

Diversity & Inclusion
Iowa's Civil Rights History
Ralph, Clark, Cogger, Varnum, and Other Impactful Events.

In the Matter of Ralph, 1 Iowa 1 (1839).

Clark v. Board of School Directors, 24 Iowa 266 (1868).

Cogger v. Northwestern Union Packet Co., 37 Iowa 145 (1873).

State v. Katz. 241 Iowa 115, 40 N.W. 2d 41 (1949).

Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964).

Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).

State v. Pilcher, 242 N.W.2d 348 (Iowa 1976).

Lawrence v. Texas, 539 U.S. 558 (2003).

In re Marriage of Kramer, 297 N.W.2d 359 (Iowa 1980).

Varnum v. Brien, 763 N.W.2d 862 (Iowa 2009).

Gartner v. Iowa Department of Public Health, 830 NW2d 335 (Iowa 2013).

Obergefell v. Hodges, 135 S. Ct. 2584 (2015).

Pavan v. Smith, 137 S. Ct. 2075 (2017).

“Our Liberties We Prize and Our Rights We Will Maintain.”

The Creation of Iowa: What is now the State of Iowa was originally acquired as part of the Louisiana Purchase in 1803. Initially, Iowa was included in the newly formed District of Louisiana, and governed by the Indiana Territory. In 1805, the District of Louisiana was organized as a territory with a government of its own. In 1807, Iowa was included in the Territory of Illinois, and in 1812 in the Territory of Missouri. When Missouri was admitted as a state in 1821, Iowa was, for a time, left out of any organized territory. Following the Black Hawk War in 1832, Iowa was made a part of Michigan Territory. In 1836, Iowa became part of the Wisconsin Territory, until July 4, 1838, when the Territory of Iowa was formed. Iowa gained statehood in 1846, and adopted the Great Seal of the State of Iowa in 1847, with the motto “Our Liberties We Prize and Our Rights We Will Maintain.”

The First Courts: In setting up the Supreme Court and District Courts of the Territory of Iowa, then US President Martin Van Buren appointed Charles Mason, of Burlington, as Chief Justice of the Supreme Court and District Courts, and Thomas S. Wilson, of Dubuque, and Joseph Williams, of Pennsylvania, Associate Judges of the Supreme Court and District Courts.

In the Matter of Ralph (A Colored Man), on Habeas Corpus, 1 Iowa 1 (1839).

Cited by California in 1852 and Ohio in 1856, then not cited again until 1976, three times in the 1980's, once in the 1990's, and, beginning in 2004, cited or examined in 44 cases (the most recent in June 2020) in various jurisdictions, 18 times in Iowa. All the latter cites were to the proposition of equal rights under the law.

Abner Kneeland, the last person to be convicted and jailed for blasphemy (in Massachusetts), moved to Iowa in 1838-1839. He founded a utopian religious community named Salubria.

In 1847, the Mormon Exodus from Nauvoo, Illinois, began, with members traveling across Iowa in what is arguably the first segment of the Mormon Trail. Along the way in Iowa, they founded small towns and many stayed in Iowa.

In 1851, the Iowa Legislature eliminated the territorial law against interracial marriage. It took the US Supreme Court until 1967 to strike down all anti-miscegenation laws in *Loving v. Virginia*.

The University of Iowa opened in 1855, admitting both male and female students in its undergraduate programs, law school, and medical school. The first woman to graduate from the University of Iowa College of Law was Mary B. Hickey Wilkinson, Bachelor of Laws, 1873; possibly the first woman to earn a law degree in America.

Iowa has had four constitutions:

Pre-Statehood: 1836-1838 – As part of the Territory of Wisconsin. Iowans did not get to ratify.

1838-1846 – Provided by US Congress for Territory of Iowa. Iowans did not get to ratify.

Statehood: 1846-1857 – Ratified by Iowans as part of Statehood.

1857-Present - "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*.’”

More than 76,000 Iowans served in the Civil War, the highest per capita participation in the war for both sides.

Following the Civil War, in 1866 Iowa extended the voting franchise to African-American men, but did not go so far as to extend the vote to women.

Clark v. Board of School Directors, 24 Iowa 266 (1868).

Arabella Mansfield was the first woman to be admitted to the practice of law in the United States, when admitted to the Iowa Bar in June 1869; she read for the law in her brother’s practice. Compare this to *Bradwell v. Illinois*, 83 U.S. 130 (1872), in which the US Supreme Court found the Illinois law barring women from the practice of law to be constitutional: “The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother....” In 1890, Myra Bradwell was retroactively admitted to the Illinois bar, and in 1892, admitted to the US Supreme Court, also retroactively.

Amelia Jenks Bloomer, a pioneering figure in the women’s right movement, moved to Iowa in the early 1850’s. Prior to that she participated in the Seneca Falls Convention, and earlier introduced Elizabeth Cady Stanton and Susan B. Anthony to one another. Bloomer continued her work and activism in Iowa, and in 1871, became the 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.” Council Bluffs, Iowa, has a Bloomer Elementary School, but it is named for her husband Dexter, a member of the Council Bluffs School Board.

Coger v. Northwestern Union Packet Co., 37 Iowa 145 (1873).

Mary Beth Hickey became the University of Iowa College of Law's first woman graduate in 1873.

Emma Haddock, in June 1875, graduated from the University of Iowa College of Law, and was admitted to the Iowa Bar. In November of the same year, she was admitted to practice before the federal courts, the first woman to do so. Three years later, the Iowa Supreme Court appointed her to examine graduates for admission to the Iowa Bar.

Buxton, Iowa: The town of Buxton in southeastern Iowa's Monroe County was unique in that a majority of its residents were African American. The Consolidation Coal Company worked for the Chicago and Northwestern Railroad. Having a hard time recruiting white miners, Consolidation Coal sent agents to southern states to hire African-American workers. In 1873, it founded the town of Buxton and opened nearby mines.

Buxton grew quickly and became the largest coal town west of the Mississippi. In the 1905 census, the town boasted 2,700 African-American and 1,991 whites. The town supported African-American doctors, lawyers and other professionals, and an African-American YMCA with a gymnasium, an indoor swimming pool and many programs for Buxton residents. The town was proud of its baseball team, the Buxton Wonders. White residents included immigrants from Sweden and elsewhere, and they existed peacefully with the African-Americans throughout the community's history.

Buxton coal production peaked during WWI but afterward, mechanization and conversion of train engines to diesel fuel decreased the demand for coal. Several severe fires ravaged the community and the mines. By 1919, Buxton's population had declined to only 400. The last mine closed in 1927. Residents moved away but fondly remembered their Buxton days. Many African Americans moved to Des Moines or Waterloo. Very little physical evidence of the town remains today.

In 1874, Samuel K. Adams became the first African American man admitted to the Iowa Bar.

In 1879, Alexander G. Clark, Jr., became the first African American man to graduate from the University of Iowa College of Law. His father, Alexander Clark, was the second. These are the brother and father of Susan B. Clark, of *Clark v. Board of Directors*.

In 1884, the Iowa General Assembly enacted a law making it a crime to deny any individual "The full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, chophouses, eating houses, lunch counters, and all other places where refreshments are served, public conveyances, barber shops, bathhouses, theaters, and all other places of amusement," on the basis of such factors as race, religion, or ethnic background.

Carrie Chapman Catt, originally of Charles City, Iowa, and an Iowa State University alumni, became the first president of the National Women's Suffrage Association, serving for 28 years. A schoolteacher in Mason City, Catt founded the League of Women Voters following the passage of the 19th Amendment to the US Constitution in 1920.

In 1905, George Henry "G. H." Woodson, of Buxton and later Des Moines, along with, among others, W.E.B. DuBois, co-founded the Niagara Movement. This movement later became the National Association for the Advancement of Colored people. Woodson was a criminal trial attorney, born to newly emancipated slaves. He founded and was president of both the Iowa Negro Bar Association in 1901 and, subsequent to being denied membership in the American Bar Association (along with Gertrude Rush, Samuel Joe Brown, James B. Morris, and Charles P. Howard, Sr.), founded the National Negro Bar Association, in 1925, which became the National Bar Association.

In 1906, the Iowa Supreme Court issued its ruling *State v. Amana Society*, 132 Iowa 304 (Iowa). The original settlers of the Amana Colonies were German Pietists, who came to Iowa in 1856. They lived communally, owned property in common, with the Society providing for the individual needs of its members. The Society incorporated as a religious organization for the purposes of acquiring and holding property, and the State sought to dissolve the corporation, arguing that communal ownership of property, and the subsequent production of goods from that property, essentially violated the non-profit purposes of the religious corporation statutes. The Court held that to deny the Society's members incorporation would violate their sincerely held religious beliefs: "[I]n 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.”

Samuel Joe Brown, of Buxton and later Des Moines, became the first African-American lawyer to argue a case before the Iowa Supreme Court in 1906.

A chapter of the NAACP was formed in Des Moines in 1915 by GH Woodson and Samuel Joe Brown.

In 1916, a referendum on Women’s Suffrage was placed on the ballot. Iowa voters did not approve the issue, and suffrage was not extended to women in Iowa until the ratification of the 19th Amendment in 1920. Iowa’s legislature ratified the amendment on July 2, 1919, and by August of 1920, 36 states (including Iowa) ratified the amendment, which ensured that the right to vote could not be denied or abridged based on sex.

In 1918, Gertrude Rush Gertrude became the first African American woman admitted to practice law in Iowa — and one of the first in the Midwest — after successfully passing the bar examination and being admitted to the Iowa bar in 1918. Until 1950 she remained the only African American woman to achieve such a status in Iowa. In 1921 she won election as president of the Colored Bar Association. Her leadership in that association was unique, as she became the first woman in the nation leading a state bar association that included both male and female members. After being denied admission to the American Bar Association, in 1925, Rush and four other black lawyers founded the Negro Bar Association (later renamed the National Bar Association), with the purpose of uniting black lawyers throughout the nation.

Two years after the passage of the 19th Amendment, in 1922, Iowa elected the first woman to a statewide office: May Francis, as the Superintendent of Public Instruction.

Iowa is not without its sins, of course. At its peak in the 1920’s, the Ku Klux Klan had an estimated 40,000 members. A June 21, 1924, “Klavern” (a rally) and parade in Bedford, then a town of approximately 2,100, attracted a crowd of between 5,000 and 6,000. Klan membership declined statewide in the following years. If statistics are an indicator of how far we have progressed, the FBI’s Uniform Crime Statistics for 2019

(last year available) show 13 hate crimes – six assaults, and seven cases of harassment and vandalism.

In 1928, Jackson County elected Carolyn Pendray to the Iowa House of Representatives, and in 1932, sent her to the Iowa Senate. Originally a school teacher, she was later elected Henry County School Superintendent. In 1920, the same year the 19th Amendment passed, she married – and was no longer allowed to teach.

Ola Babcock Miller was elected Secretary of State in 1932, and later formed and lead the Iowa State Patrol.

The first permanent mosque in North America was built in Cedar Rapids in 1934. It is known as the “Mother Mosque.”

In 1949, the Iowa Supreme Court ruled on *State v. Katz*. 241 Iowa 115, 40 N.W. 2d 41 (1949). The manager of the Katz Drugstore in Des Moines had refused service to several African-Americans, and was charged and convicted under the 1884 statute banning discrimination in places of public accommodation. The Court affirmed the conviction. This was fifteen years before *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964).

Luther T. Glanton, Jr., was the first African-American to serve as an Assistant County Attorney (Polk County, 1951); was later the first associate judge (1958) and the first African-American to serve as a district court judge in Iowa (1976).

In 1965, five students in Des Moines wore black armbands to school in protest of the Vietnam War, several were suspended for doing so. The parents sued on behalf of the children, and in 1969, the US Supreme Court issued its opinion in *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), upholding the First Amendment rights of students, absent substantial interference with school discipline and the rights of others.

In 1976, in *State v. Pilcher*, 242 N.W.2d 348 (Iowa 1976), the Iowa Supreme Court, in a 5-4 split, held that it was not illegal for heterosexual couples to engage in sodomy. Two years later, in 1978, the legislature repealed the statute entirely. *Lawrence v. Texas*, 539 U.S. 558 (2003), did not come out until 2003.

Also in 1976, two gay men were denied a marriage license in Johnson County, and later in Polk County. The Iowa ACLU filed suit on their behalf, but it was unsuccessful.

In 1980, in *In re Marriage of Kramer*, 297 N.W.2d 359 (Iowa 1980), the Iowa Supreme Court held that a parent's subsequent interracial relationship is not a factor to be considered in a custodial dispute regarding children of a previous relationship. The District Court found that "...the subjecting [of] the children to a bi-racial relationship and allowing such a relationship to exist in the presence of the children is not in their best interest and is going to make their lives in the future much more difficult." The Iowa Supreme Court found "...the only relevancy of [mother]'s relationship with her male friend is the possible harmful effect a nonmarital sexual relationship may have on the emotional and moral welfare of her children. The man's race has no bearing on that issue."

In 1986, two firsts occurred: the appointment of a woman, Linda Neumann, to the Iowa Supreme Court, and the election of Jo Ann Zimmerman as Iowa's first woman lieutenant governor.

Four years later, in 1990, Bonnie Campbell was elected as Iowa's first Attorney General.

***Varnum v. Brien*, 763 N.W.2d 862 (Iowa 2009).**

In 2013, in *Gartner v. Iowa Department of Public Health*, 830 NW2d 335 (Iowa 2013), the Iowa Supreme Court found that the marital presumption of parentage exists in a lesbian marriage. The US Supreme Court found the same in *Pavan v. Smith*, 137 S. Ct. 2075 (2017).

Obergefell v. Hodges, 135 S. Ct. 2584 (2015), caught the rest of the country up with Iowa on same-sex marriage. Although *Varnum* is not cited in the majority opinion, it is listed in the appendices.