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# Case of ISU vs. NORML reheard, ISU loses again

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Jun 15, 2017

Iowa State has yet to decide whether to appeal an 8th District Court decision that reaffirms that ISU NORML's First Amendment freedoms have been violated.

John McCarroll of Iowa State university relations said that they are aware of the ruling, and that they are carefully reviewing their options on how to proceed. No decisions have been made yet.

Robert Corn-Revere, attorney for ISU NORML, said in an interview that "the ball is in ISU's court." Iowa State's options for proceeding include requesting a third appeal, making settlement, or the case could return to district court to determine the cost of damages.

Iowa State lost its second federal appeal on Tuesday in a free speech lawsuit against the ISU NORML chapter. In a 2-1 decision, it was reaffirmed that the First Amendment right of ISU NORML had been violated.

NORML is the National Organization for Reformation of Marijuana Laws.

This second appeal also determined in more detail that the defendants do not have "qualified immunity", which prevents elected officials from persecution if they acted reasonably and did not knowingly break any laws. This allows the administrators involved to be individually sued. While this was previously known, it was never extensively discussed in court.

The administrators who were sued by former ISU NORML presidents Paul Gerlich and Erin Furleigh, include former Iowa State President Steven Leath, former Senior Vice Presidents Warren Madden and Thomas Hill and ISU Trademark Program Manager Leesha Zimmerman.

In February 2017, Iowa State lost its appeal concerning a t-shirt design from the Iowa State NORML Chapter in the case former presidents of NORML Paul Gerlich and Erin Furleigh initially filed in 2014.

In 2012, the ISU NORML chapter submitted a t-shirt design to ISU Trademark which depicted Iowa State's mascot, Cy the Cardinal, as the "O" in NORML. The design also included a marijuana leaf above the acronym in a sentence on the back of the shirt reading "Freedom is NORML at ISU."

While initially approved by ISU Trademark, the approval was put on hold when ISU NORML requested approval for a reorder of the t-shirts. There was some back lash from Iowa House Republican staff due to an article in the Des Moines Register, where Josh Montgomery, then-president of NORML, was quoted saying that he had received nothing but support from the university in regard to the creation of their chapter at Iowa State.

This was misread by some as the university supporting the organization's views on marijuana. An Iowa House Republican staff member sent an inquiry to Iowa State's university relations asking if the design had been approved. This eventually led to the revision of ISU Trademark's Policies through a meeting with Leath's cabinet.

This was seen by NORML as a way to stifle its freedom of speech, and led Gerlich and Furleigh to file a lawsuit, citing that their First and Fourteenth Amendment rights had been violated.

The case was won by ISU NORML in 2016, on the grounds that the design did not actually violate any of ISU Trademark's policies, (the group advocates for the reformation of marijuana laws, not the illegal use of marijuana) and that the denial thereof was a violation of the First Amendment.

Iowa State then appealed this ruling, which was reaffirmed in February 2017. After the first reaffirmation, the administrators asked for the case to be reheard. The 8th District Court ruling Tuesday reaffirmed the original ruling.

Corn-Revere said that they plan to "pursue all available remedies." This includes compensation for damages as well as court fees.

**Daily Dose June 21**

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