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**VIA EMAIL**

Charles M. Thomson  
Chairman  
Iowa House Government Oversight Committee  
1110 N. Grand Avenue  
Suite 300  
Charles City, IA 50616

**Re: Iowa Migrant Movement for Justice**

Dear Chairman Thomson:

On behalf of Iowa Migrant Movement for Justice (“Iowa MMJ”), we write to respond to your “Directive to produce certain documents and information pursuant to ICA § 2.15,” dated February 24, 2025 (attached).

As an initial matter, we cannot provide the documents and information you directed us to produce because the Directive is not legally valid. You have identified your request for documents and information as pursuant to Iowa Code § 2.15. However, Iowa Code § 2.15 does not provide for directives for documents by a committee to a non-governmental organization. Iowa Code § 2.15. While it provides for subpoenas it does so only “with the approval of either or both houses during the session, or the legislative council during the interim . . . .” *Id.* § 2.15(1)(b).

In addition, there are several other serious concerns with your Directive:

First, it is addressed to an organization that provides legal services and includes information that is protected by the attorney-client privilege. The Directive seeks to require Iowa MMJ to provide a description of all legal services provided from January 1, 2019 to January 1, 2025; the dates of such legal services; the identities of the recipients of those legal services; and the costs of those legal services. This type of information necessarily invokes confidential communications that are “absolutely privileged from disclosure against the will of the client,” to which no exception applies. *See Konchar v. Pins*, 989 N.W.2d 150, 159 (Iowa 2023) (quoting *Keefe v. Bernard*, 774 N.W.2d 663, 669 (Iowa 2009)); *see also* Iowa Code § 622.10 (codification of the attorney-client privilege). This “privilege is ‘of ancient origin’ and ‘is premised on a recognition of the inherent right of every person to consult with legal counsel and secure the benefit of his advice free from any fear of disclosure.’” *Konchar*, 989 N.W.2d at 159 (quoting *Keefe*, 774 N.W.2d at 669)); *see also Upjohn Co. v. United States*, 449 U.S. 383, 389 (1981) (“[The attorney-client privilege’s] purpose is to encourage full and frank communication between attorneys and their clients and

thereby promote broader public interests in the observance of law and administration of justice.”). Recipients of legislative investigative demands “have long been understood to retain common law and constitutional privileges with respect to certain materials,” including “attorney-client communications.” *Trump v. Mazars USA, LLP*, 591 U.S. 848, 863 (2020).

Second, the Directive seeks to require Iowa MMJ to provide other confidential information you are not allowed to request under Iowa law. Specifically, the Directive seeks the identities of all Iowa MMJ employees; the identities of all Iowa MMJ employees who provide legal services; the identities of “all persons or entities who have donated funds to or issued grants in favor Iowa MMJ”; information regarding how Iowa MMJ has disbursed funds; and a “current membership list for Iowa MMJ.” In 2021, the State of Iowa enacted House File 309 which was an Act that restricted public agency disclosure of and access to certain personal information related to tax-exempt organizations. The law now provides: “A public agency shall not . . . [r]equire an entity which is exempt from taxation under section 501I of the federal Internal Revenue Code to provide the public agency with personal information.” Iowa Code § 22A.2. “‘Personal information’ means any list, record, register, roll, roster, or other compilation of data that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code.” Iowa Code § 22A.1.

Third, the Directive is overly broad and unduly burdensome. An investigative agency’s subpoena—though, here, this is merely a Directive—will only be enforced if it is “(1) within the statutory authority of the agency, (2) reasonably specific, (3) not unduly burdensome and (4) reasonably relevant to the matters under investigation.” *State ex rel. Miller v. Publishers Clearing House, Inc.*, 633 N.W.2d 732, 736 (Iowa 2001). The requests in the Directive are not reasonably specific, are unduly burdensome, and are not reasonably relevant to matters within the scope of the Iowa House Government Oversight Committee. For example, you request that Iowa MMJ provide a “summary description of [its] compliance with” 19 different chapters of the Iowa Court Rules.

Fourth, the Directive does not appear to serve any valid legislative purpose. Indeed, no legislative purpose is posited at all. The Directive therefore does not appear to be related to, or in furtherance of, any legitimate task of the Iowa House Government Oversight Committee. A legislature’s investigative power, broad as may be, “is subject to several limitations.” *Trump*, 591 U.S. at 862. A legislative investigative demand “must serve a valid legislative purpose,” cannot be issued “for the purpose of law enforcement,” cannot be used “to try someone before a committee for any crime or wrongdoing,” and cannot be “conducted solely for the personal aggrandizement of the investigators or to punish those investigated.” *See id.* at 863 (cleaned up). A legislature “has no general power” to “expose for the sake of exposure.” *Id.* (cleaned up).

Fifth, the Directive warns: “Finally, you are directed not to discuss this Directive with any person or entity inside or outside of state government or notify any person or entity that you have been directed to provide the information.” There is no basis or authority in the law for you, on behalf of the Iowa House Government Oversight Committee, to direct an organization in such a manner. Further, on the face of it, the direction is so broad that it would prevent the Iowa MMJ from seeking outside legal counsel for review and advise; challenging the Directive in court if necessary; reporting the Directive to, or discussing it with, law enforcement; and/or seeking relief from the

Iowa Courts. This raises serious constitutional concerns, including but not limited to Iowa MMJ's right to due process. *See* Iowa Const. art. I § 9; *see also* U.S. Const. amend. XIV § 1.

Indeed, the Directive would potentially appear to meet the standard for abuse of process under Iowa law. *See Iowa Sup. Ct. Att'y Disc. Bd. v. Barnhill*, 885 N.W.2d 408, 419–20 (Iowa 2016) (“To prove a claim of abuse of process, a plaintiff must show (1) use of the legal process, (2) in an improper or unauthorized manner, and (3) that damages were sustained as a result of the abuse.”). At minimum, given that your letter is on official State letterhead, is signed by you as the Chairman of the Iowa House Government Oversight Committee, is phrased as a legally self-enforceable demand (but which is outside the scope of the Committee's authority), and appears to warn against further review, the Directive raises serious concerns about whether it is an abuse of process.

One final note. The Directive accurately quotes Iowa MMJ's mission “to build a movement for justice led by immigrants and refugees in Iowa by providing high-quality legal services and community empowerment through organizing.” The Directive overlooks, however, the religious genesis of that mission. Iowa MMJ was founded from the legacy of two faith-based organizations, American Friends Service Committee Iowa and Iowa Justice for Our Neighbors. Iowa MMJ's work grows out of The United Methodist Church and the Quakers' longstanding commitment to refugees and immigrants, guided by Christian values of hospitality to people seeking refuge. Today, Iowa MMJ remains affiliated with The United Methodist Church's Committee on Relief which, as the humanitarian agency for the entire denomination, supports programs that reach migrants to help them attain legal status, litigate asylum claims, and resettle in American communities. Both the Directive and any possible legislative purpose behind it appear specifically designed to chill the free exercise of religion.

We trust this letter fully responds to the Directive. Should you have any questions concerning the response, please direct them to me.

Very truly yours,



Nicholas A. Klinefeldt

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