

PEN CITY CURRENT

It's **Black & White** and **Read** all over

Wednesday, March 31, 2021 | 8 pages | Volume 5 • Issue 72



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Federal agents descend on Rashid's

MARCH 20 SHOOTING Braden says shooting may be justified

County attorney backs away from attempted murder charge

BY CHUCK VANDENBERG
PCC EDITOR

FORT MADISON – After more than a week of investigating a March 20 shooting in Fort Madison, Lee County Attorney Ross Braden said the county is now looking at its first Stand Your Ground case.

Braden said Tuesday morning he filed formal charges against Wade Lee Shaffer, 19, of Fort Madison, who is accused of shooting Zachariah Raines, 19, also of Fort Madison, during an altercation on the 20th in the 2600 block of Avenue I.

Shaffer was being held on suspicion of attempted murder and carrying weapons. But Braden said after investigating the incident, he decided to drop the attempted murder charge from the trial information citing Iowa Code 704.21 which outlines justifiable deadly force.

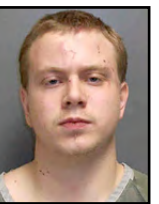
Additionally, Iowa code also allows for the person using deadly force to be wrong in their estimation of the danger or the force necessary as long as the belief of danger was reasonable. Iowa code also provides that no one has a duty to retreat from any place they are lawfully present.

“Today we filed the trial information, which is the formal charging documentation and we did not formally charge the attempted murder because Shaffer’s use of force is likely justified under Iowa law,” Braden said.

Braden said he did file charges for carrying weapons, possession of a firearm by a prohibited person, and possession of



BRADEN



SHAFFER



Photo by Chuck Vandenberg

A Fort Madison Police officer stands outside Rashid Pharmacy at 2404 Avenue L in Fort Madison, as a federal agent with the U.S. Department of Health and Human Services-Office of Inspector General goes into the pharmacy Tuesday morning.

TIGHT-LIPPED: Voicemail at pharmacy says to call back Wednesday

BY CHUCK VANDENBERG
PCC EDITOR

FORT MADISON – Federal agents are being very tight-lipped about an investigation that began Tuesday morning at Rashid Pharmacy & Wellness in Fort Madison.

Agents from the Department of Health and Human Services and the FBI were on the property when the pharmacy opened and ordered the pharmacy closed.

One agent from HHS at the scene only would say the

investigation was joint venture between the two agencies and declined any further comment.

Lee County Attorney Ross Braden said he was not made aware of Monday’s events and didn’t have a comment.

The agent on the scene directed all inquiries to the United State’s Attorneys Office for the Southern District of Iowa.

A clerk in that office said the attorney handling the case

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HEALTH CARE

Stimulus package puts health care in play for millions

BY CHUCK VANDENBERG
PCC EDITOR

FORT MADISON – The \$1.9 trillion American Rescue Plan signed into law on March 11 has changed the landscape of health care options in America... again.

The new plan caps the amount Americans will pay for marketplace plans under the Affordable Care Act at 8.5%

of their income.

Justin Pieper and Tim Budnik of Group Benefit Partners said there is much for people to know about the new law, and with all the changes having an agent is the best way to go in most cases.

“In a normal year there was only an open enrollment from Nov. 1 to Dec. 15th,” Budnik said. “Because of COVID they’ve opened up another enrollment

period that was initially Feb. 1 to May 15th and now they’ve changed that to Feb. 1 to Aug. 15th.

“It’s allowing people uninsured, and that was kind of the goal, to jump on and get insurance with no questions asked,” he said.

Budnik said he’s seen a substantial uptick in the number of people signing

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WEATHER

WED 31 Mar.....Clear, 45° F/ 33° F
THU 01 Apr.....Clear, 44° F/ 28° F
FRI 02 Apr.....Scattered Clouds, 56° F/ 31° F

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Sports

Fort Madison runners take second title this week

BY CHUCK VANDENBERG
PCC EDITOR

WEST BURLINGTON – Fresh off a win at the Roth Relays Friday night, the Fort Madison Bloodhounds boys track team racked up another win at the Falcon Relays in West Burlington Monday night.

The Hounds tied Mt. Pleasant for the win in the “A” division with a win in the final event of the day, the 4x400 meter relay.

Coach Chad Hannum, said Fort Madison’s Andrew Schaefer had “a great first leg” and handed to Garrett Hannum who passed two runners on the back half of his lap before handing to Dayton Davis who extended the lead before Landes Williams finished off the win.

The Hounds scored 10 points in the event a full 5.5 seconds ahead of Mt. Pleasant and the rest of the field to secure the tie for 1st place.

Prior that run, junior Tate Johnson caught up with West Burlington’s speedy Anthony Hoffman on the last leg of the 4x100 and edged Hoffman at the line by .03 seconds in front of the Falcon stands to give the Hounds a win in that event as well.

Johnson, who’s been explosive so far for the Hounds in sprint events, anchored the 4x200 to a first place and won the 100-meter dash with a 12.12 time in a stiff breeze out of the south.

Johnson said he’s been surprised by his performances this year. He posted the third fastest time at Case Field at 11.53 winning the B Division 100 meters. The best time of the day was Iowa City High’s Isaac Rohert’s 11.12. Iowa City West’s Mason Applegate had a 11.28.

“I didn’t know I would be able to put up these time this year. We didn’t have track last year, but my times weren’t even close to this,” he said. “I just hit the gym hard with (FMHS Athletic Enhancement Coordinator Derek) Doherty, working out, eating well, and maturing more as a person and an athlete.”

Johnson said he’d like to get off the blocks a little quicker and cut some time down, but he’s happy where he’s at this early in the season

“My start wasn’t good and I’m not happy with that. I’ve never really been quick off the start, but I can pick up speed as I run. Hopefully by the time districts come around I’ll be good,” he said.

Macaden Rhoer won the 400 Hurdles with a personal best 1:02.81, and Jakob McGowan, had a personal best winning the Long Jump with a leap of 19-4.5.

The 4 x 200 team of Mikey DiPrima, McGowan, Schaefer,



Photos by Chuck Vandenberg/PCC

Central Lee’s freshman Tommy Eschman lands the best long jump leap of the field on Monday with a leap of 19-9.5.

and Johnson motored around the track in 1:35.17. The 4 x 100 team of Gavin Wiseman, McGowan, Joey Dodson, and Johnson claimed the title in 45.49.

Ethan Deacon had a personal best in the shot put with a throw of 46-11 taking second place and Dayton Davis also had a personal best in the high jump clearing the bar at 5’10” also good enough for 2nd place.

“These two continue to get better every week,” Hannum said.

“Our Shuttle Hurdle Relay team led by Kane Williams, Hayden Segoviano, Teague Smith, and Henry Wiseman hurdled their way to a 2nd-place finish. The quartet bettered their last time by 1.5 seconds. Segoviano rounded out our 2nd place finishes in the 400 hurdles with a personal best time 1:05.66.”

William Gager competed in the 1,600 and took third



Hayden Segoviano stretches over the hurdle in the final heat of the 110 meter hurdles as the Hounds’ Henry Wiseman closes the gap to the left. Segoviano took 2nd place in the event.

place in a personal best time of 5:20.61. Rhoer placed 3rd in the 110 high hurdles at 18.52. The 4x800 team ran a time of 9:59.91 to place 3rd. Rounding out Hounds 3rd-place finishes was the Distance Medley team of Calem MacLearn, Seth Mendez, DiPrima, and George Hantzeas(4:22.88).

Garrett Hannum finished 4th in the 400 and Davis finished 5th in the 200. The Sprint medley team of Chay Smith, Henry Morris, Kane Williams, and Landes Williams took 5th. Ethan Deacon again set a personal best in the discus with a 139-3 spin. Hayden Wolfe took 5th place in the 3,200 after losing a shoe.

Central Lee took first place in the shuttle hurdle relay in the B Division. The team of Derrick Denning, Wyatt Schulte, Logan Kearns and Thomas Eschman ran a time of 1:18.97, 3.4 seconds ahead of the field. Schulte also nabbed a 1st place for the Hawks with a 1:06.86 in the 400 hurdles. Eschman got the other first place finish for Central Lee with a 19-9.5 leap on the long jump, the longest jump of the day.

Chance Hocker took second in the 400 meter dash with a time of 54.99, just .16 seconds back of Mediapolis’ Anthony Isley. Kearns was 4th with a time of 57.79. Eschman took second in the 110 meter hurdles with a time of 18.20, just .18 off the pace of Dane Sweezer of Winfield-Mt. Union.

Grant Myhre scored a third place in the high jump clearing 5-6.

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From the Front/Local News

ARP Act caps marketplace insurance premiums at 8.5%

INSURANCE - Continued from Page 1

up for insurance.

Pieper said there used to be a substantial cliff for people who were above the 400% federal poverty level.

“If you were below it you qualified for a nice subsidy to purchase coverage. If you were a penny above it you had to pay full price,” Pieper said.

Pieper said those who were even a penny over that 400% income threshold when they filed taxes could have had to pay back thousands of dollars in subsidies. He said under the new stimulus anyone who received too much subsidy in 2020 only, won't have to pay back those subsidies.

He also said those who were involuntarily terminated in 2020 and offered COBRA coverage can now get that paid for 100% until Sept. 30, retroactive 60 days.

It is still unknown if the state exchanges will implement a special enrollment period once that COBRA benefit runs out at the end of September.

Budnik said current enrollees need to re-submit their applications and enrollments in order to get new eligibility results and a reduction in premiums. New subsidies will be applied to premiums starting May 1.

The new plan will make 3.6 million Americans now eligible for health care savings. Current Bronze enrollees below the 150% of federal poverty level or \$19,140 will now be eligible for a free silver plan under the new law, which expires at the end of 2022. For a family of four that benchmark is \$39,300.

A single adult age 50 making \$51,649, which is 401% of the federal poverty level, was paying \$632 per month for coverage before the ARP. That individual is now capped at 8.5% and will only pay \$362 for a monthly savings of \$270.

Older Americans, such as a 60 year old couple making 401% at \$69,854 was saddled with full premiums before the ARP Act. That couple is now capped at 8.5% or \$496 saving them close to \$1,425 per month, or an annual savings of \$17,102, according an ACA new open enrollment sign up sheet.

If you are currently collecting unemployment, the plan sets your poverty level automatically at 133% and some of those individuals would be eligible for additional benefits.

Budnik recommended contacting Group Benefit Partners to navigate all the changes.

“There's no cost to them for the services of an agent,” he said.

Officials mum on what they're looking for at Rashid Pharmacy

AGENTS - Continued from Page 1

was out of the office as was the media coordinator for the office.

Phone calls to the Iowa Pharmacy Board and the Iowa Narcotics Enforcement Division went unreturned. Mitch Mortvedt, the assistant director of criminal investigations with the Iowa Department of Criminal Investigations said his office wasn't aware of the investigation.

A voice message indicated the pharmacy was closed on Tuesday and instructed customers to call back on Wednesday beginning at 8 a.m.

According to the company's website, Rashid Pharmacy & Wellness in Fort Madison, Iowa, has been serving residents of the Tri-States since 1963, when George Rashid founded the business. George's son, Joe Rashid, bought the business in 1994 when George retired.



Photo by Chuck Vandenberg/PCC

HTC School Board President Loren Menke and Chief Academic Officer Craig Huebner, present Taylor Beyer with the HTC Teacher of the Year award.

Beyer named Holy Trinity Teacher of the Year at Blue & Silver event

PCC STAFF

FORT MADISON – This year's annual Holy Trinity Catholic Blue and Silver Celebration was held in limited capacity, but not without the stars in the spotlight.

This year's Teacher of the Year was awarded to Taylor Beyer.

Beyer was nominated by several HTC students and staff. The nominations describe her as kind, caring and a patient teacher who inspires students with her interactive teaching.

Teachers were treated to a four-course meal served by the school's National Honor Society members. Mr. Craig Huebner, Chief Academic Officer, served as Master of Ceremonies as he asked each teacher to stand to be recognized for their years of dedication in education.



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LETTER TO THE EDITOR

We've battled more than one pandemic

Dear Editor

Here's what I learned over the last several years, and my greatest fear is that the world learned the same things I did. I've learned Hillary Clinton was right... about almost everything, but in particular, that we are "stronger together." President Biden echoes that sentiment when he says "There is nothing the American people can't do when we work together." True, but it seems there is little chance of that happening with everyone. And I'm not alone in that observation. Russia is all too aware of how easy it is to get Americans to fight amongst themselves, while ignoring looming threats on the horizon. That's true whether the threat is from foreign or domestic sources. This is a national security vulnerability, and we play right into it.

Nothing brought our Achilles heel into sharper focus than the global pandemic. As we watched Italy and New York go through a frightening spike in cases and deaths, we were given guidance on how to mitigate the transmission of the virus. Did we follow that guidance? Some of us did. Far too many did not, and our nation's suffering deepened and prolonged as a result. Wearing a mask was an adjustment, as was staying home and limiting our exposure, but some of us considered the

alternative and decided to protect each other. Others simply refused because of "LIBERTY AND FREEDOM." "YEAH!" (Eye roll...) Our inability to work together to accomplish a desired goal cost far too many Americans their lives. It was accurately said that we were battling three pandemics, COVID-19, complacency, and stupidity.

That last "pandemic" seems widespread among at least 35% of the voting public. These people believe things to be true that are demonstrably false. When you point that out to them, they just believe it all the more strongly. This is a gift and a boon to any bad actors, whether foreign or domestic, that wish to destabilize our society and sow division. What's worse is that some elected officials are all too willing to perpetuate and disseminate these falsehoods. As if things aren't bad enough, now these same elected officials are proposing and passing legislation based on, and because of, these lies. Now hard-fought wins in voting rights and access to the ballot box are being stripped away from mostly Black and Brown people based on a known and provable lie. It's all by design. How whacked is that?

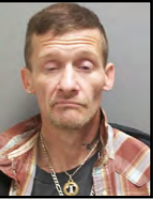
William Windsor
Fort Madison

Two arrested on drug charges

PCC STAFF

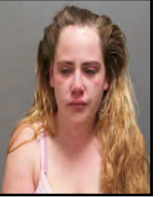
FORT MADISON – The Lee County Narcotics Task Force reports the arrest of a Burlington man and woman on Felony and Misdemeanor drug charges.

Travis Young, 45, of Burlington Iowa was arrested on March 26th, 2021 near the intersection of Business Highway 61/203rd St. near Fort Madison, Iowa. Young was charged with Possession of a Controlled Substance with the intent to deliver more than 5 grams of methamphetamine a Class B Felony; Drug Tax Stamp Violation a Class D Felony; and Possession of Drug Paraphernalia a Simple Misdemeanor.



YOUNG

Amanda Minuete, 31, of Burlington was also arrested on March 26th, 2021 near the intersection of Business Highway 61/203rd St. near Fort Madison, Iowa. Minuete was charged with Possession of a Controlled Substance-Marijuana a Serious Misdemeanor and Possession of Drug Paraphernalia a Simple Misdemeanor.



MINUETE

The arrest of Young and Minuete stems from a traffic stop conducted by a Deputy with the Lee County Sheriff's Office during routine patrol. Drugs were observed inside the vehicle during the traffic stop and the Lee County Narcotics Task Force was contacted to assist in furthering the investigation.

The Lee County Sheriff's Office, and the Lee County Attorney's Office, assisted the Lee County Narcotics Task Force in this investigation. The defendant is presumed innocent until and unless proven guilty. The Lee County Narcotics Task Force is funded in part by the U.S. Department of Justice and the funds administered by the Iowa Governor's Office of Drug Control Policy.

New London man gets 20 years

DAVENPORT – On Friday, March 19, 2021, United States District Court Chief Judge John A. Jarvey sentenced Jason Earl Davis, age 43, of New London, to 240 months in prison for Conspiracy to Distribute Controlled Substances announced Acting United States Attorney Richard D. Westphal. Following his prison term, Davis was or-

dered to serve five years of supervised release, as well as pay \$100 to the Crime Victims' Fund.

The investigation on Jason Earl Davis began in 2018 when law enforcement identified Davis as a supplier of methamphetamine in the southeast Iowa area. Davis has a prior federal conviction related to drug trafficking.

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Iowa Concern: 800-447-1985: Provides confidential access to stress counselors and an attorney for legal education focusing on rural and agricultural issues. Iowa Concern services are available 24 hours a day, seven days per week at no charge. Language interpretation service is available.

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From the Front/Iowa News

Fight took place after gun was drawn on March 20

BRADEN - Continued from Page 1

ammunition by a prohibited person. The firearm and ammunition charges are class D felonies in Iowa. Carrying weapons is an aggravated misdemeanor.

Shaffer was the subject of a protective order and was not lawfully able to possess the weapon or the firearms.

Braden said Shaffer also does not have a permit to carry.

Class D felonies in Iowa are punishable by up to five years in prison and a \$7,500 fine per conviction.

However, Braden said evidence shows that Shaffer retreated from the fight and Raines allegedly pursued him into a neighborhood yard where Shaffer pulled a gun and an apparent struggle ensued resulting in at least two shots being fired.

"Evidence shows that (Shaffer) produced a gun and thought that would be enough to deter Raines, but that didn't seem to be the case. We believe he fired in self-defense and we believe there were at least two shots fired," Braden said.

One of the shots struck Raines in the shoulder. He was taken to Fort Madison Community Hospital and then air-lifted to University of Iowa Hospitals and Clinics for treatment where he was eventually released.

Braden said to this point the investigation has shown that Raines was not armed at the time of the altercation.

In 2017, Iowa adopted the legislation allowing law-abiding citizens to use deadly force in defense of themselves, their property or others on their own land and in public when they perceive they are in a dangerous situation.

Iowa code 704.2A outlines the Stand Your Ground defense as Justifiable Use of Deadly Force.

"For purposes of this chapter, a person is presumed to reasonably believe that deadly force is necessary to avoid injury or risk to one's life or safety or the life or safety of another in either of the following circumstances.

Unlawfully entering by force or stealth the dwelling, place of business or employment, or occupied vehicle of the person using force, or has unlawfully entered by force or stealth and remains within the dwelling, place of business or employment, or occupied vehicle of the person using force.

Unlawfully removing or is attempting to unlawfully remove another person against the other person's will from the dwelling, place of business or employment, or occupied vehicle of the person using force."

Braden said additional charges may be filed stemming from the incident and subsequent investigation.

Clarification: This article was updated at 6:07 p.m. Tuesday March 30 to reflect information from the Lee County Attorney's office that Raines allegedly pursued Shaffer into a yard in the neighborhood. When Raines approached Shaffer, Shaffer produced a gun and at that point the altercation became physical.

State opens 211 hotline to more Iowans looking for a vaccine

DES MOINES - Effective immediately, Iowans with barriers to scheduling a vaccine appointment or who do not have internet access who are 65 and older, or 64 and younger with an underlying health condition as outlined by the Centers for Disease Control (CDC) here, can call 211 or (800) 244-7431 and a vaccine navigator will assist them with scheduling a vaccine appointment. Translation services are available.

Vaccine navigators are available 7 days a week from 8 a.m. to 5 p.m. by dialing 211 or (800) 244-7431 and selecting the vaccine prompt number 9.

Mass Clinic in Des Moines Metro

Hy Vee and 211 are partnering to host a COVID-19 vaccine clinic for individuals 65 and older and individuals 64 and younger with an underlying health condition as outlined by the CDC here. The clinic will take place Saturday, April 3, from 7 a.m. to 5 p.m. at Community Choice Credit Union Convention Center 833 Fifth Avenue in Des Moines. Appointments are required and can be scheduled by calling 211 or 800-244-7431.

The Pfizer vaccine provided at this clinic requires two doses. A clinic to administer second doses for vaccine recipients will be held on April 24, at the same time as their first dose appointment and at the same location.

Free parking is available for vaccine recipients, and the convention center is located near a DART bus stop for those with limited transportation options. There is no cost for DART transportation to/from vaccine appointments, including this event.

It is recommended (but not required) that vaccine recipients bring the following to their appointment: insurance card (if they have insurance) and Medicare Part B red, white and blue card (if Medicare recipient); and photo ID. Masks are required. If individuals do not have insurance or photo ID, they can still be vaccinated.

We urge all Iowans to continue practicing the mitigation measures that can slow the spread of the COVID-19 virus.

Wear a mask or face covering

Practice social distancing with those outside your household

Clean your hands frequently with soap and water

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PUBLIC NOTICES

**PUBLIC NOTICE
FORT MADISON
COMMUNITY SCHOOL
DISTRICT
BOARD OF DIRECTORS
PUBLIC HEARING
April 5, 2021
6:00 P.M.
AGENDA**

- I. Call meeting to order and determination of a quorum
- II. Approve the agenda
- III. Certified Budget for FY 2021-2022
- IV. Receive written comments
- V. Receive oral comments
- VI. Adjourn

**FORT MADISON
COMMUNITY SCHOOL
DISTRICT
BOARD OF DIRECTORS
PUBLIC HEARING
April 5, 2021
6:05 P.M.
AGENDA**

- I. Call meeting to order and determination of a quorum
- II. Approve the agenda
- III. Instructional Support Levy
- IV. Receive written comments
- V. Receive oral comments
- VI. Adjourn

**FORT MADISON
COMMUNITY SCHOOL
DISTRICT
BOARD OF DIRECTORS
SPECIAL MEETING/
WORK SESSION
April 5, 2021
6:15 P.M.
AGENDA**

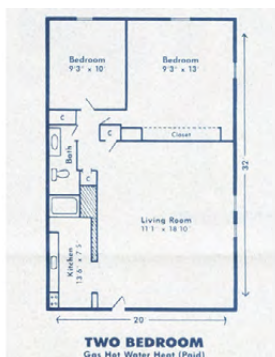
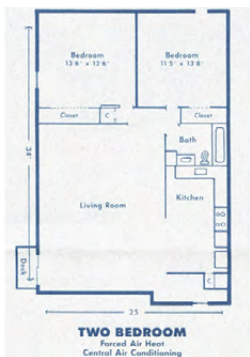
- I. Call meeting to order and determination of a quorum
- II. Approve the agenda
- III. Consider Approval of the Instructional Support Levy (ISL) for FY 2023-2028
- IV. Consider Approval of the 2021-2022 Certified Budget
- V. Superintendent High-lights 2020-2021
- VI. Adjourn

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Volunteer Services/ACS Program Director



United Way of the Great River Region

United Way of the Great River Region is seeking a full time Volunteer Services/AmeriCorps Seniors Program Director in our Fort Madison office to manage all aspects of the Volunteer Services Program. Director will oversee a long standing AmeriCorps Seniors (formerly RSVP). Ideal candidate will be a self starter, creative, outgoing, have excellent leadership and interpersonal relationship skills; grant management and writing skills; fundraising experience; strong office, computer and bookkeeping skills; and ability to work with and manage volunteers and the organizations and businesses who utilize volunteers. The ability to multi-task is a must. Some travel may be required. COVID protection measures include personal protective equipment, sanitizing supplies, low office traffic, some virtual meetings. EOE

To be considered, send your cover letter and resume with three references, on or before April 5, 2021 to: United Way of the Great River Region, PO Box 251, Keokuk, IA 52632 or email director@unitedwaygrr.org

NOW HIRING

Lee County Commission on Veteran Affairs Director/Administrator

The Lee County Commission on Veteran Affairs is looking to hire a replacement for our current Director/Administrator. Position includes providing assistance on obtaining benefits and services available to local veterans and their families.

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Position will start July 6, 2021. Position will be part-time (20 hours per week) until January 1, 2022 then will be a full time position (30 hours per week, per Iowa Code). Certification must be reached by January 1, 2022. Starting wage will be \$14.00/hour and will increase to \$18.00/hour at full time status. Lee County benefits will be available. Veterans will be given preference but all candidates will be considered.

Application and job description may be found online at www.leecounty.org and may also be obtained at the Lee County Auditor's Office, 933 Avenue H Fort Madison Iowa or by calling the Auditor's Office at 319-372-3705 or the Lee County Commission on Veteran Affairs Chairperson at 319-470-9434. Please submit cover letter, resume, and completed County application to:

Lee County Auditor
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Opinion

Godfrey case puts governor's power front and center

The Iowa Supreme Court chamber is a magnificent venue for the seven justices who referee the thorniest legal questions in our state.

The courtroom seats a few dozen spectators. Last week, it's a shame there weren't thousands of people listening to the justices' questions and the lawyers' responses in the appeal of Christopher Godfrey's lawsuit against former Gov. Terry Branstad.

There is much riding on the decision the Supreme Court will make this spring. The stakes go beyond the district court jury verdict that taxpayers must pay the former Iowa workers compensation commissioner \$1.5 million in damages for Branstad's decision in 2011 to cut his salary by one-third.

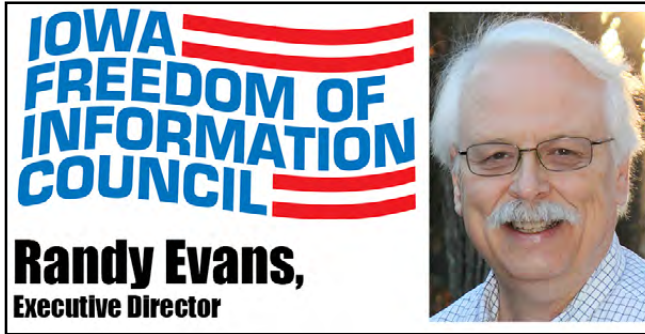
That occurred, according to the lawyers for the two sides, either because Godfrey is gay and because a handful of Branstad business supporters disliked Godfrey's decisions in cases involving workers hurt on the job, or because the governor was merely exercising his administrative discretion as the state's chief executive.

The Godfrey case centers on the limits to a governor's powers. All Iowans should be concerned even if they have never heard of Godfrey and know nothing about the workers compensation commissioner's duties.

The case is important, not because it involves Branstad. It is important because it shows a potential scope of authority for Iowa governors that should bother Republicans and Democrats alike.

Justice Brent Appel posed the question to Debra Hulett, the lawyer for Branstad and the state of Iowa, that went to the heart of this. Hulett said a governor can decide whether to cut the pay of an appointee for a variety of reasons. That can include the person's job performance or "anything else that's relevant."

Appel interjected: "Anything else? Really? Can he consider race?"



"Well, he didn't consider race in this case," Hulett responded.

Justice Christopher McDonald asked, "Can the governor use the salary mechanism as a way to pressure or to try to force him out of office?"

Referring to Godfrey, Hulett replied, "Governor Branstad felt that his policy-making warranted a reduction in salary, and that is what he did, and that's an appropriate exercise of discretion in his role as governor of the state."

Appel said governors have "a fair amount of discretion, of course, but it is not unlimited."

Godfrey's attorney, Roxanne Conlin, picked up on that: "There has to be a bright line over which the governor, or anybody, cannot step.

"It is a surprise to me that the defendants would come before the court and insist that the governor can make decisions about executive-appointed officers on the basis of race, on the basis of sexual orientation, and that you, and the jury, no one can interfere with that judgment," Conlin said.

"The governor of the state of Iowa could announce, according to the defendants, 'All public officials — everybody I appoint — is going to be a white male,' and there would be no legal remedy. That cannot be the law of the state of Iowa," she said.

Hulett countered that the legal remedy rests with voters.

"The remedy for Governor Branstad's decision, if one is needed at all, is accountability to the electorate rather than a

jury trial and damages," she said. "And that was resolved in 2014, when — with this case part of the public discourse being discussed — Iowa voters re-elected Governor Branstad."

Hulett added, "A governor that engaged in the type of conduct Ms. Conlin described would probably not get re-elected."

The key word in that analysis is "probably." And do Iowans really want a governor — whether Republican or Democrat — to wield such power, basically unfettered, between elections?

While Branstad had the support of thousands of Iowans, and while many of them may not want a gay man occupying a key state government job, how would those Iowans react if the tables were turned in the future?

What if that governor were a Democrat who did not want evangelicals in key state government jobs? How would Branstad supporters view that sort of power for a governor? How would they react if a Democrat tried to use the pressure of huge pay cuts to try to force evangelical officials out?

I'm betting they would not be pleased. I'm confident they would not think waiting four years for the next election would be an acceptable "solution."

Here's an important footnote:

Regardless of the Supreme Court's decision in this case, Branstad's treatment of Godfrey has been hugely expensive. And taxpayers are footing the bill.


So far, taxpayers have paid the state's lawyers about \$3 million. That expense will climb after Hulett and her partners are paid for preparing for last week's hearing.

If the jury verdict stands, the taxpayers will be on the hook not just for the \$1.5 million verdict. They also will have to compensate Conlin for representing Godfrey — a cost that will be comparable to what Branstad's lawyers are paid.

Just think, taxpayers may have to pony up \$8 million or more — over a pay dispute that involved \$150,000 cut from Godfrey's salary for the four years remaining in his six-year term.

Talk about embarrassing.


Randy Evans is the executive director of the Iowa Freedom of Information Council and can be reached at DMRev-ans2810@gmail.com. Pen City Current is a member of the IFOIC.

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