

Legal Redress Committee Report for Calendar Year 2025

NAACP Iowa-Nebraska & NAACP Iowa-Nebraska

Jan. 26, 2026

Russell Lovell & David Walker, Co-Chairs

1. **NAACP Iowa-Nebraska Civil Rights Monthly Clinics.** Held monthly in Des Moines, the joint NAACP/Iowa State Bar Association (ISBA) Civil Rights Legal Clinic began in 2025. The first monthly “free” in-person and virtual Zoom Saturday meetings were held on September 20th and November 15th with persons who had filed individual complaints of discrimination with the NAACP. Initial bi-monthly meetings were held at the ISBA Headquarters, 625 E. Court Avenue, Des Moines. Plans now call for Clinics to be held every month, beginning in February 2026. LRC members Gina Messamer and Jim Duff have interviewed complainants and other LRC attorneys will rotate. LRC Co-chairs David Walker and Russ Lovell and Betty Andrews and Henry Hamilton coordinated the on-site interviews.¹

The Clinics are open to all Iowans, in person for those in and willing to travel to the Des Moines Area and our zoom capability truly provides state-wide outreach. In fact, persons from outside Des Moines have been regular participants. Our Iowa-Nebraska NAACP Civil Rights Clinic was initiated with the NAACP Grow Grant and is modeled on the Omaha and Lincoln NAACP Clinics and their partnership with the Nebraska State Bar Association (NSBA), which secured the NSBA malpractice insurance protection that was crucial to participation by volunteer attorneys. Likewise, association with the Iowa State Bar Association (ISBA) has ensured malpractice insurance for our participating attorneys. The Iowa-Nebraska State Area office administratively organized the clinic initially, Russ Lovell and Betty Andrews played lead roles in the above-described research of the Nebraska “model;” and LRC member Henry Hamilton, a former President of the ISBA, had a lead role in securing the ISBA malpractice insurance support and the ISBA commitment to allow its offices to be used as the interview meeting place. Thus, the Clinic is a good example of how our Nebraska NAACP advocacy benefits our Iowa NAACP advocacy, and vice versa.

¹ We think it will be of interest for Executive Committee and Members to learn of the myriad ways Co-chairs Lovell and Walker collaborate on NAACP advocacy; typically, one will take the lead role on a project and the other will collaborate as editor and “brainstorming” as to strategy and the rational/arguments most likely to prove persuasive.

2. **NAACP Advocacy before the Iowa Supreme Court: The Fight to Achieve Juries in Iowa that Truly Reflect the Racial Composition of the Community**

- A. **Demographic Jury Data Analyses.** We make a NAACP Public Records Act request of the Iowa Court System’s demographic jury data for all 99 Counties every six months, in January and July of each year. Russ Lovell then analyzes the data for the 8 Iowa Counties with the largest Black populations to determine whether the data shows statistically significant underrepresentation at the key stages of the jury selection process: Jury Pool; Jury Panel; and 12-Person Trial Jury. In other words, we want to ascertain whether jury pools and jury panels unreasonably and unfairly underrepresent—do not include—a distinctive group like African Americans and Blacks, leading to “all-white juries” that are less likely to call out explicit bias. Russ then prepares his Summary Report, which is shared not only internally with the Des Moines and Iowa-Nebraska NAACP, but also with the State Court Administrator Bob Gast and the Chief Justice of the Iowa Supreme Court Susan Christensen, Polk County Attorney Kimberley Graham, and other policymakers in the criminal justice system.

We believe our fair cross-section advocacy has not only resulted in two (2) landmark Iowa Supreme Court decisions in 2017 (*State v. Plain*) and 2019 (*State v. Lilly*), but has also brought “on the ground” jury management practices that have significantly increased the representation of African Americans and persons of color on Iowa juries. The Iowa jury data for the first 6 months of 2025 (January – June) demonstrated that the African American/Black percentage of persons on Jury Pools was fully representative in each of the eight (8) Counties in Iowa with the largest Black populations! For example, in Polk County Blacks comprised 6.6% of jurors at the Jury Pool stage of the jury selection process while the % of jury-eligible Blacks in Polk County is 5.7%—so the Black % of the Jury Pool actually exceeded the Black population percentage in the community served by our Polk County District Court. The Iowa Court System’s Demographic Jury Data for the most recent three years, Calendar years 2022 – 2024, likewise demonstrates that African American representation on the Jury Pools of the eight (8) Iowa Counties with the largest Black populations has been fully representative when compared to the Census Black jury-eligible population in those counties.

However, there is more work to be done as the data shows that the Polk County Black % declined to 5.2% at the Jury *Panel* stage—the stage from which the final selection of the 12-person jury is made—which is less than the 5.7% Black jury-eligible population in Polk County. Although that’s less than a 1%

differential, it is statistically significant. The Black % decline at the Jury Panel stage also occurred in four (4) of the other Counties with the largest Black populations. See Lovell NAACP Jury Data Analysis (Jan. – June 2025) attached.

Russ also developed data analysis proposals for both the Drake Legal Clinic and the Drake computer science department, which, if approved, would provide for a jury data analysis pilot project in Fall 2026 Semester and, hopefully, long-term. We are looking for ways to carry on this important jury data monitoring work when Russ retires.

- B. Russ Lovell, David Walker, and Betty Andrews met with Iowa Supreme Court Justice Susan Christensen and State Court Administrator Bob Gast in September for nearly 2 hours. The NAACP presented the above-described Jury Data analysis for the first 6 months of 2025 and contended that each of the systemic good jury management practice reforms that we have recommended to the Court over the preceding three years would significantly improve representation of African Americans and people of color at the Jury Panel and Trial Juror stages AND would also improve the Judicial Branch's efficiency of operation and save money. Here are our NAACP Recommendations:

(1) Revising the Juror Summons and Questionnaire to include "have your rights been restored?" questions with a link to a proposed Frequently Asked Question (FAQ) on the Judicial Branch Webpage (www.iowacourts.gov under "Iowa Courts," then under "Jury Service"). The Governor's restoration in 2020 of the civil rights of persons previously convicted of a felony who had discharged their sentences led to tens of thousands of people being able to vote in Iowa elections, including thousands of African Americans; and in turn, because of Iowa-Nebraska NAACP leadership, the Iowa Supreme Court made such persons eligible for jury service. Unlike the Federal Jury Summons and Jury Questionnaire, however, the Iowa Jury Questionnaire fails to ask whether one's rights have been restored and to explain that, if so, subject to limited exceptions, they are eligible, indeed duty-bound, for jury service if summoned. We have also proposed that the FAQs affirmatively welcome juror participation by persons with felony convictions whose rights have been restored, as well as a welcome from the Chief Justice through the Iowa Judicial Branch's "In the Balance" Podcast;

- (2) Adopting a Court Rule, modeled on 28 U.S. Code §28-1867(a) that clarifies that fair cross-section claims must be raised and litigated before trial begins,

subject to confirmation on the day of trial that the defendant has standing to raise the claim, which is the practice followed by the Federal Court since 1968;

(3) Improving juror pay so service would not be a financial hardship for moderate and low-income persons, and encouraging that Iowa at least pay the State minimum wage;

(4) Securing collaboration with the Iowa Department of Revenue to provide OSCA with the names and addresses of State tax filers, which would significantly reduce the number of “undeliverable” Jury Summons, would broaden the Jury Pool, and make it more inclusive of persons of color. The reason for this that persons are more likely to file tax returns, including earned income tax returns, than register to vote or apply for a drivers license or renewal;

(5) Making the OSCA demographic jury data available online, each year, which (1) will identify whether fair cross-section challenges may be in order, and (2) will enhance public confidence in the Court System and enable persons of color to see that, if they respond to a Jury Summons, they will generally not be the only person of color in the Jury Pool and on the Jury Panel. This would include an annual press release and other broad publicity each year when the demographic data are made available;

(6) Enabling the “Empanelment” component of the OSCA aggregate demographic jury data to be disaggregated based on the race of the defendant would be of interest to trial lawyers and judges in cases where prospective Black jurors are peremptorily stricken from the jury panel and will be instructive to the Fairness in Jury Selection Study Committee’s research by identifying whether peremptory strikes are being asserted disproportionately to strike Black jurors in cases where the defendant is Black.

Our recommendations were well received by the Chief Justice and State Court Administrator during our September meetings. Russ and David have prepared follow up implementation documents which will first be reviewed by our NAACP lawyer subcommittee and then submitted to the Supreme Court for its consideration. We are cautiously optimistic that we will see progress on several of our Recommendations as the ongoing NAACP-Iowa Judicial Branch dialogue continues to be positive.

(7) David Walker was appointed by the Iowa Chief Justice to the Fairness in Jury Selection Committee in September. The goal is to improve the ineffective procedural protections intended to prevent prosecutors (and defense counsel) from using their discretionary peremptory strikes to remove all the people of color on the jury panel. We have been advocating for reform since November

2014 and are cautiously optimistic progress will be made now that this Study Committee, chaired by Justice Ed Mansfield, has been formed.

3. **NAACP Advocacy in Federal Court: Fighting for Inmate Due Process Rights** before the United States Court of Appeals, 8th Circuit (St. Louis, Missouri): *Roberts et al v. Sheriff Tony Thompson and Black Hawk County*. The NAACP Iowa-Nebraska filed an Amicus Brief, in conjunction with Minneapolis lawyers, in support of a lawsuit brought by the ACLU of Iowa against the Black Hawk County Sheriff and Black Hawk County on behalf of inmates being released from jail in Waterloo. Instead of going to court to try to recover “lodging fees” as directed by the Iowa Code, the Sheriff had people being released sign a “Confession of Judgment” which he used to coerce payments without having to go to court. The sheriff wanted to avoid a hearing over the lodging fees because judges listen to the circumstances and “waive the fees” frequently since plaintiffs often are well below the federal poverty line in what income they receive and have dependents. The Sheriff’s manner of collecting—showing up at their doors in uniform and bringing up the Confession of Judgment—was a violation of Due Process according to plaintiffs. The Northern District Federal Court dismissed their suit but plaintiffs appealed to U.S. Court of Appeals for the 8th Circuit. Our NAACP Brief brought out the huge racial disparities that exist in Black Hawk County and in the Iowa Criminal justice system. See attached Summary for more details.

Oral Argument of the case was held on January 15, 2026, and a decision from the Appeals Court should be issued by May. David Walker was lead Iowa-Nebraska NAACP lawyer, with Russ Lovell as editor; we collaborated with Minneapolis lawyer volunteer for ACLU.

4. **NAACP Jury Reform Advocacy before the Nebraska Supreme Court: The Fight for Juries Whose Racial Composition Truly Reflects that of their Communities.**

A. **New Jury Qualification Form and Court Rules in Nebraska** became EFFECTIVE January 1, 2026! The NAACP was the catalyst and principal architect of the Jury Data reforms adopted by the Supreme Court in October 2024 which went into effect on January 1, 2026. Our NAACP jury reform advocacy in Nebraska was modeled on the successful jury reform advocacy the Iowa-Nebraska NAACP has done in Iowa since 2014. The Nebraska Reforms will (1) streamline the collection of jury data by requiring statewide uniform electronic collection and compilation; (2) reorganize the Juror Qualification Form (“Questionnaire”) so that the race-

ethnicity-gender questions (“demographic questions”) are no longer segregated on a separate detachable page but instead are now included with all other questions; (3) revise the Questionnaire text so that it explains that answering the demographic questions “is necessary to assist in ensuring that the jury pool represents a fair cross-section of the community;” (4) upon request, make available to defense counsel without precondition the anonymized, aggregate demographic jury data, typically of the preceding six to twelve months, enabling the essential determination of whether a meritorious fair cross-section challenge could be brought; and (5) clarify that defendants need not show “good cause” to access jury data unless the disclosure involves juror names or personal identifying information.

Russ was the lead author on the 25,000 word NAACP Public Comments filed June 2024, with David as editor. *For the first time in 20 years, since 2005*, defendants and their counsel will now have a right to access the Court System’s aggregate demographic jury data, which is essential to proving a fair cross-section challenge. We anticipate there will still be litigation over defense counsel’s access to the jury data and that the NAACP will participate with an Amicus Brief to the Nebraska Supreme Court.

- B. **Nebraska Law Review Lead Article will be published April 2026.** Russ Lovell and David Walker’s forthcoming Nebraska Law Review article, entitled *Restoring the Fair Cross-Section Guarantee of the Constitutional Right to an “Impartial Jury”: A Critical Examination of the Nebraska Court System’s Systemic Default and the Supreme Court’s October 2024 Reform of Juror Questionnaire and Jury Data Rules*, will be a valuable guide for years to come. It provides a step-by-step implementation guide for Nebraska judges, lawyers, and community advocates, such as the NAACP, explaining the major reforms adopted. It makes clear the critical role that demographic Jury Data serves in the enforcement of the fair cross-section right, and how important representative juries are to fair trials for persons of color and to the public’s perception of the fairness of the criminal justice system. As many as 29 of the Nation’s 50 States presently do not require, gather, compile, and monitor jury demographic data, notwithstanding the Constitution’s guarantee of an “impartial jury” in criminal cases drawn from a fair cross-section of the community served by the Court. The NAACP Iowa Nebraska’s work could prove to be a national model.

Our article also explains the lead role played by the NAACP’s Public Comments and grass roots dialogue with the Court in achieving the reforms, as it is important for the public and lawyers to be aware of the many ways that non-litigation advocacy can bring

about reform. Russ played the lead role in research and writing the article, with David serving as editor.

- C. **Fair Cross-Section Training in Nebraska.** Russ and David, along with Douglas County (Omaha) Public Defender Tom Riley, made continuing legal education presentations to criminal defense lawyers on the pathbreaking fair cross-section reforms at the Nebraska State Bar Association Annual Meeting in October and at the Nebraska Summit on Justice & Disparities. Russ was the principal author of the Power Point slide presentations.
- D. **Development of Statewide, County-by-County Dashboard for Nebraska of Each County's Jury Eligible Population according to Race, Ethnicity, and Gender.** At the urging of the NAACP Iowa-Nebraska lawyer Russ Lovell, the University of Nebraska-Omaha Prof. Josie Schafer of the UNO School of Criminology and Criminal Justice created a user-friendly U.S. Census Dashboard tool that enables easy comparison of the % of Blacks in each County's jury pools with the County's jury-eligible population. Researching and understanding relevant Census data is crucial to fair cross-section analysis and advocacy and to effective monitoring of the jury selection process: betasite: <https://public.tableau.com/app/profile/unocpar/viz/PopulationDataforNebraskaCountyJuryPools/Dashboard1>
5. **Iowa's Historic Civil Rights Cases: Critical Education in a Time When Black History Is Being Erased by the President and Right-wing Legislators.**

A. CatchDesMoines Greater Des Moines Civil Rights Tour. Based on an article written by Russ Lovell and posted online on March 1, 2025 in time for NBA Mid-year 100th Anniversary Celebration of Finding of NBA in Des Moines, the Des Moines Civil Rights Tour tells the story of 18 Civil Rights Memorials, Monuments, or historical sites: <https://www.catchdesmoines.com/civil-rights-tour/> The Greater Des Moines Civil Rights Tour provides a chronological Iowa civil rights history and an interactive map of the 18 historical sites listed, complete with addresses, photographs of the site, and URL links that, with a click, provide more detailed information on each site. The webpage, in its own words, extended the following invitation to all who visit its webpage:

Greater Des Moines Civil Rights Tour. Come take a tour of the many civil rights events that have helped shape Greater Des Moines! Iowa's capital city has made an important impact on America's civil rights history, and this tour will spotlight

the milestones and lowans who played an integral role in moving civil rights forward in our nation. Celebrate diverse Des Moines with this unique look back on a history of progress!

At a time when there are intensive efforts, at the National, State, and Local levels, to “erase” Black history, we propose that the NAACP Des Moines, perhaps in conjunction with the Drake Black Law Student Association (BLSA), initiate a Civil Rights History educational project utilizing the new Catch Des Moines webpage’s Greater Des Moines Civil Rights Tour during Black History Month and the National Holiday Juneteenth. We believe such an educational project is important and timely, a significant public service, and can be effectively implemented without expenditure of any funds by NAACP and BLSA. If it proves as successful as we hope, it could be continued in future years and it could also become a feature of future MLK Day National Holidays.

The Catch Des Moines website closed with the following acknowledgement: “Catch Des Moines would like to recognize and extend thanks to Drake University Law Professor, Russell Lovell, for inspiring this map and conducting vital research to make it happen.”

- B. Des Moines NAACP President Victoria Henderson-Weber, assisted by Russ Lovell, has taken lead role in seeking a monument or memorial on the site of the 9th and University fire station commemorating the successful integration of the Des Moines Fire Department and the NAACP’s Federal Court Consent Decree that brought about the integration. Russ has updated the case history based on Victoria’s historical research and Russ’s interviews of Milford Fonza, the first Black firefighter. Milford Fonza’s trailblazing role will be recognized at the DMFD’s dedication of the new fire station in early 2026 when Fonza will “cut the hose” at the dedication.
- 6. ***In re Ezra Totton Scholarship v. University of Iowa: The NAACP Fight to Preserve Privately-Funded Scholarships for Black Students.*** The NAACP Iowa-Nebraska and ACLU of Iowa filed an Amicus Brief with the Iowa Supreme Court on January 9, 2026, urging the Iowa Supreme Court to affirm a district court decision denying the University of Iowa’s request to modify the terms of the Ezra L. Totton Scholarship, which were “for a Black Student,” to instead be “for a First Generation Student.” See the NAACP’s General Counsel’s NAACP LITIGATION & LEGAL ADVOCACY UPDATE, January 9, 2026. The scholarship was established through the will of Dr. Ezra L. Totton, long-time Professor at (HBCU) North Carolina Central University, and

a pioneering Black chemist and civil rights litigant, and was expressly designated to support Black students majoring in the physical sciences, preferably chemistry.

On behalf of the University, Iowa Attorney General Brenna Bird argued that the U.S. Supreme Court's decision in *Students for Fair Admissions v. Harvard* and a new Iowa statute rendered the race conscious terms unlawful and sought to redirect the funds to first-generation students instead. The NAACP and ACLU of Iowa contend that the University failed to show that the scholarship is unlawful because it was created by Dr. Totton with his own money, not the University's, and that the district court therefore correctly declined to modify the described beneficiaries of his scholarship gift. The NAACP and ACLU of Iowa also contend, however, that because of the University's change of thinking about the terms of Dr. Totton's scholarship and its fear that adherence to it will result in harm to the University because of National Administration's attitude toward DEI and anything race-based, it is "impracticable" and inappropriate to leave the privately endowed scholarship with the University of Iowa.

Frankly, the University of Iowa does not seem to want or be willing to administer Dr. Totton's endowment according to its terms. In consequence, the NAACP and ACLU also argue that in accordance with cy pres law, the Iowa Supreme Court should remand for a hearing on what solution would most nearly effectuate or serve Dr. Totton's intent. In his will Dr. Totton specified a percentage of his estate that he intended to dedicate to charitable institutions, and he included two Historically Black Colleges and Universities and a Historically Black Church, in each of which he also established scholarships. The NAACP and ACLU of Iowa ask the Supreme Court for a hearing on remand at which the court might transfer the Totton Endowment to each or to one of these. David Walker was lead Iowa-Nebraska NAACP lawyer on the Amicus Brief, with Russ Lovell as editor; ACLU of Iowa attorney Rita Bettis Austen was the lead ACLU lawyer.

There are hundreds of privately funded scholarships at universities around the country that are earmarked for Black students. We believe that the pioneering NAACP-ACLU Amicus Brief will be helpful to others who wish to preserve such scholarships. We anticipate a decision from the Iowa Court of Appeals no later than early July 2026.

7. **Legislation: Fighting the Good Fight against Rollback of Civil Rights and Banning of Black History.** President Trump, Governor Reynolds, and Republican

majorities in the Iowa House and Senate have been relentlessly opposed to “Diversity, Equity, and Inclusion (DEI),” and the Republican majorities have introduced and passed a number of bills to defund and eliminate DEI Offices at State Universities and Community Colleges and restrict the content of courses in Iowa schools. Last year and already this year bills have been introduced to deny Iowa Tuition Grant funding to Iowa’s private colleges and universities—a very significant part of their budgets—if they maintain DEI offices for Black students and other students of color. State President Betty Andrews and LRC co-chair David Walker also registered against, and President Andrews spoke in opposition to a bill that amended the Iowa Code to prohibit cities and towns to have Citizen Review Boards, which unfortunately nevertheless passed. President Andrews also testified at House and Senate Hearings against increasing public funds made available to parents of children attending chartered and private schools and insufficiently funding the public schools.

Given Republican control of both the State and Federal Legislatures and the Governor’s office, the NAACP advocacy has almost exclusively been defensive and unsuccessful. Even though there were losses, however, it is important that the NAACP voice and objections be heard. There will be another day in the future in which arguments developed in these perilous times, though unsuccessful now, will prevail in time. An LRC Member member’s research alerted the LRC to bills of interest to the NAACP and kept us apprised of developments.

In mid-2025 the LRC asked Michael Schmidt, General Counsel of the Iowa Environmental Council (IEC), to join the Legal Redress Committee; and happily, he agreed. There are a number of initiatives that the IEC has under way that track with NAACP interests and goals, which the LRC discussed and supports. For example, the LRC is currently going to support a bill against utility disconnections in severe cold and in severe hot weather that calls for the Public Utility Board to initiate rule-making to define those terms.

8. Miscellaneous. Rollback of John Deere OFCCP Consent Decree Did Not Happen. A small bit of good news: Russ and Betty’s research alerted the NAACP National Legal Staff about concerns that John Deere might not comply with the affirmative action hiring provisions of a Consent Agreement entered into with the OFCCP, a federal agency. Russ and Betty’s research confirmed that John Deere was still complying with its affirmative action hiring obligations as, fortunately, the OFCCP

Decree was entered into prior to the President's Executive Order reversing Federal agency DEI efforts.

9. Honors and Awards. The National Bar Association recognized David Walker's civil rights contributions with its Heman Sweatt Award. Sweatt was the lead plaintiff in the NAACP school desegregation case that immediately preceded the historic *Brown v. Board* decision in 1954. Romanda Belcher, Odell McGhee, Inga Bumbary-Langston, and Roxanne Conlin were also honored.

<https://www.iowabar.org/?pg=IowaLawyerMagazine&pubAction=viewIssue&pubIssueID=55372&pubIssueItemID=360221> DSM NAACP President Victoria

Henderson Weber presented Russ with the President's Award at the December 2024 Freedom Fund Banquet in recognition of his 51 years of NAACP pro bono service and especially his lead counsel role in the NAACP Federal Court class action suit that brought about the desegregation of the Des Moines Fire Department in 1984 – 1994.

- Encl. Lovell Jury Data Analysis, January-June 2025, for the 8 Iowa Counties with the Largest Black Populations

Abstract of Lovell & Walker Nebraska Law Review article re NAACP advocacy for fair cross-section jury data reforms in Nebraska

NAACP Public Comments on proposed Nebraska Jury Reforms, June 1, 2025,

https://www.iowanebraskanaacp.org/files/ugd/5914b7_74bd345f095140ea9f4cabceeb5a5395.pdf

Office of General Counsel Litigation & Legal Advocacy Update, Jan. 9, 2026

NAACP Amicus Brief in Totton Scholarship case (University of Iowa)

NAACP Amicus Brief in Roberts v. Thompson case (Black Hawk County)