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Senate File 384

By DOUD, PRENTIS, FISHBAUGH, ANDERSON,
LYNES, BERG, ELTHON, HART, RIDOUT,
DYKHOUSE, ZASTROW, COLBURN.

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Passed House, Date

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to make it a crime to commit acts or advocate acts intended to effect the overthrow of the government of the United States or the state of Iowa or of any political subdivision thereof by violence or other unlawful means, or to attempt to conspire so to do, relating to subversive organizations generally, to the loyalty of candidates for public office and officers and employees of the state or of any political subdivision thereof and relating to the policy of the state in giving aid to institutions which fail to report what procedures have been adopted to determine the loyalty of its officers and employees and providing for the enforcement of the provisions of said Act, and providing penalties for the violations thereof.

WHEREAS, there is a world communist movement under the domination of a foreign power, having as its objective the establishment of totalitarian dictatorship in all parts of the world under its control; and

WHEREAS, such a dictatorship is characterized by the liquidation of all political parties other than the communist party, the abolishment of free speech, free assembly, and freedom of religion, and is the complete antithesis of the American constitutional form of government; and

WHEREAS, the methods used by such a police state include treachery, deceit, infiltration into governmental and other institutions, espionage, sabotage, terrorism and other unlawful means; and

WHEREAS, the world communist movement is not a political movement, but its a world-wide conspiracy having sections in each country ; and

WHEREAS, using the methods above set forth, it has already successfully conquered in recent years a large part of the world and has established spearheads in this country in the form of various conspiratorial organizations, some masquerading under the pretense of being political parties, others infiltrating organizations which they seek to control in order to further the objectives of the world communist movement ; and

WHEREAS, other subversive groups have had similar objectives and it is essential to the preservation of the state, as well as for the protection of citizens from unfounded accusations, that criminal acts of a seditious nature be clearly and expressly defined ; and

WHEREAS, the communist movement plainly presents a clear and present danger to the United States government and to the state of Iowa ; NOW, THEREFORE

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. For the purposes of this Act

2 "Organization" means an organization, corporation,

3 company, partnership, association, trust, foundation, fund,

4 club, society, committee, association, political party, or

5 any group of persons, whether or not incorporated, permanently

6 or temporarily associated together for joint action or advance-

7 ment of views on any subject or subjects.

8 "Subversive organization" means any organization which

9 engages in or advocates, abets, advises, or teaches, or a

10 purpose of which is to engage in or advocate, abet, advise, or

11 teach activities intended to overthrow, destroy or alter, or

12 to assist in the overthrow, destruction or alteration of, the

13 constitutional form of government of the United States,

14 or of the state of Iowa, or of any political subdivision of
15 either of them, by revolution, force, or violence.

16 “Foreign subversive organization” means any organization
17 directly, dominated or controlled directly or indirectly by
18 a foreign government which engages in or advocates, abets,
19 advises, or teaches, or a purpose of which is to engage in or
20 to advocate, abet, advise, or teach, activities intended to
21 overthrow, destroy or alter, or to assist in the overthrow,
22 destruction or alteration of the constitutional form of the
23 government of, the United States, or of the state of Iowa, or
24 of any political subdivision of either of them, and to establish
25 in place thereof any form of government the direction and
26 control of which is to be vested in, or exercised by or
27 under, the domination or control of any foreign government,
28 organization, or individual.

29 “Foreign government” means the government of any
30 country or nation other than the government of the United
31 States of America or of one of the states thereof.

32 “Subversive person” means any person who commits, attempts
33 to commit, or aids in the commission, or advocates, abets,
34 advises or teaches by any means any person to commit, attempt
35 to commit, or aid in the commission of any act intended to
36 overthrow, destroy or alter, or to assist in the overthrow,
37 destruction or alteration of, the constitutional form of
38 the government of the United States, or of the state of
39 Iowa, or any political subdivision or either of them, by

40 revolution, force, or violence; or who is a member of a
41 subversive organization or a foreign subversive organization.

1 Sec. 2. It shall be a felony for any person knowingly
2 and wilfully to

3 (a) Commit, attempt to commit, or aid in the commission
4 of any act intended to overthrow, destroy or alter, or to
5 assist in the overthrow, destruction or alteration of, the
6 constitutional form of the government of the United States,
7 or of the state of Iowa, or any political subdivision of
8 either of them, by revolution, force, or violence; or

9 (b) Advocate, abet, advise, or teach by any means any
10 person to commit, attempt to commit, or assist in the
11 commission of any such act as described in sub-section (a)
12 hereof under such circumstances as to constitute a clear
13 and present danger to the security of the United States, or
14 of the state of Iowa or of any political subdivision of
15 either of them; or

16 (c) Conspire with one or more persons to commit any
17 such act as described in sub-section (a) hereof; or

18 (d) Assist in the formation or participate in the
19 management or to contribute to the support of any subversive
20 organization or foreign subversive organization knowing said
21 organization to be subversive organization or a foreign
22 subversive organization; or

23 (e) Destroy any books, records or files, or secrete any
24 funds in this state of a subversive organization or a foreign

25 subversive organization, knowing said organization to be such.

26 Any person who shall be convicted by a court of com-
27 petent jurisdiction of violating any of the provisions of this
28 section shall be fined not more than ten thousand dollars
29 (\$10,000.00), or imprisoned for not more than twenty (20)
30 years, or both, at the discretion of the court.

1 Sec. 3. It shall be a felony for any person to become,
2 or after the effective date of this Act to remain, a member
3 of a subversive organization or a foreign subversive organi-
4 zation knowing said organization to be a subversive organi-
5 zation or foreign subversive organization. Any person who
6 shall be convicted by a court of competent jurisdiction of
7 violating this section shall be fined not more than one
8 thousand dollars (\$1,000.00), or imprisoned for not more than
9 one (1) year, or both, at the discretion of the court.

1 Sec. 4. Any person who shall be convicted by a court of
2 competent jurisdiction of violating any of the provisions
3 of sections 2 and 3 hereof, in addition to all other penalties
4 therein provided, shall from the date of such conviction be
5 barred from

6 (a) Holding any office, elective or appointive, or any
7 other position of profit or trust in or employment by the
8 government of the state of Iowa or of any agency thereof or
9 of any county, municipal corporation, school district or other
10 political subdivision of said state;

11 (b) Filing as a candidate for nomination or election

12 to any public office in the state of Iowa; or

13 (c) Voting in any election held in this state.

1 Sec. 5. It shall be unlawful for any subversive organi-
2 zation or foreign subversive organization to exist or function
3 in the state of Iowa and any organization which by a court
4 of competent jurisdiction is found to have violated the pro-
5 visions of this section shall be dissolved, and if it be a
6 corporation organized and existing under the laws of the
7 state of Iowa a finding by a court of competent jurisdiction
8 that it has violated the provisions of this section shall
9 constitute legal cause for forfeiture of its charter and
10 its chapter shall be forfeited, and all funds, books, records
11 and files of every kind and all other property of any organi-
12 zation found to have violated the provisions of this section
13 shall be seized by and for the state of Iowa, the funds to
14 be deposited in the state treasury and the books, records,
15 files and other property to be turned over to the attorney
16 general of Iowa.

1 Sec. 6. The attorney general is hereby directed to call
2 upon the department of public safety, county and municipal
3 authorities of the state to furnish such assistance as may
4 from time to time be required. Such authorities are directed
5 to furnish information and assistance as may be from time to
6 time so requested.

1 Sec. 7. The attorney general shall maintain complete
2 records of all information received by him and all matters

3 handled by him. Such records as may reflect on the loyalty
4 of any resident of this state, shall not be made public or
5 divulged to any person except with permission of the attorney
6 general to effectuate the purposes of this Act. He shall
7 further require the publication, printing and appropriate
8 distribution of all reports of grand juries of this state made
9 as hereinafter provided.

1 Sec. 8. The judge of the district court of each county,
2 when in his discretion it appears appropriate, or when in-
3 formed by the state's attorney that it is appropriate, to be
4 considered by the grand jury, shall charge the grand jury to
5 inquire into violations of this Act for the purpose of proper
6 action, and further to inquire generally into the purposes,
7 processes and activities and any other matters affecting
8 communism or any related or other subversive organizations,
9 associations, groups or persons. Any grand jury charged by
10 the court as provided herein shall not later than the con-
11 clusion of its term of service prepare a written report,
12 separate from all other matters considered by said grand
13 jury, of its findings upon the subjects placed before it;
14 provided, however, such report shall not charge any residents
15 of this state with being disloyal unless they shall have been
16 indicted under the provisions hereof or other provisions of
17 the criminal law of this or some other jurisdiction.

1 Sec. 9. No subversive person shall be eligible for
2 employment in, or appointment to any office, or any position

3 of trust or profit in the government of, or in the adminis-
4 tration of the business of this state or any agency thereof,
5 or of any county, municipality, school district, or other
6 political subdivision of this state.

1 Sec. 10. Every person and every board, commission,
2 council, department, court or other agency of the state of
3 Iowa or any political subdivision thereof, who or which
4 appoints or employs or supervises in any manner the appoint-
5 ment of employment of public officials or employees shall
6 establish by rules, regulations or otherwise, procedures
7 designed to ascertain before any person, including teachers
8 and other employees of any public educational institution
9 in this state, is appointed or employed, that he or she as
10 the case may be, is not a subversive person, and that there
11 are no reasonable grounds to believe such persons are subversive
12 persons. In the event such reasonable grounds exist, he or
13 she as the case may be shall not be appointed or employed.
14 In securing any facts necessary to ascertain the information
15 herein required, the applicant shall be required to sign a
16 written statement containing answers to such inquiries as may
17 be material, which statement shall contain notice that it is
18 subject to the penalties of perjury.

1 Sec. 11. The inquiries prescribed in section 10, other
2 than the written statement to be executed by an applicant for
3 employment, shall not be required as a prerequisite to the
4 employment of any person in the classification of laborers

5 in any case in which the employing authority shall in his
6 or its discretion determine, and by rule or regulation specify
7 the reasons why, the nature of the work to be performed is
8 such that employment of persons as to whom there may be
9 reasonable grounds to believe that they are subversive
10 persons as defined herein will not be dangerous to the health
11 of the citizens or the security of the governments of the
12 United States, the state of Iowa, or any political subdivision
13 thereof.

1 Sec. 12. Every person, who shall be in the employ of
2 the state of Iowa or of any political subdivision thereof,
3 other than those now holding elective office, shall be
4 required on or before August 1, 1951, to make a written
5 statement which shall contain notice that it is subject to
6 the penalties of perjury, that he or she is not a subversive
7 person as defined herein, namely, any person who commits,
8 attempts to commit, or aids in the commission of any act,
9 or advocates, abets, advises or teaches by any means any
10 person to commit, attempt to commit, or aid in the commission
11 of any act intended to overthrow, destroy or alter the
12 constitutional form of the government of the United States, or
13 of the state of Iowa, or any political subdivision of either
14 of them, by revolution, force, or violence; or who is a
15 member of a subversive organization or a foreign subversive
16 organizaiton. Such statement shall be prepared and execution
17 required by every person and every board, commission, council,

18 department, court or other agency of the state of Iowa or any
19 political subdivision thereof responsible for the employment
20 and supervision of employees under its jurisdiction. Any such
21 person failing or refusing to execute such a statement or who
22 admits he is a subversive person shall immediately be dis-
23 charged.

1 Sec. 13. Reasonable grounds on all the evidence to
2 believe that any person is a subversive person, shall be
3 cause for discharge from any appointive office or other
4 position of profit or trust in the government of or in the
5 administration of the business of this state, or of any
6 county, municipality or other political subdivision of this
7 state, or any agency thereof. Persons charged with being
8 subversive persons, shall be accorded notice and opportunity
9 to be heard, in accordance with the procedures prescribed by
10 law for persons entitled to preference in employment as
11 veterans. Every person and every board, commission, council,
12 department or other agency of the state of Iowa or any political
13 subdivision thereof having responsibility for the appointment,
14 employment or supervision of public employees, shall establish
15 rules or procedures similar to those required herein for
16 persons entitled to veteran preference for a hearing for any
17 person charged with being a subversive person, after notice
18 and opportunity to be heard. Every employing authority
19 discharging any person pursuant to any provision hereof shall
20 promptly report to the attorney general the fact of and the

21 circumstances surrounding such discharge. A person discharged
22 under the provisions of this section shall have the right
23 within thirty (30) days thereafter to appeal to the district
24 court of the county wherein such person may reside for a
25 determination by such court (with the aid of a jury, if the
26 appellant so elects) as to whether or not the discharge
27 appealed from was justified under the provisions hereof.
28 The court shall speedily hear and determine such appeals,
29 and from the judgment of the court, there shall be an appeal
30 to the supreme court of Iowa as in civil cases.

1 Sec. 14. No person shall become a candidate for election
2 to any public office whatsoever in this state, unless he or
3 she shall file with the certificate of nomination required
4 an affidavit that he or she is not a subversive person;
5 provided that, in the case of certificates of nomination
6 for president or vice president of the United States, the
7 affidavit may be made on behalf of such candidates by those
8 persons who file the certificate of nomination for such
9 candidates. No certificate of nomination shall be received
10 for filing unless accompanied by the affidavit aforesaid,
11 and there shall not be entered upon any ballot or voting
12 machine at any election the name of any person who has
13 failed or refused to make the affidavit aforesaid.

1 Sec. 15. Before any appropriated funds of any character
2 shall be distributed to any institution of learning, there
3 shall be filed with the governor, on behalf of said institution,

4 a written report setting forth what procedures it has adopted
5 to determine whether it has reasonable grounds to believe that
6 any subversive persons are in its employ, and what steps,
7 if any, have been or are being taken to terminate such
8 employment. In the absence of such a report no appropriated
9 funds shall be distributed to any institution of learning.

1 Sec. 16. Every written statement made pursuant to this
2 Act by an applicant for appointment or employment, or by
3 any employee, shall be deemed to have been made under oath
4 if it contains a declaration preceding the signature of the
5 maker to the effect that it is made under the penalties of
6 perjury. Any person who makes a material, misstatement of
7 fact (a) in any such written statement, or (b) in any affi-
8 davit made pursuant to the provisions of this Act, or (c)
9 under oath in any hearing conducted by any agency of the
10 state, or of any of its political subdivisions, pursuant
11 to this Act, or (d) in any written statement by an applicant
12 for appointment or employment or by an employee of institu-
13 tion of learning in this state, intended to determine whether
14 or not such applicant or employee is a subversive person
15 as defined in this Act, which statement contains notice
16 that it is subject to the penalties of perjury, shall be
17 subject to the penalties of perjury.

1 Sec. 17. If any provision, phrase, or clause of this
2 Act or the application thereof to any person or circumstance
3 is held invalid, such invalidity shall not affect other

4 provisions, phrases, or clauses or applications of this Act
5 which can be given effect without the invalid provision,
6 phrase, or clause or application, and to this end the pro-
7 visions, phrases and clauses of this Act are declared to be
8 severable.

1 Sec. 18. This Act may be cited as the subversive
2 activities Act of 1951.