

## **CIVIL LIBERTIES IN IOWA**

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The record of American states in upholding civil liberties has never been one which has drawn general praise from those who are concerned about protecting individual or minority rights. A considerable amount of anxiety and attention has been directed at states which have violated both personal and legal standards to accuse innocent persons of disloyalty or to infringe upon the rights of cultural or racial minorities. A much more significant study, however, might be devoted to explaining why some states have usually failed to succumb to such popular excesses.

There are obviously many ways in which state protection of civil liberties could be defined. One method might involve the enumeration of the guarantees of the Bill of Rights of the U. S. Constitution which are available to citizens in various states. Another means might entail an investigation of state anti-discrimination statutes. However, a review of both the extent to which states have refused to enact laws which transgress legal and ethical procedures as well as the statutory protection they have offered Negroes and other minority groups might provide a more sensitive index. By this criteria, Iowa may be considered one of the few states which has generally maintained a favorable record on civil liberties.

There have been some lapses in Iowa history from the standard of respect for civil liberties. During World War I, Governor William L. Harding angered many ethnic groups by issuing a proclamation which virtually required the use of the English language in Iowa. In the same era, the state legislature passed a series of laws aimed at curbing possibly violent outbreaks of "criminal syndicalism" and anarchism. Many Iowa State football fans of today would undoubtedly be surprised to learn that the display of a red pennant accompanied by shouts of displeasure at officials may be prohibited by Iowa statutes.<sup>1</sup>

<sup>1</sup> II Code of Iowa S 689.5 (1962).

But generally Iowa has enjoyed a unique tradition of respect for civil liberties.

The attitude toward civil liberties in Iowa has perhaps been best exemplified by the consistent refusal of the state to require a loyalty oath of its citizens. In 1953 Iowa was one of five states (the others were Wyoming, Minnesota, Missouri, and Wisconsin) which did not require a loyalty oath of any public employee.<sup>2</sup> During the era when such oaths became popular through the actions of the late Senator McCarthy of Wisconsin, "Iowa was the only state in which a loyalty oath measure was defeated by vote in the legislature."<sup>3</sup> While the failure to enact such a statute by avoiding the issue may reflect the adroitness of civil libertarians in the political process, the defeat of the measure in a direct confrontation certainly implies support for civil liberties. In this instance, therefore, Iowa might be numbered among the first rank of states respecting individual rights.

In recent years Iowa has not acceded to the efforts to enact legislation restricting the nonviolent activities of allegedly subversive groups. While the code contains statutes designed to protect the state from potentially violent movements, it does not include measures, such as the exclusion of certain parties or individuals from offices, employment, or other benefits, which attempt to prohibit peaceful pursuits by unpopular persons. Only Connecticut, Iowa, Idaho, Kentucky, Maine, Minnesota, and Missouri had not adopted such laws by 1951.<sup>4</sup> Thus again Iowa is one of few states which has taken a position favored by persons supporting civil liberties.

Not only has Iowa refused to pass laws which might limit the civil liberties of some groups, but it has also enacted measures designed to extend and protect the rights of other groups by forbidding discrimination. "Iowa was one of the first four states to pass a state Civil Rights Act (in 1884)."<sup>5</sup> In 1963 Iowa added

<sup>2</sup> *The States and Subversion* (New York: The American Civil Liberties Union, 1953), p. 11.

<sup>3</sup> Arnold A. Rogow, "The Loyalty Oath Issue in Iowa, 1951," *The American Political Science Review*, LV (December, 1961), p. 861.

<sup>4</sup> Walter Gellhorn, ed., *The States and Subversion* (Ithaca, New York: Cornell University Press, 1962), pp. 393-440.

<sup>5</sup> Richard Barnett and Joseph Garai, *Where the States Stand on Civil Rights* (New York: Sterling Publishing Co., 1962), p. 57.

further protection against discrimination by enacting a fair employment practices law which provides criminal sanctions and which may become a model of its kind.

There are several explanations which might be offered for the record which Iowa has maintained on civil liberties. The protection from discrimination which the state has afforded Negroes and other groups may be traced to the Civil War era. Iowa went through this period during the formative stages of its history. Iowa also contributed more men per capita to the army in the Civil War than any other Northern state. The dedication of the state to the cause of the Union forces was again demonstrated after the war when Iowa approved extending political rights to Negroes in three referenda, while other Northern states were defeating measures such as Negro suffrage in referendum voting. Undoubtedly the support which civil rights for Negroes has received in Iowa has been translated into other areas as well.

The general features of political affairs in Iowa may also account in part for the respect for civil liberties in the state. One writer has explained this fact in terms of the relative absence of heterogeneous economic, ethnic, partisan, and urban-rural conflict in the state.<sup>6</sup> Phil Stong has also noted that the Iowa code is characterized by "political conservatism and personal liberalism."<sup>7</sup> Perhaps there is an association between those two positions. However, while these factors may support the prevailing attitude toward civil liberties in Iowa, they do not suggest the cause for this phenomenon.

Perhaps the basic explanation can be found in a much less precise but a much more significant element. The climate of opinion and the general cultural tradition of Iowa has always apparently promoted a respect for civil liberties. The motto of the state proclaims with pardonable redundancy and aggressiveness, "Our liberties we prize; our rights we will maintain." The pride instilled by such a proclamation seems to have engendered a high respect for civil liberties in the state. Iowa has

<sup>6</sup> Rogow, *op cit.*, p. 869.

<sup>7</sup> Phil Strong, *Hawkeyes* (New York: Dodd, Mead, and Co., 1940), p. 100.

a record on individual rights which is unique among the states. It is important that Iowans become sufficiently aware and proud of this fact to ensure its perpetuation.

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## TURN BACK TO SUMMER

by LIDA L. GREENE

No one needs to tell you it is summer. Iowa summer! The corn is climbing into the sky; noons are hot and still, and chirping sparrows tattoo the silence. You look at a road map and wonder if you and the family can get away for a week-end at Backbone State Park. (Of course you can, Mister! Remind Martha to round up the sleeping bags.)

Now if you are driving through Des Moines on your way to the park you will want to visit the Iowa Historical Building. There is something for everyone: Civil War swords for a man who knows the dates of Shiloh and Manassas, Iowa City glass for the lady, Le Grand crinoids for a budding geologist. If it is a Friday you might want to search in Census Division and Historical Library records for great-grandpa who came to Jackson County in 1850. (Note: For your park outing, take along the scuba gear. That's one thing great-grandpa didn't have.)

Since we are talking about vacations and feeling a little sorry for grandpa, let's look in on the new Iowa, 1849. One Major William Williams came up the river that May in the *Kate Karney*. Mississippi traffic was flourishing. Boats were crowded with German immigrants via the port of New Orleans and the big news was Asiatic cholera. He rode from Keokuk to Bloomington (Muscatine) by stage and west to Tipton for a viewing of some land brother Joseph (The Hon. Joseph Williams, Chief Justice, Iowa Supreme Court) had bought. It must have been dull. No motels with swimming pools, no hamburger shops, no historic markers. He heard axe and hammer in burgeoning towns, watched movers' wagons crawling the horizons, saw

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