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**Sent via Email to: [chris@bwsiova.com](mailto:chris@bwsiova.com)**

Attorney Stewart  
BolesWitoskyStewart Law PLLC  
2015 Grand Avenue, Suite 200  
Des Moines, Iowa 50312

Re: Your threatening letter to Mrs. Elayne Casalins

Dear Attorney Stewart:

We represent Mrs. Elayne Casalins. You sent Mrs. Casalins a threatening letter on June 27, 2025, demanding that she “cease-and-desist” any public discussion regarding a matter of public concern, namely controversial curricula and instructional materials used at the Belmond-Klemme Community School. You sent the letter on behalf of Erin Slifer, a teacher employed by the Belmond-Klemme Community School District. On behalf of Mrs. Casalins, we reject the legal arguments and demands in your letter, and we see it as little more than an attempt to intimidate Mrs. Casalins into giving up her First Amendment rights to speak and to petition her local school board regarding a matter of public concern.

### **Factual Background**

In the 2024–25 school year, Ms. Slifer was the seventh-grade English teacher for Mrs. Casalins’ son. In your letter, you allege that Mrs. Casalins defamed Ms. Slifer in the comments Mrs. Casalins made when she addressed a meeting of the Belmond-Klemme Community Board on June 19, 2025. She did this after first speaking with Ms. Slifer directly, with the building principal, and then with the district superintendent. She felt her concerns were not being taken seriously. Mrs. Casalins spoke at the June 19th meeting to set forth her objections to certain curricula and instructional materials used in her son’s classroom. Specifically, pursuant to, and consistent with, Belmond-Klemme School Board Policy 605.3, Mrs. Casalins appeared at the meeting to object to the curricula and instructional materials that were used in her son’s seventh-grade classroom.

School Board Policy 605.3 expressly provides that:

**Members of the school district community may object to the instructional materials utilized in the school district and ask for their use to be reconsidered.** (Emphasis added)

Further, Iowa Code § 279.77(2) provides that parents have the right to request that their child not be provided with objectionable materials. Mrs. Casalins was denied her statutory right to opt out of objectionable materials because she was not provided with advance notice of the instructional materials.

In addition, Iowa Code § 279.74 states:

The superintendent of each school district shall ensure that any curriculum ... does not teach, advocate, encourage, promote, or act upon specific stereotyping and scapegoating toward others on the basis of demographic group membership or identity.

Mrs. Casalins' comments to the school board were intended to address all three issues: (1) in her opinion the curricula she objected to violated Iowa Code § 279.74, (2) she believed that she was denied her statutory right to object to the curricula and instructional materials, and (3) to object to the materials after the fact under Policy 605.3, and to ask that their future use be reconsidered.

The existence of two state statutes and a published school board policy addressing controversial curricula and instructional materials underscores that these topics are a matter of public concern. Neither the Iowa Legislature nor the Belmond-Klemme School District would have attempted to address the issue if they were not matters of public concern.

### **Summary of Mrs. Casalins' comments.**

Mrs. Casalins introduced herself and stated that she had concerns about what was taught in her child's seventh-grade class during the last week of school.

She reported that the teacher made the students watch the PG-13 movie "Till" without any parental notice or consent—even though many students, including her son, were only 12 years old. She further reported that after the film, the teacher led a discussion focused on Black Lives Matter, racism, and police brutality. The teacher also showed a video of "Lift Every Voice and Sing" by Alicia Keys and stated that everyone in the video was a victim of racism.

She further reported that students were asked to connect the movie and the song to Black Lives Matter. She reported that her son, who had no prior knowledge of this political movement, failed the questions simply because he wasn't familiar with the subject. She voiced her opinion to the School Board that she thought this was not appropriate or fair in an academic setting—especially when this content was not part of the regular curriculum or communicated to parents.

Mrs. Casalins asked the board to interview the students involved to confirm her understanding of the curricula that were taught and the instructional materials that were used, and once the information was confirmed, to determine whether the curricula

taught and the instructional materials used that day were appropriate or should be reconsidered.

You assert that her statements at the school board meeting were false and constitute defamation per se. What is extremely strange about your letter, however, is that nowhere in your letter do you set forth the words spoken by Mrs. Casalins at that meeting that you allege were false and constituted defamation per se.

Mrs. Casalins never mentioned Ms. Slifer's name during her statement to the School Board and her statements at the meeting were directed at the curricula and were not personal attacks with respect to Ms. Slifer. How could Mrs. Casalins object to the curricula and instructional materials that she objected to without stating in what class they were used and providing a description of the materials?

There was nothing in her presentation that was defamatory towards anyone, much less defamatory per se with respect to Ms. Slifer. In your letter, you say that the alleged defamatory statements were later quoted in a newspaper article. We have not seen any article in which Ms. Slifer is named, nor any article which reports that Mrs. Casalins made personal statements about a teacher as opposed to objections about the curricula and instructional materials.

### **Relevant Iowa Defamation Law.**

In your letter, you cite two cases in support of your position. The first is *Bauer v. Brinkman*, 958 N.W. 2d 194, 198 (Iowa 2021). In that case an apartment manager sued for defamation when a neighbor referred to him as a "slumlord" on social media. Significantly, the plaintiff-apartment manager lost that case at every stage of the litigation. His claim was dismissed as a matter of law by the district court. That dismissal was affirmed by the Court of Appeals and then affirmed by the Iowa Supreme Court. *Bauer* does not support your threatened claim in any way.

*Bauer* does set forth the elements of a claim for defamation in Iowa as follows:

The prima facie elements a plaintiff must prove in a defamation action are that "the defendant (1) published a statement that was (2) defamatory (3) of and concerning the plaintiff." *Id.* at 464 (quoting *Taggart v. Drake Univ.*, 549 N.W.2d 796, 802 (Iowa 1996)). **Generally speaking, defamation is the publication of false statements of fact which tend to harm an individual's reputation.** *Huegerich v. IBP, Inc.*, 547 N.W.2d 216, 221 (Iowa 1996).

*Bauer v. Brinkman*, 958 N.W.2d 194, 198 (Iowa 2021), as amended (Apr. 21, 2021) (Emphasis added.)

In your letter, you quote the first sentence above, but you omit the very next sentence which explains that a statement must be "false" to be defamatory. Presumably, you do

that based upon the second case you cite, *Villarini v. Iowa City Cmty. Sch. Dist.*, 21 N.W.3d 129, 134 (Iowa 2025) which you quote as saying

“Words are [slanderous] per se if they are of such a nature, whether true or not, that the court can presume as a matter of law that their publication will have a [slanderous] effect.”

You seem to be contending that something that Mrs. Casalins said at the school board meeting was defamatory per se under Iowa law and, as a result, truth is not a defense. But you appear to have a fundamental misconception about the Iowa doctrine of defamation per se.

**You do not identify any statements by Mrs. Casalins that would qualify as defamatory per se as a matter of law.**

First, as pointed out above, you do not set forth any words in your letter which you assert Mrs. Casalins said at the school board meeting that were false, defamatory, or constitute slander per se.

Iowa characterizes four categories of statements as defamatory per se:

1. Imputation of a loathsome disease
2. Unchastity
3. Certain indictable crimes
4. Incompetence in occupation

See, *Barreca v. Nickolas*, 683 N.W.2d 111, 116 (Iowa 2004). What is your contention as to what Mrs. Casalins said that falls into one of these four categories? You have identified nothing, and given that she does not name or personally discuss Ms. Slifer, you cannot identify anything.

**Truth is always a defense against a defamation per se claim under Iowa law.**

Second, you seem to be misunderstanding what defamation per se means under Iowa law. It is not the case that a claim for defamation per se removes truth as a defense. No Iowa case that we have found has ever held a defendant liable for defamation per se where the statement made by the defendant was true. You certainly have not identified one.

As an example of the principle, if a person calls another person a thief and the person actually stole something and was convicted of theft, the thief could not sue for defamation per se. The truth of the statement would be a defense.

**Ms. Slifer is a limited public figure for purposes of a defamation claim here and, thus, cannot bring a claim for defamation per se.**

Third, you are ignoring that Iowa law is clear that “libel per se is available **only** when a private figure plaintiff sues a nonmedia defendant for certain kinds of defamatory statements that do not concern a matter of public importance.” *Bierman v. Weier*, 826 N.W.2d 436, 448 (Iowa 2013) (Emphasis added). In this context, Ms. Slifer is not a private figure plaintiff, and the statements do concern a matter of public importance.

Ms. Slifer is not a private figure here but instead is a limited purpose public figure for purposes of a defamation claim and thus is subject to the higher burdens such an individual must meet in a defamation case. As explained in *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 351, 94 S.Ct. 2997 (1974) and adopted by the Iowa Supreme Court in *Stevens v. Iowa Newspapers, Inc.*, 728 N.W.2d 823, 826 (Iowa 2007) a person can become a public figure in two ways; (1) they can achieve such pervasive fame or notoriety that they become a public figure for all purposes and in all contexts or, and more commonly, (2) an individual voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues.

Here, by choosing controversial curricula and instructional materials for public school students and not giving notice to parents so that they might opt their children out of the controversial curricula, Ms. Slifer injected herself into a public controversy. As pointed out above, both the Iowa Legislature and the Belmond-Klemme School Board have acknowledged that this is a controversial topic and the School Board held a public meeting under a published school board policy to discuss it. By choosing controversial curricula and instructional materials in a system that makes such a decision a matter of public concern, Ms. Slifer became a limited purpose public figure.

Thus, the doctrine of defamation per se does not apply as a matter of law.

**Even if defamation per se applied here, Ms. Slifer still has no claim.**

Fourth, even if we are wrong about everything we have already said (and we are not wrong), Ms. Slifer still has no claim against Mrs. Casalins for two reasons. A legal conclusion that a statement is slander per se under Iowa law accomplishes one thing and only one thing – it means that the defendant does not have to prove actual damages from the statement. *Bierman v. Weier*, 826 N.W.2d 436, 455 (Iowa 2013) (the *Bierman* Court discusses this concept extensively in many parts of the decision, but see in particular the cases cited at 455). As a result, even if you could advance a claim for defamation per se, you still would have to prove that Mrs. Casalins made a statement about Ms. Slifer that was false and defamatory which you cannot do.

Second, even if Mrs. Casalins statements to the School Board could be characterized as defamatory (and they cannot), they would be privileged under Iowa law. *Barreca v. Nickolas*, 683 N.W.2d 111, 116–17 (Iowa 2004). As recognized in *Barreca*,

The law affords defendants privileges because “[s]ometimes one is justified in communicating to others, without liability, defamatory information.... The law recognizes certain situations may arise in which a person, in order to protect his

own interests or the interests of others, must make statements about another which are indeed libelous. When this happens, the statement is said to be privileged, which simply means no liability attaches to its publication.’ *Id.* at 117 (quoting *Vojak v. Jensen*, 161 N.W.2d 100, 105 (Iowa 1968)).

Under Iowa law, a conditional privilege exists with respect to statements that are otherwise defamatory when:

- (1) the statement was made in good faith;
- (2) the defendant had an interest to uphold;
- (3) the scope of the statement was limited to the identified interest; and
- (4) the statement was published on a proper occasion, in a proper manner, and to proper parties only.

*Barreca v. Nickolas*, 683 N.W.2d at 118.

Each of those four conditions are met here. Mrs. Casalins made her presentation in good faith to support her objection to the curricula that was taught to her son and the instructional materials that were used. She has an interest to uphold under state law and school board policy – to exercise her parental rights to protect her son. Her statements were limited to the nature and reasons for her objections and were made at a school board meeting specifically designated to hear her objections under School Board policy.

Mrs. Casalins had and has a First Amendment right to speak on this subject and to petition her government (the school board) for relief. Ms. Slifer may not lawfully interfere with those rights through your letter.

### **We will defend Mrs. Casalins.**

In your letter you state that Mrs. Casalins must refrain from making any further defamatory statements and that if she fails to comply you will pursue a claim for defamation. Despite your threat, we remind you that Mrs. Casalins has made no defamatory statement and she will not refrain from continuing to object to the curricula and instructional materials she described in her presentation, and she will continue to pursue her rights under School Board policy 605.3.

We will defend Mrs. Casalins against any claim that you bring. We will defend on the merits as explained above and under Iowa’s recently enacted Uniform Public Expression Protection Act codified at Iowa Code §§ 652.1, et seq.

This law, which took effect on May 19, 2025, protects individuals from Strategic Lawsuits Against Public Participation (SLAPPs). These are lawsuits intended to intimidate or silence critics by burdening them with costly and protracted legal battles. The statute applies broadly to lawsuits arising from the exercise of constitutional rights, including freedom of speech and petition. Iowa Code § 652.2(2)(c). The statute protects

communications made in legislative, executive, judicial, administrative, or other governmental proceedings, or on issues under consideration by such bodies. *Id.* § 652.2(2)(a). It ensures that all Iowans can engage in public discourse without fear of retaliatory litigation.

Finally, we will remind you that Ms. Slifer, as a public employee, may be liable for damages under 42 U.S.C. § 1983 if she violates our client's First Amendment rights. We will closely monitor the actions of Ms. Slifer in this regard and if our client's rights are violated, we will take action in federal court to protect them.

## Conclusion

Mrs. Casalins will not be intimidated. Mrs. Casalins will continue to exercise her parental rights and continue to protect her children by seeking to have the objectionable instructional materials and curricula withdrawn.

Sincerely,



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