


Judge: City's arrest of critic is 'quintessential viewpoint discrimination'

Trial will now determine damages to be paid by City of Newton

BY: **CLARK KAUFFMAN** - FEBRUARY 23, 2026 5:00 PM



 Noah Petersen in front of Newton City Hall. (Photo courtesy of the Institute for Justice)

Declaring that a citizen was “targeted because he criticized the police department and city leadership,” a federal judge has ruled that the City of Newton violated the rights of a critic by twice having the man arrested at city council meetings.

The decision means that Noah Petersen’s lawsuit against the city for violating his constitutional rights can proceed to trial, with the only issue still to be decided being the amount of damages the city might have to pay for those violations.

The lawsuit stems from a rule that city officials created to prohibit citizens from making “derogatory comments” at city council meetings. After Petersen was twice arrested for violating that rule, he sued the city for violating his rights.

In a strongly worded ruling issued Monday, Chief Judge Stephanie M. Rose of the U.S. District Court for the Southern District of Iowa concluded the rule “served as a mechanism for silencing unwelcome criticism while permitting favorable commentary ... The constitutional violations

were not the work of overzealous subordinates acting contrary to city policy. They were the deliberate product of city policy, developed and implemented by the municipality’s highest officials.”

In a written statement issued through his attorneys at the Institute for Justice, Petersen said the court’s ruling “reaffirmed a basic American principle: Public meetings are for the public, and you don’t lose your First Amendment rights when you step up to the microphone. Newton’s leaders tried to treat public comment as a place where only praise is welcome – and when I wouldn’t be quiet, they had me arrested.”

Mayor cuts off comments, Petersen arrested

The conflict between Petersen and the city dates back to early 2022, when Petersen submitted a written comment to be read, in his absence, at a Newton city council meeting. The city clerk determined Petersen’s comments, which were critical of the police department, violated the city’s “derogatory comments” rule and declined to read it.

In August 2022, Newton Police Officer Nathan Winters arrested 19-year-old Tayvin Galanakis for drunken driving after Galanakis passed all of the sobriety tests. The officer’s body-cam footage of that arrest later went viral, sparking outrage nationwide.

Petersen looked into the matter and discovered that Winters was subject to a civil no-contact order related to allegations of domestic abuse. On Oct. 3, 2022, Petersen attended a city council meeting and, during the public-comment period, he began reading prepared remarks characterizing the police department as “violent” and “pro-domestic abuse.”

Mayor Michael Hansen interrupted Petersen and directed Police Chief Rob Burdess to remove him from the council chambers. When Petersen insisted on finishing his remarks, Burdess arrested him for disorderly conduct. Later, during the same meeting, several other speakers were allowed to make comments that were critical of the city’s rental inspector



Go do your activism somewhere where somebody cares.

– *Newton Mayor Michael Hansen*

On Oct. 24, 2022, Petersen attended another city council meeting. During the public-comment period, Petersen called Hansen and Burdess “fascists” who “need to be removed from power” – at which point Hansen gaveled him down, suspended the meeting and ordered Petersen to leave. As Petersen walked toward the exit, a police lieutenant intercepted him and arrested him for disorderly conduct.

Hansen then told the other citizens at the meeting to “go do your activism somewhere where somebody cares” rather than at city council meetings.

The Jasper County Attorney’s Office then declined to pursue the criminal charges against Petersen, explaining to the mayor that the county’s board of supervisors wished to avoid the media attention surrounding Petersen’s arrests. The prosecutor suggested the city impose municipal criminal charges, which would shift the responsibility for prosecution to the city’s attorneys.

The municipal prosecution from the first arrest proceeded to trial in December 2022. The trial court found Petersen not guilty, finding the city’s rule was unconstitutionally vague and overbroad. The city then dismissed the second of the two charges, after which Petersen sued Hansen, Burdess and the city in federal court.

On Monday, Judge Rose granted Petersen’s motion for summary judgment alleging First Amendment retaliation by Hansen and Burdess.

She also granted summary judgment in favor of Petersen as to the city’s liability in the manner, the violation of Petersen’s Fourth Amendment rights, and the violation of the equal protection clause of the U.S. Constitution in connection with the city’s selective enforcement of its rule.

Judge: ‘Criticism was restricted; praise was welcomed’

In rejecting the city’s defense, Rose wrote that “the Constitution does not permit government officials to silence criticism under the guise of preventing defamation. Indeed, no court of last resort in this country has ever held, or even suggested, that prosecutions for libel on government have any place in the American system of jurisprudence. Yet that is precisely what (the city) attempted here. The record demonstrates that the rule was enforced against Petersen not because his speech was actually defamatory, but because it criticized government officials in a manner they found objectionable.”

In her ruling, Rose noted that she found the mayor’s sworn testimony in depositions to be particularly revealing as it spoke to the troubling “subjectivity of his enforcement” of the rule.

“When pressed on why accusations against the rental inspector did not violate the rule, (the mayor) offered shifting explanations: the speaker was a ‘very good friend’ who had called him beforehand; the criticism pertained to a program rather than an individual; the statements were merely ‘opinion,’” Rose stated in her ruling. “Most revealing is the mayor’s own admission that praising the police department would, ‘of course,’ not violate the rule. Criticism was restricted; praise was welcomed. That is quintessential viewpoint discrimination.”

In her ruling, Rose pointed out that the criminal complaint filed against Petersen explicitly stated he was arrested for “speaking negatively towards the mayor of Newton and the police

chief,” and she took issue with the city’s argument that the charges of disorderly conduct were justified given Petersen’s refusal to comply with the city’s rule.

“Petersen had lawful authority to speak,” Rose stated in her ruling. “He was properly recognized and speaking within his allotted time. The mayor interrupted him for violating the rule. But that violation cannot supply probable cause when the rule itself was enforced to silence protected speech while allowing others to continue. (The city) effectively manufactured probable cause by enforcing an unconstitutional restriction that operated as a viewpoint-based ban on criticism of government officials.”

Petersen, Rose found, was “neither boisterous nor disruptive and used no abusive language or gestures” at the city council meetings. “The record reveals that Petersen’s sole offense was insisting on his right to complete his allotted speaking time after being improperly silenced based on the content of his protected speech.”

The city’s attorney, Matthew Brick, did not return a call seeking comment Monday.

“Today’s ruling is a major win for government accountability,” said Institute for Justice attorney James Knight. “From small towns to federal agents, government officials don’t get to use the power of arrest to punish protected speech. The First Amendment doesn’t allow public meetings to become praise-only zones—and it certainly doesn’t allow officials to weaponize the police against dissent.”