The LIFE & DEATH OF IDAHO'S LOYALTY OATH

by Kathleen Robinson Hedges

I n early 1963, Idaho's newspapers printed a picture of a dangerous world. News about Cuban Cuba, incongruent in Law, and civil rights demonstrations in the Americas South dominated front pages. Headlines make it clear that most of these events were due to the "idee," or communism. At the same time, Idaho's legislators were in session, and school funding was a contentious problem. It was in this climate that Idaho's loyalty oath bill SB 79 was introduced on January 15 by the Senate Judiciary and Rules Committee (chaired by Sen. James McClure) and passed on January 25.

According to Perry Stidler, who was then in the state senate, the loyalty oath and other conservative legislation of the era represented both preoccupation on some very real fiscal problems, and a fear of enemies abroad. Idaho, he writes in his book, would have passed with one dissenting vote—this but the Republican leadership was heartened enough to hold the room for a conference of another piece of legislation. When the bill passed SB 79 had been read and passed unanimously.

Loyalty oaths were then a common feature of state codes throughout the country, the bulk of them having been enacted in the 1930's. Idaho's law was written during a period of time when many states still had such laws on their books. The laws tended to stay in place because it was political necessity for legislators to vote them out, though there was never much indication that they actually helped to identify communism or eliminate them from the public record. Some extra rare public officials to sign oath or only required educators to sign oath. The oath, in addition to being a simple pledge of loyalty to the national or local government, contained a provision disallowing membership in subversive organizations. Idaho's oath law was enacted to be a less than two, but was still widely in the mainstream.

Many state loyalty oath laws were supported by teachers' groups, and this was apparently the case in Idaho though the record is not entirely clear. When the bill was being debated in the House, Republican Beno (Oxbay) demanded to know where it had originated. Republican Larry Mills of Ada county answered that the bill had originally been proposed by the American Legion. According to the newspaper column "It Seems to Me," Idaho State College librarian Elsi Obel, the Idaho American Legion convention had passed a resolution the previous July proposing that membership in the Communist Party be declared a felony punishable by a fine and prison sentence. In October, the national American Legion convention had approved a resolution calling for a loyalty oath for all public employees. The Pocahontas chapter of the Legion, however, claimed that the Legion had neither sponsored nor worked for passage of the controversial legislation.

Idaho's oath was a three paragraph affair. The oath taking state employee promised to support the constitution of the nation and the state, promised (again) to support and defend the federal and state constitutions, and more (affirmed) that he or she was not a member of any organization that advocated the violent overthrow of the state or national government, had not been a member of any such organization within the past five years, and would not join such an organization while remaining on the job. The last paragraph, which opposes republicanism and "communism," states that the individual must disavow such members of the academy and the state legislature.

On March 12, the Idaho House of Representative spent an entire hour debating SB 79. More to indubitably approve action, which might have killed the bill, actually failed on a 30-30 vote. Senator Manning, Democrat, Representative from Bannock county, pointed out that "In Idaho's history, there is no one..."
was a violation of due process for a state to enshrine certain prohibitions on employment solely on the basis of organizational affiliation or “membership by itself or membership in an unincorporated association, corporation, or organization might change over time, become more salient or salient in a different way. Olberd added, “This law has already seriously affected the morale of the faculty of the superintended public institutions of higher education.” Olberd’s statement took up the topic of red-baiting: “I have heard and so, probably, have you that there are a number of stories in the press that the public is aware of the leftist leanings of Idaho’s teachers. Long letters to the editor are being written by self-styled anti-Communist citizens.”

Dr. Oboler’s next column in the Idaho Press-Tribune on March 30, 1965, was titled, “From the Five Columns of the World.” Oboler wrote: “The world is divided into two parts. If there is a middle ground, I don’t know where it is. It is a fallacy that a man must either be a Communist or an American.” Oboler added, “This law has already seriously affected the morale of the faculty of the superintended public institutions of higher education.” Oboler’s statement took up the topic of red-baiting: “I have heard and so, probably, have you that there are a number of stories in the press that the public is aware of the leftist leanings of Idaho’s teachers. Long letters to the editor are being written by self-styled anti-Communist citizens.”

A motion for an injunction was filed in federal court, on May 29. The complaint named the 31 employees of Idaho State College, 22 employees of the University of Idaho, 12 employees of the Pocatello Public Schools. The complaint stated that the defendants shall cease and desist from employing any teacher who is a member of a labor organization. The complaint alleged that the defendants were members of the American Federation of Teachers, a labor organization, and that the defendants were members of the Communist Party of the United States, a labor organization. The complaint also alleged that the defendants were members of the Communist Party of the United States, a labor organization.