

IOWA-NEBRASKA NAACP STATE AREA CONFERENCE OF BRANCHES

National Association for the Advancement of Colored People

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Betty C. Andrews, President

MOVING POWERFULLY FORWARD! →

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JURY SERVICE OPENED TO PEOPLE WITH FELONY CONVICTIONS WHO HAVE HAD THEIR RIGHTS RESTORED IN IOWA THE NAACP COMMENDS THE IOWA SUPREME COURT'S SUPERVISORY ORDER

Des Moines... The NAACP commends the Iowa Supreme Court's issuance of its Supervisory Order changing its longtime Rule of Civil and Criminal Procedure 2.18(5)(a) to make persons previously convicted of a felony, whose rights of citizenship have been restored, eligible to serve on criminal and civil juries. <https://www.iowacourts.gov/iowa-courts/supreme-court/orders/>. In its Order issued on February 19th, the Court recognized Governor Reynold's Executive Order No. 7 last August restoring the citizenship rights of Iowans who have completed their felony sentences. The Court stated, "It is the supreme court's view that the restoration of citizenship rights includes the restoration of the ability to serve on a jury." Those whose citizenship rights have been restored will have the same right, and responsibility, of jury service required of all citizens. The Supervisory order is adopted effective immediately, subject to Legislative Council review.

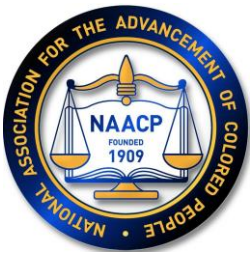
For the last decade—through advocacy with Governors Branstad and Reynolds, Chief Justices Cady and Christensen, and the Legislature—the NAACP has worked to address racial disparities in Iowa's criminal justice system, with one of its focuses being on the process of summoning and impaneling juries; and it has maintained that Iowa's jury pools and jury panels—from which the trial jury is selected—do not represent a fair cross-section of the community served by the trial court, as required by the United States and the Iowa Constitutions, because of underrepresentation of African Americans.

The Court's February 19 Supervisory Order is a direct product of the meeting that Iowa-Nebraska NAACP leaders from across the state held with the Chief Justice on February 4. At that meeting the NAACP requested that Chief Justice Christensen consider that, in light of Governor Reynolds' Executive Order No. 7, the Court immediately approve the amendment proposed nearly a year ago by the Court's Criminal Rules Revision Committee that would extend juror participation rights to persons whose voting rights had been restored.

The NAACP had alerted the Court through participation in and presentations to Supreme Court Advisory Committees in 2017 and 2019 and in formal Public Comments the NAACP filed on June 30, 2020, that the NAACP contended Rule 2.18(5)(a)'s life-time disqualification from jury service of all persons ever convicted of a felony was unconstitutional and wrong policy.

Iowa-Nebraska NAACP State Area President Betty Andrews said, "We are very pleased that the NAACP's combined grass roots and law reform advocacy have contributed to the Governor's Executive Order No. 7 and the Supreme Court's Supervisory Order." Andrews further commented, "The longstanding rule the Supervisory Order amended had a notable adverse racial impact on African Americans due to the substantial racial disparities in the Iowa criminal justice system."

Rule 12.18(5)(a)_has long resulted in the automatic disqualification of persons previously convicted of a felony from jury service regardless of how long ago the crime occurred, how long ago the person's sentence had been completed, and regardless of rehabilitation and evidence of good citizenship. The rule change is expected to make tens of thousands of persons whose voting rights have been restored now eligible to also serve on juries. And given the racial disparities evident in Iowa's criminal justice system—one quarter of those incarcerated are African American though African Americans constitute only 4% of the State's population—as many as a quarter of those now eligible may be African American.



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“The social science research indicates that , diverse juries, because they bring a broader spectrum of life experiences, are more deliberative in their decision making than homogeneous juries and reduce the risk of implicit bias,” said Russ Lovell, who co-chairs the Iowa-Nebraska NAACP and the Des Moines NAACP’s Legal Redress Committees along with David Walker.

In addition to welcoming tens of thousands into the full circle of citizenship rights and responsibilities, the Court’s action will remove an obstacle to achieving Iowa juries that truly reflect a fair cross-section of their communities. Jury service is a responsibility of citizenship that enables citizens to meaningfully influence the direction of a democracy. Social science research indicates that restoration of full citizenship status, with the opportunity for full community engagement, will reinforce efforts to reenter successfully and remain law-abiding, thereby furthering public safety by reducing recidivism. Walker says, “The Iowa Supreme Court’s order is a significant systemic change that goes a long way as we work to ensure Iowa’s justice process is as equitable as possible.”

Additional Context: In 2015, at the prompting of the NAACP, then Governor Branstad announced the appointment of the Governor’s Working Group on Justice Policy Reform at the NAACP-sponsored Iowa Summit on Justice & Disparities. The committee, which was comprised of representatives from the Judicial Branch, the Attorney General’s Office, NAACP, State Public Defender, Department of Public Safety, Department of Corrections, Parole Board and County Attorney’s Association, issued a report later that year with recommendations for addressing the systemic shortcomings in the jury selection process that were thwarting the achievement of juries that were representative of their communities. <https://governor.iowa.gov/documents/governors-working-group-on-criminal-justice-policy-reform-final-recommendations>

Last summer the Conference of State Supreme Court Chief Justices approved Resolution 1, which renewed their commitments to “Racial Equality and Justice for All” and specified seven initiatives that many courts across the nation have taken. One of those initiatives—*“to engage in conversations with communities of color, so that, in the words of Bryan Stevenson, our courts ‘get proximate’ to the challenges faced by such Communities”*—was modeled here in Iowa through the ongoing dialogue the Iowa-Nebraska NAACP has had with Iowa’s Chief Justices over the last five years, and which was instrumental in achieving this Supervisory Order. The late Iowa Supreme Court Chief Justice Mark Cady was President of the National Conference of Chief Justices and served in that capacity until his untimely death in November 2019. https://ccj.ncsc.org/_data/assets/pdf_file/0017/51191/Resolution-1-In-Support-of-Racial-Equality-and-Justice-for-All.pdf

Learn more: For those interested in learning more about this subject, on April 7th, at 12 noon, Drake University Law School will host Professor James Binnall of California State University, the leading scholar on participation on juries by persons who have completed their sentences for a felony conviction. This “virtual” program is especially timely in light of the Court’s February 19 Supervisory Order. It will be FREE to the public, but will require registration in advance. <https://www.eventbrite.com/e/including-convicted-felons-in-our-jury-system-registration-142909288529>

About the NAACP: Founded in 1909, the National Association for the Advancement of Colored People (NAACP) is the nation’s oldest and largest civil rights organization. Its half-million adult and youth members throughout the United States and the world are the premier advocates for civil rights in their communities and monitor equal opportunity in the public and private sectors. The Iowa-Nebraska NAACP State Conference of Branches was founded in 1939.

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