in North America Constructed in Iowa.

“The first permanent mosque in North America was built in Cedar Rapids. It became known as ‘The Mother Mosque.’”³²

²⁶ “Iowa History Timeline,” Iowa Pathways.

²⁷ Iowa History Timeline,” Iowa Pathways.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

1949 – The Iowa Supreme Court rules on *State v. Katz*.

“The case involved two African-American Des Moines residents who had been refused ice cream at a downtown soda fountain. The store manager was tried and convicted under a state statute originally passed in the late 1880s making it a crime to refuse service on the basis of race. The Iowa Supreme Court affirmed this conviction.”³³

1969 – The U.S. Supreme Court rules on *Tinker v. Des Moines*.

“Des Moines high school students, John and Mary Beth Tinker, wore arm bands to school to protest the Vietnam War. When school officials challenged their right to do this, they appealed to the Supreme Court. The courts ruled that the Tinkers' First Amendment rights had been violated.”³⁴

1976 – “The Iowa Supreme Court held that the state’s sodomy law, as applied to private consensual conduct of an opposite-sex couple, violated the federal Constitution’s equal protection guarantee by criminalizing conduct for unmarried persons that was not criminalized for married couples. The sodomy law was repealed in its entirety in 1978. The Iowa Court was ahead of the U.S. Supreme Court by 25 years. In 2003, the Supreme Court finally struck down the 14 remaining state sodomy laws in its ruling on *Lawrence v. Texas*.”³⁵

1980 – “The Iowa Supreme Court held that a child custody order could not be modified merely because the custodial parent was in an interracial relationship. This decision came four years before the U.S. Supreme Court would reach the same conclusion on federal grounds. “Community prejudice,” the Iowa Supreme Court declared, ‘cannot be permitted to control the makeup of families.’”³⁶

1986 – First Woman Appointed to Iowa Supreme Court.

“Justice Linda K. Neuman became the first woman appointed to serve on the Iowa Supreme Court.”³⁷

1986 – First Woman Elected Iowa Lieutenant Governor.

“Lieutenant Governor Jo Ann Zimmerman was the first woman to hold this executive office in Iowa.”³⁸

³³ “Brief *Amici Curiae*,” 20 (2007).

³⁴ “Iowa History Timeline,” Iowa Pathways

³⁵ “Brief *Amici Curiae*,” 23 (2007).

³⁶ *Ibid.*, 22.

³⁷ “Iowa History Timeline,” Iowa Pathways.

³⁸ *Ibid.*

1990 – First Woman Attorney General.

“Bonnie J. Campbell was the first woman to hold the office of Attorney General in Iowa.”³⁹

1990 – Americans with Disabilities Act of 1990 is Passed.

“Iowa Senator Tom Harkin was one of the authors of the Americans with Disabilities Act (ADA) of 1990.”⁴⁰

2007 – The Iowa District Court rules that it is unconstitutional to deny same-sex couples access to marriage.⁴¹

2008 – Oral arguments for the *Varnum v. Brien* marriage equality case are heard before the Iowa Supreme Court.⁴²

³⁹ “Iowa History Timeline,” Iowa Pathways.

⁴⁰ Ibid.

⁴¹ Varnum v. Brien, History, <http://www.lambdalegal.org/our-work/in-court/cases/varnum.html>.

⁴² Ibid.