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Preliminary Operational  
Survival Plan

CONTINUITY OF GOVERNMENT  
THE NATIONAL PLAN  
IOWA CIVIL DEFENSE ACT  
Comments by Gen.Council (OCDM)

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┌ CONTINUITY OF GOVERNMENT ┐

THE NATIONAL PLAN

IOWA CIVIL DEFENSE ACT  
Comments by Gen.Council (OCDM)

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APPENDIX C

IOWA PRELIMINARY OPERATIONAL SURVIVAL PLAN

CONTINUITY OF GOVERNMENT

JUNE 1958

CONTINUITY OF GOVERNMENT

I

PURPOSE

The purpose of this Appendix on Continuity of Government is:

- A. To outline the present State and local governmental structure with the present Constitutional or Code provisions for succession of authority and to recommend the establishment of Civil Defense emergency lines of succession for top executives, legislators, the judiciary and other key personnel.
- B. To provide for the preservation of essential records.
- C. To establish emergency locations for government operations.
- D. To insure the full utilization of all personnel, facilities and equipment of State and local governments for emergency operations.

*depository*

*Governor's Office*

*7-1-64*

## II

### THE PRESENT IOWA STATE GOVERNMENT ORGANIZATION AND SUGGESTED CIVIL DEFENSE EMERGENCY LINES OF SUCCESSION

A. Purpose. The purpose of establishing emergency lines of succession prior to a Civil Defense emergency is:

1. To assure continuous leadership, authority and responsibility in executive, legislative and judicial positions.
2. To minimize the possibility of persons assuming political power without legal authority.
3. To increase organizational effectiveness during an emergency.
4. To facilitate the re-establishment of functions suspended because of emergency conditions.

B. The State Legislative Department

1. The legislative authority of the State of Iowa is vested in a General Assembly consisting of a Senate and a House of Representatives (Section 1, Article III of the Constitution).

a. The members of the House of Representatives shall be chosen every second year and the Senators every fourth year by the qualified electors of their respective districts. They shall continue in office until their successors are elected and qualified (Sections 3 and 5, Article III of the Constitution).

b. A majority of each house shall constitute a quorum to transact business (Section 8, Article III of the Constitution).

2. The Constitution now provides that when vacancies occur in either house, the Governor or the person exercising the functions of Governor shall issue writs of election to fill such vacancies. (Section 12, Article III of the Constitution).

3. As the Constitution specifically provides the method of filling vacancies in the General Assembly i.e. by special elections, Section 10, Article IV of the Constitution is not applicable and the Governor could not fill such vacancies by appointment. It might not be practical or even possible to hold special elections immediately after a thermonuclear attack. Vacancies could prevent the General Assembly from performing vital functions for lack of a quorum. The Constitution should, therefore, be amended so as to permit the General Assembly to provide by law for filling vacancies in the membership of the House of Representatives and the Senate in the event of a Civil Defense emergency. If the Constitution were thus amended the General Assembly could then provide for the election of stand-by designees who would be elected at the same time as the duly elected member, such stand-by designees to actually take the oath of office and be designated as stand-by members 1, 2, 3 and 4. The stand-by designees would serve as such without pay and be expected to familiarize themselves with the duties of the office. In the event of the death or disability of the duly elected member by reason of a thermonuclear attack the stand-by members would assume office in the order named.

4. Suggested Amendment. It is suggested that the Constitution of Iowa be amended by adding the following to Section 12, Article IV: "The General Assembly shall have the power to provide by law, at any time, for filling the offices of members of the General Assembly should incumbents thereof as a result of war or enemy caused disaster be either killed, missing or so seriously injured as to be unable to perform their duties until said incumbent or incumbents are able to perform their duties or until successors are chosen."

C. The State Executive Department

1. The Executive power of the State of Iowa shall be vested in a Chief Magistrate who shall be styled the Governor of Iowa.

(Section 1, Article IV of the Constitution of Iowa)

2. The Governor shall be elected by the qualified electors of the State and shall hold his office for two years and until his successor is elected and qualified. (Section 2, Article IV of the Constitution of Iowa)

3. There shall be a Lieutenant Governor who shall hold his office for two years and be elected at the same time as the Governor. (Section 3, Article IV of the Constitution of Iowa)

4. In case of the death, impeachment, resignation, removal from office or other disability of the Governor, the powers and duties of the office for the residue of the term or until he shall be acquitted or the disability removed, shall devolve upon the Lieutenant Governor. In the event the Lieutenant Governor, while acting as Governor, shall be impeached, displaced, resign, die or otherwise become incapable of performing the duties of the office of Governor, the President pro tempore of the Senate shall act as Governor until the vacancy is filled or the disability removed; and that if the President pro tempore of the Senate for any of the same reasons shall be incapable of performing the duties pertaining to the office of Governor the same shall devolve upon the Speaker of the House of Representatives and if the Speaker of the House of Representatives for any of the same reasons shall be incapable of performing the duties of the office of Governor the Justices of the Supreme Court of Iowa shall convene the General Assembly by proclamation and the General Assembly shall immediately proceed to elect a Governor and a Lieutenant Governor. (Sections 17 and 19, Article IV of the Constitution of Iowa)

5. Assume that the General Assembly was in session when the thermonuclear attack on Des Moines occurred. The Governor, the Lieutenant Governor, the President pro tempore of the Senate and the Speaker of the House of Representatives might all be rendered incapable of performing the office of Governor. Office of Defense & Civilian Mobilization strongly recommends that State Constitutions be amended to provide for a line of temporary emergency succession to the office of Governor at least seven deep. Where, as in Iowa, so much of the continuity of civil government depends on the appointive power of the person legally capable of performing all the functions of the office of Governor it is essential that the General Assembly have the power to provide by emergency legislation for a longer line of temporary succession to the full powers of the office of Governor.

6. Suggested Amendments

a. It is suggested that Section 17 Article IV of the Constitution be repealed and the following adopted in lieu thereof:

"Section 17. In case of vacancy in the office of Governor, the Lieutenant Governor shall become Governor, and the last duly elected President pro tempore of the Senate shall become Lieutenant Governor for the residue of the term; but if there be no such President pro tempore of the Senate, the last duly elected Speaker of the House of Representatives shall become Lieutenant Governor for the residue of the term. In case of impeachment of the Governor or officer acting as Governor, his absence from the State, or his temporary disability to discharge the powers and duties of office, then the powers and duties of the office of Governor shall devolve upon the same officer as in case of vacancy in the office of Governor but only until the disability shall cease."



b. It is suggested that Section 19 of Article IV be repealed and the following adopted in lieu thereof:

"Section 19. In case of vacancy in the office of Governor and in the office of Lieutenant Governor the last duly elected President pro tempore of the Senate shall become Governor and the last duly elected Speaker of the House of Representatives shall become Lieutenant Governor for the residue of the term; or if there be no President pro tempore of the Senate, then the last duly elected Speaker of the House of Representatives shall become Governor for the residue of the term; or if there be none, then the Secretary of State; or if there be none, then the Attorney General; or if there be none, then the Treasurer of State; or if there be none, then the Auditor of State, or if, as the result of a war or enemy caused disaster, there be none, then such person designated as provided by law. If at the time this amendment takes effect a vacancy has occurred in the office of Governor or in the offices of Governor and Lieutenant Governor within the term or terms thereof, the provisions of this section, as amended by this amendment, shall apply. In any case in which a vacancy shall occur in the office of Governor and provision is not made in or pursuant to this section, as amended by this amendment, for filling such vacancy the Justices of the Supreme Court shall convene the General Assembly by proclamation and the General Assembly shall organize by the election of a President pro tempore by the Senate and a Speaker by the House of Representatives. The General Assembly shall thereupon proceed to the election of a Governor and Lieutenant Governor in joint convention."

c. It is suggested that that portion of Section 4, Article IV that was adopted in 1952 be now repealed and the following

adopted in lieu thereof:

"In case of the death, disability or other failure to take office of the Governor-elect, whether occurring prior or subsequent to the returns of election, the Lieutenant Governor-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect and shall, in the case of death, be Governor for the full term or, in the case of disability or other failure to take office, shall act as Governor until the disability of the Governor-elect shall cease.

In case of the death, disability or other failure to take office of both the Governor-elect and the Lieutenant Governor-elect, the last duly elected President pro tempore of the Senate, or in case of his death, disability or other failure to take office, the last duly elected Speaker of the House of Representatives, or in case of his death, disability or other failure to take office, the Secretary of State-elect, or in case of his death, disability or other failure to take office, the Attorney General-elect, or in case of his death, disability or other failure to take office, the Treasurer of State-elect, or in case of his death, disability, or other failure to take office, the Auditor of State-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect. Such person shall, in the case of death, be Governor for the full term or in the case of disability or other failure to take office shall act as Governor until the disability of the Governor-elect shall cease.

7. Other Elected State Officers

a. The Secretary of State, the Auditor of State, the

Treasurer of State, the Secretary of Agriculture, the Attorney General and the members of the Iowa State Commerce Commission are elected by the qualified electors of the State. The members of the State Board of Public Instruction are elected one from each Congressional district plus one board member appointed by the Governor and confirmed by the Senate. All elective officers continue to hold office until a successor is elected and qualified.

b. The Secretary of State, the Auditor of State, the Treasurer of State and Secretary of Agriculture may each appoint, in writing, any person except one holding a State office as deputy. In the absence or disability of the appointing officer the deputy shall, unless otherwise provided, perform all the duties pertaining to the office of the appointing officer.

c. Vacancies in public office - Section 10, Article IV of the Constitution of Iowa provides that when any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

d. If proper provision is made for succession to the office of Governor in the event of a Civil Defense emergency the present power of appointment to fill a temporary vacancy in any of the elected State offices would appear to be ample.

#### 8. State Executive Council

a. Composed of the Governor, the Secretary of State, the Auditor of State, the Treasurer of State and the Secretary of

Agriculture. (Ch. 19.1 of Code)

b. No deputy of a member of the Executive Council may act on the council for his principal. (Ch. 19.1 of Code)

c. As the present powers and duties of the State Executive Council are limited and the Attorney General and the State Comptroller not members of the Executive Council, the creation of a State Civil Defense Commission composed of five members appointed by the Governor with the approval of the Senate in executive session, to advise the Governor in all matters pertaining to Civil Defense is recommended. (See Section 4-12 of suggested Iowa Civil Defense Act, Appendix "C" to Basic Plan)

9. The State Comptroller

a. Appointed by the Governor with the approval of two-thirds of the State Senate in executive session.

b. Holds office at the pleasure of the Governor and is directly attached to the office of the Governor.

c. The Governor should have authority to fill a vacancy by temporary appointment pending approval of two-thirds of the Senate.

10. The State Superintendent of Public Instruction

a. Appointed by the elected State Board of Public instruction.

b. The Governor should have power to fill vacancy by temporary appointment pending action by the elected board.

11. Other Appointive State Officers

The following department heads and members of boards and commissions are appointed by the Governor and any vacancies in

such offices would be filled by appointment by the Governor:

- a. The Adjutant General of Iowa
- b. Board of Architectural Examiners
- c. Superintendent of Banking and Banking Board
- d. Board of Examiners in Basic Sciences
- e. Commission for the Blind
- f. Custodian and Superintendent of Buildings and Grounds
- g. State Conservation Commission
- h. Board of Control of State Institutions
- i. Iowa Employment Security Commission
- j. State Board of Engineering Examiners
- k. Commissioner of Public Health
- l. Iowa State Highway Commission
- m. Iowa Industrial Commissioner
- n. Commissioner of Insurance
- o. Iowa Development Commission
- p. Commissioner of Labor
- q. Merit System Council
- r. Mine Inspectors
- s. Iowa National Resources Council
- t. Board of Parole
- u. Pharmacy Board
- v. Commissioner of Public Safety
- w. State Board of Regents

D. The Judiciary

- 1. Article V of the Constitution of Iowa provides that the

judicial power shall be vested in a Supreme Court, District Courts and such other courts, inferior to the Supreme Court, as the General Assembly may, from time to time, establish. (Section 1, Article V of the Constitution)

2. All Judges of the Supreme Court of Iowa, the District Courts, Municipal and City Courts are elected by the people for specific terms of office. They continue in office until their successors are elected and qualified.

3. Bar examiners, the Clerk of the Supreme Court and the Reporter of the Supreme Court and Code Editor are all appointed by the Supreme Court. Vacancies filled by the court.

4. Vacancies in any of the judicial positions filled by temporary appointment by the Governor pursuant to Section 10, Article IV of the Constitution of Iowa.

5. Again, so long as proper provision is made for a longer line of succession to the office of Governor in the event of a thermonuclear attack, the present provision for filling vacancies in judicial positions by temporary appointment by the Governor would appear to be sufficient. However, it is suggested that a list of stand-by designees for each judicial position, recommended by the State Bar Association, should be available to the Governor for instantaneous action in the event of a thermonuclear explosion.

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3. Bar examiners, the Clerk of the Supreme Court and the Reporter of the Supreme Court and Code Editor are all appointed by the Supreme Court. Vacancies filled by the court.

4. Vacancies in any of the judicial positions filled by temporary appointment by the Governor pursuant to Section 10, Article IV of the Constitution of Iowa.

5. Again, so long as proper provision is made for a longer line of succession to the office of Governor in the event of a thermonuclear attack, the present provision for filling vacancies in judicial positions by temporary appointment by the Governor would appear to be sufficient. However, it is suggested that a list of stand-by designees for each judicial position, recommended by the State Bar Association, should be available to the Governor for instantaneous action in the event of a thermonuclear explosion.

### III

#### PRESENT LOCAL GOVERNMENT ORGANIZATION AND SUGGESTED CIVIL DEFENSE EMERGENCY LINES OF SUCCESSION

Title XIV of the Code of Iowa provides for county and township governments and Title XV of the Code of Iowa provides for city and town governments.

#### A. The County Governments

##### 1. Legislative

a. County Board of Supervisors elected by qualified electors of the county for a specific town.

b. Vacancies in membership of the Board of Supervisors filled by appointment by vote of the Clerk of the District Court for the county, the County Auditor and the County Recorder. (Chapter 69.8

of the Code of Iowa)

c. The same thermonuclear attack that might render the Board of Supervisors inoperative would in all likelihood cause vacancies in the county officers authorized under present law to fill the legislative vacancies. It would appear, therefore, that provision should be made for selection of stand-by members of the Board of Supervisors.

2. Executive

a. The County Auditor, County Recorder, County Sheriff, County Treasurer and Clerk of the District Court are all elected by the qualified electors of the county for specific term of office.

b. All vacancies, including Justices of the Peace and Constables, filled by appointment by the Board of Supervisors, except that a vacancy in the office of the Clerk of the District Court filled by appointment by the Judge of the District Court. (Chapter 69 of the Code of Iowa)

c. If the county seat lies within a Target Area, it might well be that none of the elected county officials would survive and that the duly elected members of the Board of Supervisors would be unavailable. There should be legislation permitting the selection of stand-by designees for each County officer who would take the oath of office, familiarize themselves with the duties of the office and serve without compensation unless they actually assumed the office in time of a declared Civil Defense emergency.



B. Cities and Towns

1. Legislative

a. City Council elected by the qualified electors of the city for a specific term.

b. Vacancies filled by remaining members of the council pending the next regular municipal election. (Subsection 8 of Section 368 A.1 of the Code of Iowa)

c. All seven of the presently designated Target Areas in Iowa surround major cities. In the event of a thermonuclear attack, at least these cities could well be without any duly elected council members. Provision should, therefore, be made for stand-by members.

2. Executive

a. City officials are elected by the qualified electors of the city or appointed by council according to the particular form of city government in force at the time.

b. In those cities where the officials are appointed by the council, the council may fill vacancies by a majority vote of the whole number of members of the council.

c. The same statement applies to the city officials as that made in 1 c above relative to members of the council. Especially in Target Area cities provision should be made for stand-by city officials.

C. Suggested Act To Provide For The Preservation of Local Government In The Event Of A War Or Enemy Caused Disaster

Section 1. In enacting this Act, the General Assembly finds and declares that the preservation of local government in the event of a disaster is a matter of state-wide concern.

Section 2. The terms set forth in this section as used in this Act shall have the meanings set forth unless the context requires a different meaning.

"Local agency" means counties, cities and counties, cities, districts, authorities and other public corporations and entities in the State of Iowa, whether organized and existing under charter or general law.

"Disaster" means a war or enemy caused calamity such as an attack by nuclear weapons which renders unavailable a majority of the legislative body of any local agency.

"Unavailable" means that an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his duties. Any question as to whether a particular officer is unavailable shall be settled by the legislative body of the local agency, or any remaining available members of said body (including stand-by officers who are serving on said legislative body).

"Stand-by officers" means qualified persons appointed pursuant to this Act to hold themselves available to function as incumbents of the post for which they have been appointed in case of disaster.

Section 3. As soon as practicable after the effective date of this act, each local agency may provide for the succession of officers which head departments having duties in the maintenance of law and order or in the furnishing of public services relating to health and safety.

Section 4. To provide for the continuance of the legislative and executive departments of the local agency in case of a disaster, the legislative body thereof shall have the power to

appoint the following stand-by officers:

(a) Three for each member of the legislative body;

(b) Three for the elected chief executive, if said executive is not a member of the legislative body.

In case a stand-by office becomes vacant because of removal, death, resignation or other cause the legislative body shall have the power to appoint another person to fill said office.

Stand-by officers shall be designated number 1, 2 and 3 as the case may be.

Section 5. The qualifications of each stand-by officer shall be carefully investigated and a summary of the qualifications of each officer shall be entered on the minutes when he is appointed. Each prospective appointee to a post of stand-by officer shall be examined as to his qualifications under oath.

The legislative body may request the Iowa Director of Civil Defense to aid in the investigation of any prospective appointee in the manner provided in this section. No examination or investigation shall be made without the consent of the prospective appointee.

Stand-by officers shall not be officers or employees of the local agency. Should said stand-by officers become employees or officers of the local agency, their post of stand-by office shall become vacant. Consideration shall be given to places of residence and work, so that for each office for which stand-by officers are appointed there shall be the greatest probability of survivorship.

Section 6. Each stand-by officer shall take the oath of office required for the officer occupying the office for which he stands by.

Persons appointed as stand-by officers shall serve in their posts as stand-by officers at the pleasure of the legislative body appointing them and may be removed and replaced at any time with or without cause. Stand-by officers shall receive no compensation for the performance of their duties as stand-by officers.

Section 7. Each stand-by officer shall have the following duties:

(a) To inform himself of the duties of the office for which he is stand-by officer. Officers and employees of the local agency shall assist him and each local agency shall provide each stand-by officer with a copy of this Act.

(b) To keep informed of the business and affairs of the local agency to the extent necessary to enable him to fill his post competently. For this purpose the local agency may arrange information meetings and require attendance.

(c) To immediately report himself ready for duty in the event of disaster at the place and in the method previously designated by the local agency.

(d) To fill the post for which he has been appointed when because of disaster it has become vacant. Stand-by officers No. 2 and No. 3 shall substitute in succession for stand-by officer No. 1 in the same way that said stand-by officer is substituted in place of the regular officer. He shall serve until the recovery of the regular officer from his injuries or the election or appointment of a new regular officer.

Section 8. The legislative body of the local agency shall meet as soon as possible after a disaster. The place of meeting need not be within the local agency. The meeting may be called

by the chief executive of the local agency or by a majority of the members of the legislative body. Should there be only one member of the legislative body he may call and hold said meeting and perform acts necessary to reconstitute the legislative body.

Section 9. At the first meeting after the disaster the legislative body shall:

(a) Ascertain the damage to the local agency and its personnel and property. For this purpose it shall have power to issue subpoenas to compel the attendance of witnesses and the production of records.

(b) Proceed to reconstitute itself by filling vacancies until there are sufficient officers to form the largest quorum required by the law applicable to that agency. Should only one member of the legislative body or only one stand-by officer be available, that one shall have power to reconstitute the legislative body.

(c) Proceed to reconstitute the local agency by appointment of qualified persons to fill vacancies.

(d) Proceed to perform its functions in the preservation of law and order and in the furnishing of local services.

Section 10. Should all members of the legislative body, including all stand-by members, be unavailable, temporary officers shall be appointed as follows:

(a) By the chairman of the Board of Supervisors of the county in which the local agency is located, and if he is unavailable

(b) By the chairman of the Board of Supervisors of any other county within 150 miles of the local agency, beginning with the nearest and most populated county and going to the farthest and least populated, and if he is unavailable.

(c) By the mayor of any city within 150 miles of

the local agency beginning with the nearest and most populated city and going to the farthest and least populated.

Section 11. If any section, subdivision, subsection, sentence, clause or phrase in this act, or the application thereof, to any persons or circumstances is for any reason held invalid the validity of the remainder of the act, or the application of such provision to other persons or circumstances shall not be affected thereby. The Legislature hereby declared that it would have passed this act and each section, subdivision, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subdivisions, subsections, sentences, clauses or phrases, or the application thereof, to any person or circumstance be held invalid.

## IV

### PRESERVATION OF ESSENTIAL RECORDS

A. Purpose. There are four reasons for preserving essential records:

1. To protect the rights and interests of individuals.
2. To facilitate the conduct of State and local functions which must be continued during an emergency.
3. To protect the rights and interests of governments.
4. To help the re-establishment of normal State and local governmental functions.

B. Situation

1. A number of careful studies have shown that five per cent to ten per cent of existing State records are actually vital to the continuity of government.

2. The Iowa public archives, or State records, comprise literally millions of items, such as census records from territorial days, the record books and correspondence files of State officers with papers and documents on which official action was had and legislative filings from territorial period. The accumulation through the years has become so voluminous that it is taxing the facilities now available. (Iowa Official Register 1957-1958, page 166)

3. The problem as pertains to a declared Civil Defense emergency is three-fold:

- a. The selection of the five to ten per cent of vital records from the mass of accumulated records.
- b. The actual transportation of the essential records to

a safe and secure place in time of emergency.

c. Proper storage space in a safe and secure place in time of emergency.

C. Classification of Public Records. For the purpose of this Appendix on Continuity of State and local governments all public records can be classified into three general categories:

1. Those needed during actual Civil Defense emergency operations such as operational plans, line of succession lists, utility systems, maps, equipment inventories, resources data, emergency locations, directories, organizational and staffing directives.

a. These records should be duplicated or reproduced in a form that is readily useable during the emergency period.

b. The original or one duplicate of such records should be stored in a safe and secure place where they will survive the effects of a thermonuclear attack.

c. The original or one duplicate stored so that they will be readily accessible for immediate operational use during and following a thermonuclear attack.

a. Those public records vital to protecting the rights and interests of individuals such as birth records, marriage records, death records, land and tax records, license registers, court decisions, partnership and corporation documents, trust papers.

a. These records should be duplicated or reproduced.

b. Originals or duplicates of such records should be stored in a safe and secure place so as to survive the effects of thermonuclear attack.



2. Those public records vital to protecting the rights and interests of individuals such as birth records, marriage records, death records, land and tax records, license registers, court decisions, partnership and corporation documents, trust papers.

a. These records should be duplicated or reproduced.

b. Originals or duplicates of such records should be stored in a safe and secure place so as to survive the effects of thermonuclear attack.

3. Those public records vital to the re-establishment of normal government functions and to protect the rights and interests of the State and local government such as constitutions and charters, statutes and ordinances, court records, financial records and minutes of official proceedings.

a. Such records duplicated or reproduced.

b. Originals or duplicates of such records stored so as to survive the effects of a thermonuclear attack.

D. Present Provisions of Code of Iowa as to Custody of Public Records Chapter 303 of the Code of Iowa relates to the establishment of the Department of History and Archives and defines the responsibilities of the Board of Trustees and the Curator.

1. Board of Trustees

a. The Iowa State Department of History and Archives, the Iowa State Traveling Library, the Iowa State Law Library and the Iowa State Medical Library are under the control of a board of trustees consisting of the Governor, a member of the Supreme Court of Iowa who is designated from time to time by the court, and the

superintendent of public instruction. (Chapter 303.2 Code of Iowa)

b. Powers and duties of the Board of Trustees

(1) Make and enforce rules for the keeping of the records and for the management and care of the property.

(2) Appoint a qualified curator of the Iowa State Department of History and Archives for a term of six years.

(3) Appoint, after consultation with the curator, such qualified assistants as the board may deem necessary.

(4) Have control of the historical building and assign space therein.

(5) Meet at least three times during the year at the call of the chairman who shall be elected by the trustees from among their own number.

2. Appointment and duties of the Curator of the Department of History and Archives

a. Appointed by the Board of Trustees for a term of six years. Such appointment to be made solely on merit and with no consideration given to political affiliations of the person appointed. (Section 303.3 sub-paragraph 2 of Chapter 303 of the Code of Iowa)

b. Have custody of historical building under direction of the Board of Trustees.

c. Have custody of public documents under direction of the Board of Trustees.

d. The curator shall be trustee and custodian of the "archives" of Iowa, except that such custody shall not be construed to include county or municipal archives unless they are voluntarily

deposited with the curator and with his written consent.

e. After any public archives have been received into the division of public archives by the curator they shall not be removed from his custody without his consent, except in obedience to a surpoena of a court of record or a written order of the State Executive Council.

f. The curator shall annually submit to the Board of Trustees a list of papers and documents which have no further value and upon approval of said trustees such items may be destroyed. (Section 303.11 of the Code of Iowa)

E. Definition of Archives in Iowa. The term "archives" shall mean those manuscripts, documents, records and materials originating under or passing through the hands of public officers in the regular course and performance of their legal duties which the chief executive of the office that has present custody of said papers shall deem not to be necessary for use in the conduct of the regular current business of his office. (Section 303.9 of Chapter 303 of the Code of Iowa)

F. Disposal of Useless Documents in Iowa

1. The several state, executive and administrative departments, officers or offices, councils, boards, bureaus and commissioners are "authorized and directed" to transfer and deliver to the Iowa State Department of History and Archives the public archives not necessary for use in the conduct of regular current business and take the curator's receipt therefor. The curator, after consultation with the chief executive of the office or his

designee, may then determine that certain archives are not of sufficient historical, legal or administrative value to justify permanent preservation and shall file a list of such archives with the Board of Trustees with his recommendation as to disposal. (Section 303.10 of the Code of Iowa)

2. The curator shall annually submit to the Board of Trustees a list of papers and documents which have no further value, and upon approval of said trustees such items may be destroyed. (Section 303.11 of the Code of Iowa)

3. The Iowa State Tax Commission has the power to destroy any and all useless records after the records have been in the custody of the Commission for a period of five years and in certain cases in its discretion where the records are less than five years old. (Subsection 3 of Section 422.61 of the Code of Iowa)

G. Microfilm and Photographic Copies of Public Records as Evidence

1. Authority in General. The "Uniform Photographic Copies of Business and Public Records as Evidence Act" has been enacted into the Code of Iowa as Subsection 2 of Section 622.30 Chapter 622 which is the chapter on Evidence. The Iowa Code provision is as follows:

"If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry print, representation or combination thereof, of any act, transaction, occurrence or event and in the regular course of business has caused any or all of the same to be recorded, copied

or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law, except if the originals are records, reports or other papers of a county officer they shall not be destroyed until they have been preserved for ten years. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement, or facsimile, does not preclude admission of the original."

## 2. Tax Records

a. Subsection 4 of Section 422.61 of Chapter XVI on Taxation specifically authorizes the Iowa State Tax Commission at its discretion to make photostat, microfilm or other photographic copies of records, reports and other papers either filed by the taxpayer or prepared by the State Tax Commission.

b. When such photostat or microfilm copies have been made the tax commission may, at its discretion, destroy the originals and the photostat, microfilm or other photographic records shall be admissible in evidence.

## H. Comment and Recommendations

1. There appears to be ample authority vested in the Curator and the Board of Trustees of the Iowa State Department of History and Archives to accomplish the destruction of useless State records. The Code of Iowa also provides that microfilm or photographic copies of records can be received in evidence in the courts of record. The only question is as to whether the Curator and Board of Trustees have the affirmative duty to classify and select records that might be essential to actual Civil Defense operations, those vital to protecting the rights and interests of the individual citizen and those vital to re-establishment of normal governmental functions in the event of a thermonuclear attack on this Nation. Likewise there appears to be no authority specifically assigned to any county or municipal agency to make such selections.

2. In view of the continuing threat of an attack by thermonuclear or other weapons the Curator and Board of Trustees of the Iowa State Department of History and Archives should be given specific authority to determine the essentiality of all State records and authority to microfilm or make photographic copies of all such records that are determined to be essential records.

3. A State Records Center should be established at a location as safe as possible from the blast and radiological fallout effects of thermonuclear attack, in which the originals or microfilm copies of all essential records could be stored.

4. The county and municipal governments should be specifically authorized and directed to set up similar committees on essentiality of public records and further authorized and directed to microfilm or photograph all such determined essential records and provide for their safe storage.

EMERGENCY SEAT OF GOVERNMENTA. State of Iowa

1. Section 8, Article XI of the Constitution of Iowa provides that "the seat of government is hereby permanently established, as now fixed by law, at the City of Des Moines in the County of Polk."

2. It is assumed that the Iowa Civil Defense Act will provide authority for the designation of a relocation site and alternate sites for the State Civil Defense Control Center in the event of a declared emergency. A large number of state officers and employees in their capacity as members of the staff of the Civil Defense organization will be authorized to move to the Civil Defense Control Center to carry out their Civil Defense duties. However, there is serious question as to whether the General Assembly and the normal agencies of the state government could legally carry on their functions at any other place than the "seat of government." Provision should, therefore, be made for the establishment of a temporary seat of government during a declared Civil Defense emergency.

3. It is suggested that Section 8 of Article XI be amended by adding the following:

"The General Assembly shall have the power to provide by law at any time for the selection and changing from time to time of a temporary seat of government in case of war or enemy caused disaster."

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B. Counties, Cities and Towns

1. Chapter 353 of the Code of Iowa provides for the submission

to a vote of the qualified electors of the county at a general election of any proposal to relocate a county seat.

2. The Board of Supervisors and City Councils should be given authority to provide for the temporary relocation of county and city governments during the period of a declared Civil Defense emergency.

C. Emergency Locations

1. The emergency seat of the State government should be outside the Target Areas as presently designated in Iowa.

2. The alternate or emergency seat of the State government should be in a city or town now having state buildings with space for convening the General Assembly and the Supreme Court.

3. The buildings should have sufficient protective construction and special protective equipment to:

a. Withstand the blast overpressures that may be expected at their location.

b. Withstand the thermal effects that may be expected at their location.

c. Provide protection against radiological hazards.

d. Provide protection against chemical warfare agents.

e. Provide protection against biological warfare agents.

4. The buildings should have sufficient communications capability to:

a. Permit effective control of field operating units of the State government.

b. Insure reliable contact with counties and cities.

c. Insure the ability of the State government to communicate information and instructions to the general public in an emergency period.



5. The emergency location should have space and facilities for:
  - a. Sleeping quarters for off-duty personnel stationed at the emergency location.
  - b. Feeding personnel.
  - c. Storing a minimum of thirty days supplies.
6. The emergency location should have a minimum of thirty days supply of:
  - a. Food
  - b. Water
  - c. Fuel
  - d. Operating Supplies
  - e. Medical and other emergency supplies for personnel

## VI

### THE FULL UTILIZATION OF STATE GOVERNMENT PERSONNEL

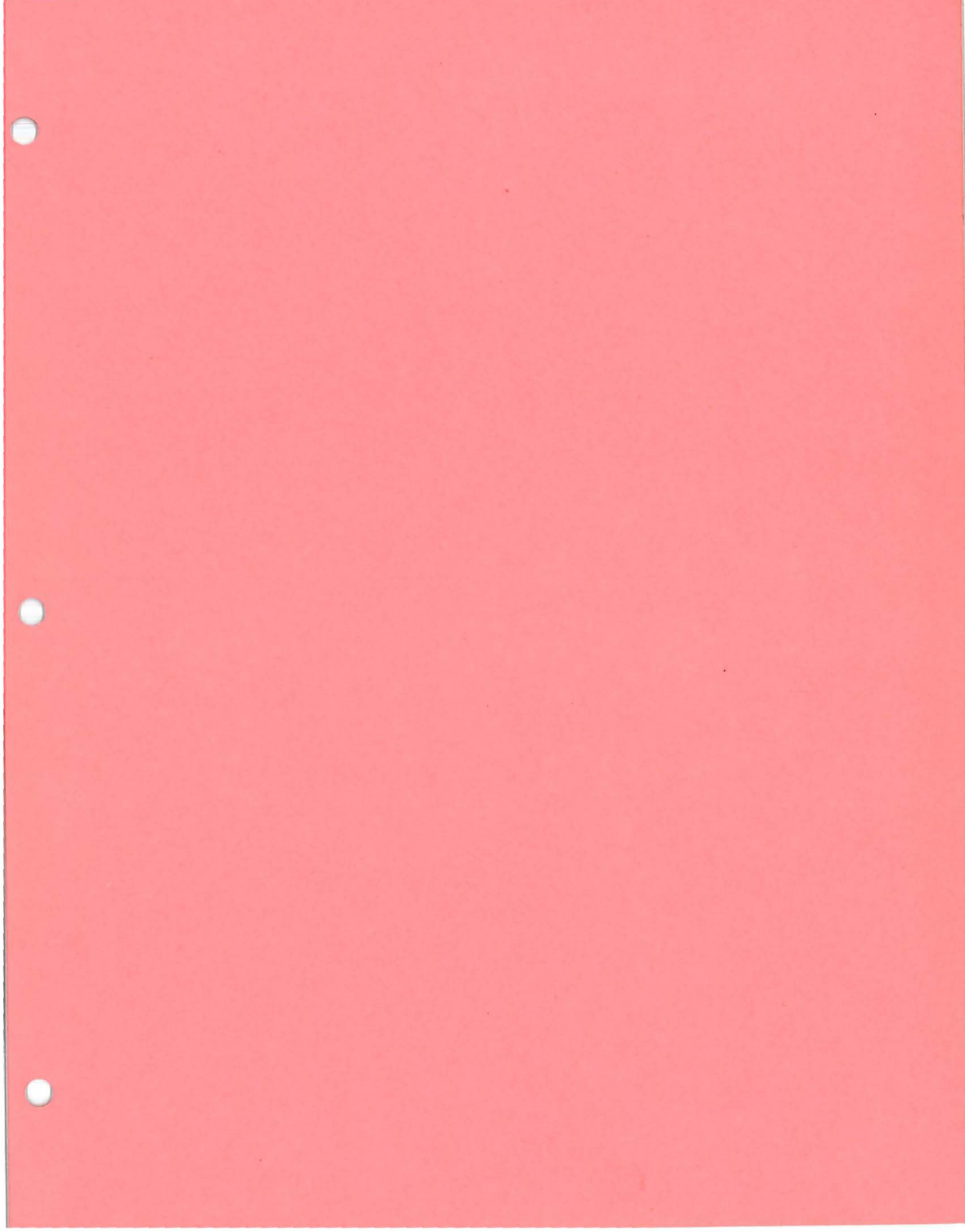
- A. The State governmental agencies of Iowa may be classified into three categories for Civil Defense purposes:
  1. Those offices and agencies whose regular functions and duties will to a large extent be their Civil Defense emergency functions and duties.
  2. Those offices and agencies that have been assigned Civil Defense functions and duties by the Iowa Preliminary Operational Survival Plan.
  3. Those offices and agencies whose regular functions and duties will, to a large measure, be suspended during the period of a declared Civil Defense emergency.
- B. The following State governmental offices and agencies will have specific Civil Defense planning and operational functions and duties:

1. The Governor
2. Secretary of State
3. Auditor of State
4. Attorney General
5. Department of Agriculture
6. Department of Public Safety
7. State Highway Commission
8. Department of Public Health
9. Department of Public Instruction
10. Iowa Development Commission
11. Department of Social Welfare
12. Iowa Commerce Commission
13. Iowa Employment and Security Commission

C. The following State governmental offices and agencies have not been assigned specific planning or operational functions and duties during a Civil Defense emergency and are, therefore, available for emergency assignment to augment the emergency Civil Defense services during a declared Civil Defense emergency.

1. Treasurer of State
2. State Soil Conservation Committee
3. Commission Aeronautics
4. State Board of Accountancy
5. Board of Architectural Examiners
6. Board of Examiners in Basic Sciences
7. Department of Banking
8. State Comptroller
9. State Conservation Commission
10. Board of Control of State Institutions

11. State Board of Engineering Examiners
12. Geological Survey
13. Iowa State Department of History and Archives
14. Iowa Industrial Commissioner
15. Commissioner of Insurance
16. Bureau of Labor
17. Iowa Liquor Control Commission
18. Merit System Council
19. Iowa Natural Resources Council
20. Mine Inspectors
21. Board of Parole
22. Pharmacy Examiners
23. State Printing Board
24. Iowa Real Estate Commission
25. State Board of Regents
26. Iowa State Fair
27. State Tax Commission



# THE NATIONAL PLAN

for

## Civil Defense and Defense Mobilization

### I. Planning Basis<sup>1</sup>

Three contingencies most directly affecting civil defense and defense mobilization are international tension, limited war and general war.

#### A. International Tension.

It is assumed that periods of extreme international tension may occur. In such cases, when the President or the Congress finds that the national security demands the invocation of extraordinary authority for civil defense programs short of declaration of a civil defense emergency, civil defense, and defense mobilization measures would be accelerated.

#### B. Limited War

It is assumed that limited wars may occur in various parts of the world. Depending on size of forces involved, duration of hostilities, kinds of weapons used and degree of U. S. involvement, such limited wars may require degrees of mobilization of U. S. resources, production and manpower, and acceleration of U. S. nonmilitary defense as a matter of prudence.

#### C. General War

It is assumed, in the absence of international agreement, that weapons employed in an attack against the United States would be predominantly of multimegaton yield. The use of biological and chemical agents is possible. Delivery systems in the next few years would be predominantly man-operated, with a resulting probable maximum tactical warning of initial attack of three hours for the Nation as a whole; thereafter, delivery systems would be predominantly unmanned, with maximum tactical warning of initial attack reduced to one-half hour for the Nation as a whole. AT ANY TIME DURING THIS PERIOD, ATTACK COULD COME WITH NO TACTICAL WARNING.

Strategic warning is a possibility.

### II. Mission

The national defense objective is to deter either limited or general war or, if deterrence fails, to prosecute the war successfully and recover from it.

Within this objective, and as an integral part of the total defense of the Nation, the mission of civil defense and defense mobilization is

1. Protection of life and property by preparing for and by carrying out nonmilitary functions to prevent, minimize, repair and recover from injury and damage.

1. See Annex 1, Planning Basis.

## 2. Mobilization and management of resources and production.

### III. Responsibilities

All citizens and governments at all levels, by virtue of their inherent obligation to support the common defense, are jointly responsible for the civil defense and defense mobilization of the Nation.

#### A. Federal Government

The Federal Government is responsible for direction and coordination of the total national effort.

#### B. State Governments

The government of each State is responsible for the direction and coordination of the civil defense and defense mobilization activities of the State and its political subdivisions.

#### C. Local Governments

The government of each political subdivision is responsible for the direction and coordination of the civil defense and defense mobilization activities of that subdivision.

#### D. Industry

The leaders of industry, agriculture, labor and financial institutions are responsible, in cooperation with appropriate government agencies, for planning and executing measures designed to assure the continued functioning, or rapid restoration to functioning, of the essential elements of the national economy.

#### E. The Public

Individuals and families are responsible for sustaining themselves in an emergency and for contributing to the general survival and recovery effort.<sup>2</sup> Professional, labor, service, religious, civic and social organizations are responsible for making such contributions to the preparation for and assurance of national, State or community survival as may be possible.

### IV. Organization<sup>3</sup>

#### A. Federal<sup>4</sup>

1. The Director commands the Office of Civil and Defense Mobilization (OCDM) and, acting for the President, coordinates and directs the civil defense and defense mobilization activities of the Federal Government.

2. The head of each Federal department and agency, coordinated by the Director, OCDM, plans and conducts such civil defense and defense mobilization activities as are inherent in its normal responsibilities, or as may be assigned by the Director, OCDM.<sup>5</sup> All agencies having

2. See Annex 2, Individual Action.

3. See Annex 3, Organization for Civil Defense and Defense Mobilization.

4. See Annex 4, Authorities for Civil Defense and Defense Mobilization.

5. See Annex 5, Federal Delegations and Assignments, and Annex 6, Federal Emergency Procedures.

resources or competence related to civil defense and defense mobilization programs assist the agencies having primary responsibilities.

3. The field organization of OCDM is composed of regional offices, each commanded by a Regional Director, who in his region acts for the Director.
4. The Regional Director, OCDM, coordinates and, in appropriate circumstances, directs the civil defense and defense mobilization activities of Federal agency field establishments within his region.
5. The Regional Director coordinates the civil defense and defense mobilization activities of the States in his region. At the request of the State government, or in event the State government is unable to act, the Regional Director will direct such State activities. Field establishments of other Federal agencies maintain technical liaison with State and local counterparts, under arrangements approved by the Regional Director and the State concerned.

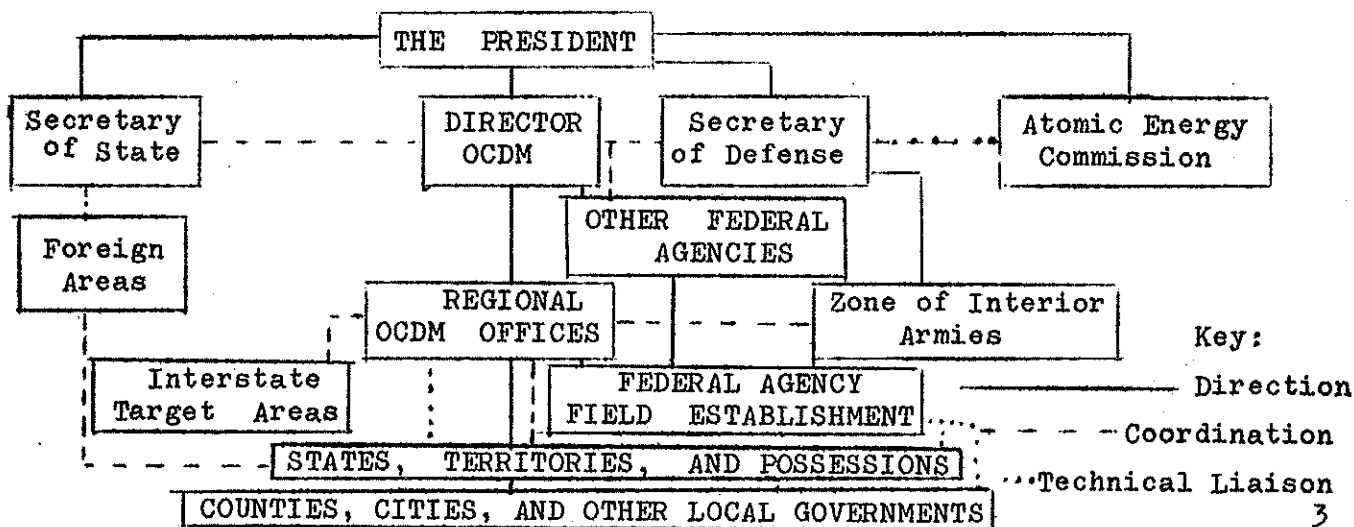
6. Military Support.<sup>6</sup>

B. State and Local

1. The chief executives of State and local governments direct the civil defense and defense mobilization activities within their jurisdiction. With the assistance of their civil defense staffs, the chief executives will direct the performance of emergency functions within the regularly constituted government structure, augmenting it where needed.
2. States and localities are organized for civil defense and defense mobilization as prescribed by their governments, except that where States are charged with and agree to carry out, responsibilities delegated by the Federal Government, the State and local organizations will conform to requirements prescribed by the Director.

C. Channel of Coordination

The civil defense and defense mobilization channel of coordination is established, down which will be transmitted instructions and up which requests for assistance will be made.



6. See Annex 7, Role of The Military

V. Functions for Protection of Life  
and Property

A. Continuity of Government<sup>7</sup>

The Federal Government and the governments of the States and their political subdivisions, in order to insure their continuity in the event of attack or other disaster, will

1. Establish and promulgate lines of succession to official positions.
2. Provide for the safekeeping of essential records.
3. Establish control centers and alternative sites for government emergency operations.
4. Provide for the protection and maximum use of government personnel, resources and facilities.

B. Public Information and Education

Each government will conduct programs of public information and education on attack effects and proper responses for the persons residing within its jurisdiction, with the objective of providing every person with the knowledge essential for survival.<sup>8</sup>

C. Reduction of Vulnerability

Consistent with resources available or to be made available, and in conformity with established national policy, each government will supplement individual and family preparations by planning and executing programs related to

1. Public shelters and protective devices.<sup>9</sup>
2. Hardening, dispersal and duplication of essential production, distribution and service facilities.<sup>10</sup>
3. Controlled movement of people and materials, the development of reception areas for evacuees and homeless persons, and stockpiling of survival needs in or near these areas.<sup>11</sup>

D. Warning of Attack<sup>12</sup>

1. Source. The primary source of attack warning is the North American Air Defense Command. (OCDM Attack Warning Officers are stationed at NORAD installations to receive and relay warning information.)
2. Dissemination.
  - a. The Federal Government will provide attack warning information

<sup>7</sup>See Annex 8, Preparations for Continuity of Government.

<sup>8</sup>See Annex 9, Public Information.

<sup>9</sup>See Annex 10, National Shelter Plan.

<sup>10</sup>See Annex 11, Protection of Essential Facilities.

<sup>11</sup>See Annex 12, Controlled Movement.

<sup>12</sup>See Annex 13, Warning.



to all states and, in accordance with Federal-State arrangements, directly to political subdivisions on the National Warning System.

- b. State and local governments, with the financial and technical assistance of the Federal Government, will provide for the dissemination of attack warning to the public.

3. Action on Warning.

- a. Governments and the public will take such action on receipt of warning as is prescribed by the government involved.

(1) Evacuation or dispersal <sup>13</sup> --Target cities and other areas near assumed targets will, if time and conditions permit, execute plans for evacuation or dispersal to prepared reception areas.

(2) Shelter <sup>14</sup> --If time and conditions do not permit evacuation, full advantage will be taken of existing shelter, and fallout protection will be improvised.

(3) THE ACTION TO BE TAKEN IS A LOCAL DECISION.

- b. Where outdoor warning signals are used to warn the public they will consist only of

(1) The "ALERT" signal--A 3 to 5-minute steady blast or tone, meaning "attack is probable--take action as directed by local governments."

(2) The "TAKE COVER" signal --A 3-minute warbling tone or a series of short blasts meaning "attack is imminent--take cover immediately in the best available shelter."

<sup>15</sup>

E. Preparations for Damage Assessment

Each government will design, construct and maintain in operating condition systems capable of providing rapid and reasonably accurate estimates of

<sup>13</sup> See Annex 12, Controlled Movement.

<sup>14</sup> See Annex 10, National Shelter Plan.

<sup>15</sup> See Annex 14, Damage Assessment.

1. The anticipated and existing location and degree of attack effects, especially radiological contamination.
2. What has survived the attack and is useful for recovery.

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F. Communications

1. Operational Communications

a. National communications system--The Federal Government will maintain at all times, reasonably secure from attack effects, communications

- (1) Within and among Federal agencies having emergency responsibilities and
- (2) Between the Federal Government and the States.

b. State and local communications--State governments will maintain at all times, reasonably secure from attack effects, for their emergency operations, communications

- (1) Among State agencies having emergency responsibilities and
- (2) Between State governments and their political subdivisions.

Local governments will maintain communications for their emergency operations.

The Radio Amateur Civil Emergency Services (RACES) will provide essential communications for regional, state and local use to augment normal communications or to substitute for them if necessary. (RACES will comply with Federal Communications Commission regulations governing CONELRAD.)

2. Communications with the Public

a. Emergency means--As the situation permits, and subject to emergency powers of the Director, all existing means of communications not required to support military operations will be used (in accordance with Conelrad regulations).

- (1) Pre-Conelrad--Prior to the invocation of Conelrad,

civil authorities will use all broadcasting facilities--  
AM and FM radio and television and all emergency means--  
to give emergency instructions and information.

- (2) Conelrad--The Commander of NORAD is responsible for ordering the radio alert which puts the Conelrad plan into effect.

As soon as possible, the participating AM stations will return to the air on the approved maximum power and broadcast vital information and instructions to the public on the Conelrad frequencies of 640 or 1240 kilocycles. FM and TV stations will remain off the air for the duration of the radio alert.

- (3) Post-Conelrad--After the Conelrad radio alert has been terminated by the NORAD Commander, civil authorities will use all surviving civilian-owned means of broadcasting, calling on military communications support if necessary.

- b. Priorities of use in emergency--Instructions and information relating to measures to support military operations and to save life have priority over all other information and instructions.

G. Maintenance of Government, Law and Order<sup>17</sup>

1. State and Local

- a. Local government is the basic entity responsible for the emergency maintenance of law and order.
- b. State law enforcement forces will support local police services in emergency as the situation allows. States will exercise general control and provide services in areas where the local government is unable to act. Requests for additional police support will not be made to the Federal

Government until State and local police are, or are expected to be, inadequate to cope with the situation.

## 2. Federal

- a. Upon request of the State government, or in event the State government is unable to act, the Federal Government will assume and exercise all necessary government functions during an emergency in areas where it is determined that government organizations have been rendered incapable of performing vital functions.
- b. Upon request, the Secretary of Defense will provide emergency military aid to the civil authority to assist in the maintenance of law and order, to the extent that such commitment will not interfere with the conduct of primary military missions.<sup>18</sup>
- c. Federal agencies having responsibilities for performing, or assisting in the performance of, State and local government functions will be familiar with relevant State and local plans.

## H. Disaster Services<sup>19</sup>

### 1. General

States and their political subdivisions, with the financial and technical assistance of the Federal Government, will accumulate necessary supplies and equipment and recruit and train personnel in disaster services. The Federal Government will acquire and store limited quantities of supplies and equipment for disaster service operations as a general reserve. Disaster services include, but are not limited to,

- a. Casualty care and emergency public health<sup>20</sup>

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<sup>18</sup> See Annex 7, Role of the Military.

<sup>19</sup> See Annex 17, Disaster Services.

<sup>20</sup> See Annex 18, National Medical and Health Plan.

- b. Emergency welfare services.
- c. Rescue
- d. Debris clearance <sup>22</sup>
- e. Fire protection <sup>23</sup>
- f. Decontamination

2. Emergency Procedures

a. State and local

- (1) Local governments will direct the movement of populations away from danger areas, commit disaster forces under their control as required by the situation, evaluate their capabilities and notify the State of deficiencies or excess capabilities. In accordance with prearranged State and national plans, notification may also be made to the field offices of appropriate Federal agencies. Due consideration will be given to the continuing requirements for disaster services in emergency commitment actions.
- (2) The State, in turn, will evaluate the total situation within the State, direct the movement of populations away from the danger areas and commit State disaster forces, including those made available by invocation of interstate compacts, as indicated by the situation.
- (3) Field offices of appropriate Federal agencies will assist the States in providing disaster services. States will also use, where appropriate, resources of non-governmental organizations such as the American National Red Cross, the American Medical Association and the American Hospital Association.

21

See Annex 19, Mass Care and Assistance, and Annex 20, Registration and Information.

22

See Annex 21, National Fire Protection Plan.

23

See Annex 23, National Radiological Defense Plan.

(4) When State capabilities are deficient, requests for needed support will be made to the OCDM Regional Director. Capabilities excess to the needs of the States will also be reported to the Regional Director when requested. Where prearranged State and national plans exist, requests for support and reports of excess capabilities may be made to field establishments of appropriate Federal agencies.

b. Federal

Federal disaster service capabilities will be made available to augment State and local resources as soon as possible when not required for emergency activities of the Federal Government. An appropriate portion of the total of Federal disaster services materiel will be committed only for reestablishment of a minimum level of regular community disaster capability for the surviving population.

I. Emergency Protection from Delayed or Unconventional Weapons Effects

24

1. Clandestine and Unexploded Ordnance.

- a. State and local--State and local forces will conduct reconnaissance for unexploded ordnance within their jurisdictions and report the existence of such ordnance to the closest Department of Defense Explosive Ordnance Disposal Unit or Z.I. Army Commander through the OCDM Regional Director. State and local authorities will provide for restriction of areas and protection of persons from such ordnance, including execution of plans for evacuation to safer areas, until arrival of the responsible explosive ordnance personnel. State and local authorities will assist such personnel when requested.
- b. Federal--The Federal Bureau of Investigation will investigate reported incidents of clandestinely-introduced weapons.

The Department of Defense, through its Explosive Ordnance Disposal Units, will disarm atomic weapons and dispose of other unexploded weapons. The Atomic Energy Commission will take custody and dispose of fissionable materials of unexploded ordnance.

<sup>25</sup>

## 2. Radiation

### a. State and local

Local authorities will monitor the areas for radiological contamination, identify the degree and location of the radiological hazards, report such hazards to the public and to the State and, if conditions require, execute plans for evacuation to safer areas. States will monitor, accumulate data on, evaluate and summarize the total radiological situation in the State, advise the general public of the State and inform the OCDM Regional Director.

### b. Federal

OCDM will direct the Federal radiological program.

The Weather Bureau, Department of Commerce, under the general direction and coordination of the Director, will make fallout forecasts available to State and local governments. All Federal agencies having requisite capabilities will monitor radiation levels and furnish data to civil defense agencies--Federal, State and local--as required.

## 3. Biological and Chemical Agents<sup>26</sup>

a. State and local--State and local governments will detect, identify and control chemical and biological warfare agents within their jurisdiction, advise the public, report the situation to other governments and, if conditions require, execute plans for evacuation to safer areas.

<sup>25</sup>

See Annex 23, National Radiological Defense Plan.

<sup>26</sup>

See Annex 24, National Biological and Chemical Warfare Defense Plan.

- b. Federal--Under the direction and coordination of OCDM, the Department of Health, Education and Welfare will direct Federal activities concerned with the nonmilitary detection, identification and control of chemical and biological warfare against humans. The Department of Agriculture will direct Federal nonmilitary activities concerned with chemical and biological warfare against animals and crops.

#### VI. Functions for Mobilization and Management of Resources and Production

Most resource mobilization and management functions listed below are normally Federal responsibilities, although under conditions of a devastating attack the States would have to assume responsibility for resource management until effective Federal authority could be restored. The Federal Government will establish criteria for resource use and management in the interest of national equity.

#### A. Development and Maintenance of Essential Resources<sup>27</sup>

1. The Federal Government is responsible for determining and, under appropriate circumstances, taking steps to assure the existence and availability of resources necessary for expanding, maintaining or restoring production and distribution processes essential to civil defense and defense mobilization. Such resources will consist of raw materials, finished goods, facilities, essential services and manpower required for the production and distribution of
  - a. Military materiel
  - b. Atomic weapons, materials, and equipment
  - c. Domestic needs for capital and consumer goods and services
  - d. Assistance to foreign areas
2. The Federal Government will stimulate the development and maintenance of reserves of such essential resources through programs



for

- a. Increasing inventories of such resources by State and local governments, private industry and individuals
- b. Maintaining Federal stockpiles of such resources, to the extent needed to supplement other inventories, in forms and at places most suitable to ultimate use
- c. Preallocating emergency production and distribution contracts to insure, wherever practicable, sufficient indications of government intent
- d. Developing substitutes for essential resources unavailable from domestic sources
- e. Developing original domestic sources for essential resources
- f. Expanding existing productive capacity and the production and supply of materials and facilities essential to production and distribution
- g. Controlling exports to, and imports from, foreign areas.

B. Reserves of Consumer End Products

The Federal Government will determine and, in appropriate circumstances, take measures to accumulate, store and assure the availability of essential consumer end products expected to be temporarily unavailable in sufficient quantity from existing private and commercial stocks or from new production.

C. Protection of the National Industrial Plant<sup>28</sup>

The Federal Government will contribute to the reduction of the vulnerability of the national industrial plant to overt or covert enemy action through programs for

1. Physical protection, including dispersal of industrial facilities (see also Part V., C.)
2. Continuity of industrial management during emergency
3. Maintaining multiple sources of supply for mobilization require-

4. Stimulating voluntary agreements among industries and industry members to provide for expeditious combinations or exchanges of resources during emergency.

D. Preparations for Resource Mobilization and Management<sup>29</sup>

1. In accordance with the nature and degree of various possible emergency conditions, the Federal Government will continuously assess the ability of the national economy to meet all requirements stated under VI. A.1., will develop programs for emergency control of the economy, and will prescribe the emergency roles and responsibilities of State and local governments, private industries and the individual.

2. Programs for preparing to control the national economy will include, but not be limited to,

- a. Money and credit, and the entire financial system, with the objective of optimum support of mobilization, survival and recovery<sup>30</sup>
- b. Production, with the objective of optimum use of the national industrial plant<sup>31</sup>
- c. Distribution,<sup>32</sup> with the objective of
  - (1) Meeting emergency requirements with available supplies
  - (2) Facilitating national recovery
- d. Consumption, with the objective of conserving available supplies and applying them in the manner best designed to achieve national survival and recovery.<sup>33</sup>

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<sup>29</sup> See Annex 27, Emergency Financial Controls; Annex 28, Management of Emergency Production, and Annex 29, Emergency Distribution and Consumption Controls.

<sup>30</sup> See Annex 27, Emergency Financial Controls.

<sup>31</sup> See Annex 28, Management of Emergency Production.

<sup>32</sup> See Annex 29, Emergency Distribution and Consumption Controls.

<sup>33</sup> See Annex 29, Emergency Distribution and Consumption Controls.

E. Exercise of Authorities and Controls<sup>34</sup>

1. The Director, as directed by the President, will exercise authorities and controls necessary to obtain required goods and services to stabilize the economy. Such authorities and controls will be planned to meet various contingencies such as the circumstances incident to attack or the declaration of a limited, national or civil defense emergency.
2. Economic control will require the use of such measures as will be effective under the terms and conditions of emergency. Such measures will include, but not be limited to,
  - a. Continuation, alteration or cessation of government or private activities concerned with or incident to, operation of the economy
  - b. Construction or modification of facilities
  - c. Allocation of goods and services, including the rationing of consumer items
  - d. Requisition or condemnation of real and personal property
  - e. Prohibition against the unwarranted accumulation, conversion or use of real and personal property
  - f. Freezing, controlling or specifying wages, salaries, rents and prices
  - g. Effective use of scarce skills

F. Management of Resources After Attack on the Continental United States

1. Responsibilities
  - a. Public<sup>35</sup> --Individuals and families will be prepared to exist on personal stocks of survival items in homes and shelter areas for two weeks following attack.
  - b. State and local--Cities, counties and States will be pre-

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<sup>34</sup> See Annex 27, Emergency Financial Controls; Annex 28, Management of Emergency Production, and Annex 29, Emergency Distribution and Consumption Controls.

<sup>35</sup> See Annex 2, Individual Action.

pared to exist on consumer items and essential equipment immediately available to their respective jurisdictions for a minimum of four weeks following attack.

- c. Federal <sup>36</sup> --The Federal Government will be prepared to assist the States, political subdivisions and individuals as soon as possible following attack after meeting military and other essential Federal requirements. Federal stockpiles and other resources available to the Federal Government for survival purposes will be planned for allocation to States on the basis of need, after the fourth week following attack. To the extent permitted by the situation, the Federal Government will continue to institute controls necessary to the management of all essential resources in the national interest.

## 2. General Procedures<sup>37</sup>

### a. Local

- (1) Commercial stocks in the hands of retailers will automatically be available to local governments to supplement local stockpiles. Wholesaler and manufacturer inventories and State and Federal stockpiles will be utilized by local governments on the basis of prearranged plans endorsed by the State and Federal Government agencies concerned. Plans for requisitioning will include reimbursement provisions.
- (2) As soon as possible following attack, local governments will provide for accumulation, control and distribution of goods and services essential to the

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<sup>36</sup> See Annex 6, Federal Emergency Procedures.

<sup>37</sup> For detailed procedures for the emergency administration of specific resources see Annex 30, National Manpower Plan; Annex 31, National Food Plan; Annex 32, National Water Plan; Annex 33, National Energy and Minerals Plan, and Annex 34, National Transportation Plan.

maintenance of life and property and preservation of government.

- (3) When local resources (including those made available at nearby support communities) are exhausted, or will not meet the need, requests of local governments for assistance will be made to the State. Requests by local governments to Federal agencies for assistance will be made only under prearranged plans approved by the State and by the OCDM Regional Director.

b. State

- (1) As soon as possible after attack, the State will exercise general coordination and direction over resources within its borders except where, in accordance with prearranged State and national plans, such resources have been specifically reserved for control by appropriate Federal agencies. On the basis of relative needs, determined according to established standards, the State will fill local requests for assistance from resources under State control, including stockpiled materials, or those available from other States.
- (2) Each State will keep the OCDM Regional Director informed of critical resources committed within the State or across the State lines and of resources in excess of the State's needs. The Regional Director will provide resource information to field installations of appropriate Federal agencies. The commitment of resources will be as follows:
  - (a) Within an intrastate mutual-aid perimeter, automatically to an attacked area or on request of attacked city

(b) Within an attacked State, other than the above situation, upon the order of the State

(c) Across any state line, upon the basis of pre-arranged plans coordinated by the Regional Director or upon request to and direction from him.

(3) Requests for support will be made to the OCDM Regional Director when required resources are not available within the State or from appropriate Federal agencies in accordance with prearranged plans.

(4) The OCDM Regional Director will, when required as a matter of national interest, direct the States to modify or suspend prearranged plans in order to provide for the release and/or reconsignment of resources.

c. Federal<sup>38</sup>

(1) Subject to the above procedures for State and local action, OCDM, through the appropriate Federal agencies, will control goods and services available for civilian use and the distribution of goods required to meet essential consumer requirements. State and local governments may be utilized to exercise, as agents of the Federal Government, authority over inventories of designated kinds of goods in the hands of certain industries and wholesalers.

(2) The heads of Federal departments and agencies having normal jurisdiction over resources not previously assigned to emergency activities of the Federal Government will cause such classes of these resources,

<sup>38</sup>See Annex 6, Federal Emergency Procedures, and Annex 29, Emergency Distribution and Consumption Controls.

as specified from time to time by OCDM, to be

- (a) Inventoried, classified and reported to the Director
- (b) Made available for assignment to Federal emergency activities
- (c) Made available, in the case of field establishments, to the governments of States in which they are located, unless required for an immediate mission of the Federal establishment or where commitment will impair the national interest. States will be advised preemergency as to the probable availability of these resources.

G. Management of Facilities After Attack on the Continental United States <sup>39</sup>

1. Local--Local officials will identify those public facilities (such as radio stations, roads, sewerage systems and airports) and utilities (such as water, electric power and gas) essential to the continued life of the community. They will direct, through appropriate departments of local governments, repair and restoration of vital public facilities and utilities and the order in which essential needs for local service should be met. If locally available materials or manpower are inadequate for such needs, mutual assistance arrangements with other local governments will be invoked. Utility systems will make known mutual assistance arrangements to the government entities concerned. Such arrangements will be invoked to furnish service for essential needs. Requests for Federal assistance will be made through the State unless other arrangements approved by the State exist.
2. State--State governments will assist the local governments

<sup>39</sup>See Annex 35, Emergency Administration of Essential Facilities; Annex 32, National Water Plan; Annex 33, National Energy and Minerals Plan, and Annex 34, National Transportation Plan.

in the repair and restoration of public facilities essential to statewide emergency activities and allocate available utility service within the State where conflicts between localities in the use of the service arise. The State will modify its regulations on utility operations to the extent necessary to facilitate restoration of service within the State and in other States.

3. Federal--The Federal Government will

- a. Identify those resources, including industrial facilities, utilities and services essential to the maintenance and operation of the national economy
- b. Allocate such resources where necessary
- c. Resolve conflicts so that the most essential national requirements will be met
- d. Exercise priorities and allocation and requisitioning authority in order to expedite and direct the flow of such resources to meet national requirements
- e. Take necessary actions (such as ordering interconnection of utility systems) to assure maximum effectiveness in use of interstate resources
- f. In areas where it has equipment and trained manpower which would be useful in restoration of public facilities and utilities, make such resources available if they are not needed for duties of equal or greater essentiality.

VII. Supporting Functions

A. Research and Development<sup>40</sup>

1. The Federal Government will fund, maintain and support a complete and coordinated research and development program to determine optimum methods, materiel and facilities for the Civil defense and defense mobilization of the United States. The program will be coordinated by OCDM.

<sup>40</sup>See Annex 36, Research and Development.



2. This program will include, but not be limited to, subject matter on weapons effects (including sociological and psychological effects); passive defense techniques; operational systems for identifying, computing and transmitting operational data; resource data accumulation, analysis and use; and equipment design and use.
3. Financial contributions to States for the conduct of programs of applied research on problems unique to their jurisdiction or to those of their political subdivisions will be provided if adequately justified.

B. Training and Education<sup>41</sup>

OCDM will stimulate and conduct, when necessary, programs of civil defense and defense mobilization training and education. Contributions to the States and their political subdivisions for training and education activities will be made available. The objectives of these programs are:

1. To assist governments at all levels to obtain operational readiness in emergency
2. To provide every person with information and instruction essential for survival and recovery.

C. Federal Assistance<sup>42</sup>

The Federal Government will furnish such technical, financial and material assistance to States and their political subdivisions and to private organizations as is permitted by law and is necessary for the civil defense and defense mobilization of the United States. This includes, but is not limited to,

1. Use of technical personnel
2. Grants-in-aid, loans and tax benefits
3. Transfer of surplus property

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See Annex 37, Training and Education.

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See Annex 38, Federal Assistance.

D. Review, Tests and Inspection<sup>43</sup>

1. Civil defense and defense mobilization plans of Federal departments and agencies, those State and local plans financed in whole or in part by the Federal Government, and programs based on such plans will be continually reviewed by the Director for adequacy and for conformance with this National Plan.
2. The Director will arrange and supervise, as he deems advisable, tests and exercises for purposes of evaluating and improving civil defense and defense mobilization readiness.
3. The Director will determine standards of maintenance and use and will supervise inspection of civil defense and defense mobilization equipment and facilities financed in whole or in part by the Federal Government.

E. Maintenance of the National Plan

The Director will provide for continual review of the National Plan for Civil Defense and Defense Mobilization, revise it as necessary to assure that it is complete, accurate and current at all times and require such reports as will keep him advised on progress and program status. Any proposals for changes in the Plan should be submitted to the Director.

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See Annex 39, Review, Tests and Inspection.

## GLOSSARY OF TERMS

**Biological Warfare Agents**--Living organisms or their products capable of causing death, disability or damage to man, animals and crops.

**Chemical Warfare Agents**--Chemicals in the form of solids, liquids or gases capable of causing death, disability or damage.

**Civil Defense**--Activities and measures designed or undertaken (1) to minimize the effects upon the civilian population which would be caused by an attack upon the United States or by a natural disaster, (2) to deal with the immediate emergency conditions which would be created by any such attack or disaster and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack or disaster.

**Clandestine Ordnance**--Destructive devices covertly assembled in or introduced into this country.

**Conelrad**--A plan to deprive the enemy of electromagnetic radiation as an aircraft navigational aid without depriving the public of standard broadcast radio as a source of news and instruction. This system permits emergency broadcasting on 640 or 1240 kilocycles in areas served by standard broadcast stations authorized to operate during the CONELRAD (Radio Alert) period.

**Decontamination**--The process of reducing the hazard associated with an object or area by absorbing, destroying neutralizing, making harmless or removing chemical, biological, radiological or toxicological agents clinging to or around it.

**Defense Mobilization**--The employment of government and the national economy for meeting essential civilian and military requirements.

**Director**--Director of the Office of Civil and Defense Mobilization, Executive Office of the President.

**Fallout**--The return to the earth's surface of particles made radioactive and thrown into the air by a nuclear explosion. The term also applies to the contaminated particles themselves.

**Federal Agency Field Establishments**--Offices, installations or representatives of the Federal Branch of Government (including those normally under the direction of, but not necessarily a formal part of, the Executive Branch) not located at the seat of government or constituting or designated as a National Headquarters.

**Hardening**--Reducing the vulnerability of a structure, device or system by strengthening its material components or otherwise increasing its physical protection against deliberate, accidental or natural damage or wear.

**Interstate Compact**--Agreement between two or more States to commit supplies, materials, equipment or forces to each other to alleviate the effects of attack.

**Interstate Target Area**--Any metropolitan complex or other attack objective situated in two or more States.

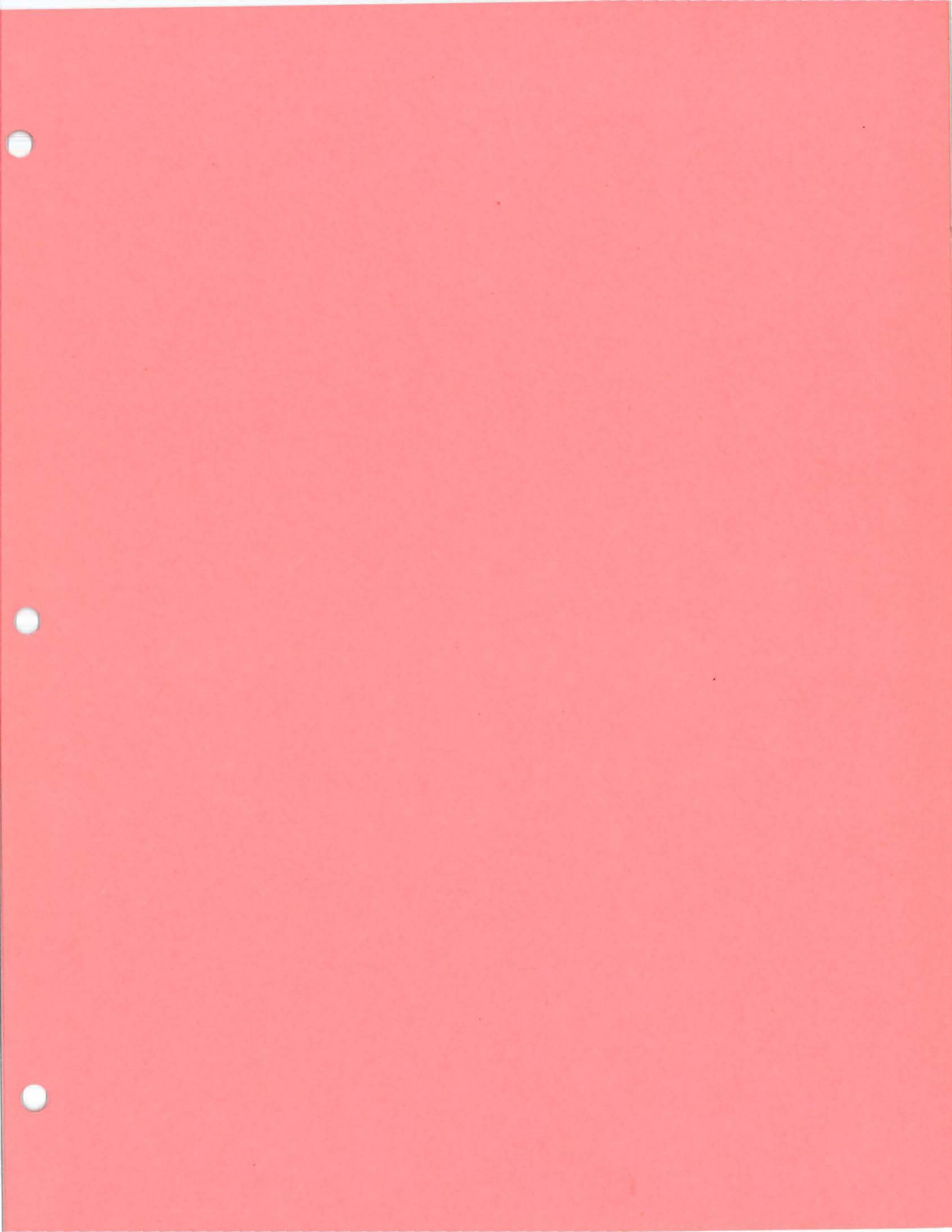
**Intrastate Mutual-Aid Perimeter**--Boundaries of a geographical area agreed upon by the State and between two or more political subdivisions within the State for purposes of planning for the exchange of supplies, materials, equipment or forces to each other to alleviate the effects of attack.

**Monitoring**--The procedure or operation of locating and measuring radioactive contamination by means of survey instruments which can detect and measure (as dose rates) ionizing radiations. The individual performing the operation is called a monitor.

**Political Subdivision**--Any county, city, town or other local government of any State, Territory or Possession of the United States.

**Radiological Contamination**--The deposit of radioactive material on the surfaces of structures, areas, objects, animals or persons following a nuclear explosion. This material generally consists of radioactive fallout in which fission products and other bomb debris have become incorporated with particles of dirt, etc.

**Regional Director**--Director of one of the regional offices of the Office of Civil and Defense Mobilization.



A SUGGESTED IOWA CIVIL DEFENSE ACT

An Act to create and maintain a state civil defense commission, a state office of civil defense with state and local subdivisions thereof, and to provide emergency power to the governor in connection therewith and to provide appropriations and penalties in connection therewith.

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

Section 1. This Act may be cited as the "Iowa Civil Defense Act of 1959."

Section 2.

1. Because of the existing and increasing possibilities of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, natural disaster, sabotage or other hostile action, and in order to insure that the state of Iowa will be adequately prepared to deal with such disasters and to provide generally for the common defense, and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

a. To create a state civil defense commission; a state office of civil defense and to authorize the creation of local organizations for civil defense in the political subdivisions of the state;

b. To confer upon the governor of the state the emergency powers provided herein;

c. To provide for the rendering of mutual aid among the political subdivisions of the state and with other states with respect to the carrying out of civil defense functions.

2. It is further declared to be the purpose of this act and the policy of the state that all civil defense functions of this state be coordinated to the maximum extent with the comparable functions of the federal government, including its various departments and agencies, other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

Nothing contained in this Act shall be construed to limit or in any way affect the responsibilities of the American Red Cross under the Act of Congress approved January 5, 1905 (33 Stat 599 as amended).

Section 3. As used in this act:

1. "Civil Defense" means the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, natural disaster, sabotage, or other hostile action. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, telephone, telegraph, radar and radio services, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

2. "Local organization for civil defense" means an organization created by, or in accordance with, the provisions of this act by state or local authority to perform local civil defense functions.

3. "Command area" means an organization for civil defense created in accordance with the provisions of this Act by state authority to support, coordinate and direct local organizations for civil defense.

4. "Target area" means an area within the state of Iowa that has been designated by the United States civil defense agency as an area which because of its economic, military or political character is considered to be a likely target for enemy attack by thermonuclear or other weapons.

5. "Political subdivision" means county, city and town.

#### Section 4.

There is hereby created and established a state civil defense commission hereinafter called the "commission", to be known as the "Iowa Civil Defense Commission" to consist of five members, only three of whom shall be members of the same political party, and who shall be appointed by the governor with the approval of the senate in executive session.

#### Section 5.

The members of said commission shall hold office for six years, except that on the first commission one member shall be appointed for the period ending July 1, 1961, two for the period ending on the first day of July 1963, and two for the period ending on the first day of July 1965. Each member shall serve until the appointment and qualification of his successor.



Section 6.

All members of the commission shall be electors of this state.

Section 7.

Vacancies on the commission shall be filled by appointment by the governor, for the balance of the unexpired term.

Section 8.

No members of the commission shall receive any salary for his services, but each shall be reimbursed for necessary expenses incurred by him in the performance of his duties, and each shall be paid, in addition to said expenses, the sum of \_\_\_\_\_ dollars per diem, or part thereof, spent in attending to his duties as commissioner, provided such per diem compensation shall not exceed \_\_\_\_\_ dollars for each fiscal year.

Section 9.

The commission shall, within thirty days after its appointment, meet and organize. At such meeting it shall elect from among its members a chairman, a vice-chairman, and a secretary, to serve for one year, and annually thereafter shall elect such officers, all to serve until their successors are elected and qualified.

Section 10.

The commission shall at its initial meeting fix the date and place for its regular meetings. Three members shall constitute a quorum, and no action shall be taken by less than a majority of the commission. Special meetings may be called upon notice, as provided by its rules and regulations. Regular meetings shall be held at its office but when delay or expense may be prevented or in the event of an actual or imminent attack on the United States by means of thermonuclear or other weapons, it may hold hearings or proceedings at any place designated by it.

Section 11.

The commission shall report in writing to the governor on or about December 1 of each year, a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and expenditures, such other information as it may deem necessary or useful, and any additional information which may be requested by the Governor.

Section 12.

Suitable offices and other equipment shall be provided by the state for the commission in the city of Des Moines and it may incur the necessary expense for office furniture, stationery printing, incidental expenses, and other expenses necessary to carry out the provisions of this Act. The commission may employ such clerical, technical, and other employees and assistants as it may deem necessary for the proper transaction of its business and shall fix their salaries, subject to the approval of the governor and comptroller.

Section 13. The commission shall have the following power duties:

1. It is empowered and directed to encourage, foster and assist in the organization and maintenance of effective state and local emergency operational civil defense organizations to insure the greatest possible saving of lives and property in the event of an attack on the United States by means of thermonuclear or other weapons.

2. It shall prepare a comprehensive plan and program for the civil defense of this state, such plan and program to be integrated into and coordinated with other state agencies, civil defense plans of the federal government, and of other states insofar as possible, and to coordinate the preparation of plans and programs for civil

defense by the political subdivisions of this state, such plans to be integrated into and coordinated with the civil defense plan and program of this state.

3. In accordance with such plan and program for the civil defense of this state, it shall procure supplies and equipment, institute training programs and public information programs, and take all other preparatory steps, including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the functioning of adequately trained and equipped forces of civil defense personnel in time of need.

4. It shall make or establish studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for civil defense, and plan for the most efficient use thereof in administering the provisions of this Act.

5. It shall advise the Governor and the director on all matters pertaining to civil defense.

Section 14. A state director of civil defense shall be appointed by the commission to serve for an indefinite term at the pleasure of the commission. He shall devote his entire time to the duties of his office as required by this Act and shall not be actively engaged or employed in any other business, vocation, or employment, nor shall he hold any other state office. He shall receive such compensation as the commission may determine, subject to the approval of the Governor and the comptroller, and shall be reimbursed for all expenses actually and necessarily incurred by him in the discharge of his official duties.

Section 15. The director shall be head of the state office of civil defense and the executive officer of the commission but shall not be a member thereof. He shall be in charge of the office

of the commission and responsible to the Governor and the commission for the execution of the program for civil defense of this state. He shall coordinate the activities of all civil defense organizations within the state, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other states and of the federal government and shall have such additional authority, duties and responsibilities authorized by this Act as may be assigned to him by the commission and the Governor. Provided that in the event of an actual or imminent attack on the United States by means of thermonuclear or other weapons and the declaration of a civil defense emergency by the Governor as provided herein, the director shall be subject to the direct operational control of the Governor for the duration of the emergency.

Section 16. In the event of a vacancy in the office of the director during a declared civil defense emergency, the Governor may fill such vacancy by appointment until a successor is qualified.

Section 17. The director with the approval of the Commission may appoint one Chief Deputy Director and not to exceed five deputy directors, and may fix their compensation subject to the approval of the Governor and Comptroller.

Section 18. During the temporary absence or disability of the director, the chief deputy director shall assume the powers and duties of the directors as acting director and in case of a vacancy in the office of director the chief deputy director shall become acting director pending the qualification of a successor director.

Section 19.

1. The Governor shall have general direction and control of all state civil defense organizations and activities and in the event of disaster beyond local control, he may assume direct

operational control over all or any part of the civil defense functions within the state.

2. In performing his duties under this Act, the Governor is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the civil defense of this state and of the nation.

3. In performing his duties under this Act, the Governor is further authorized and empowered:

a. To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this Act within the limits of the authority conferred upon him herein, with due consideration of the plans of the federal government. The provisions of chapter fifty-one (51), Acts of the Fifty-fourth General Assembly, shall not be applicable to the orders, rules and regulations authorized by the provisions of this paragraph.

b. On behalf of this state, to enter into mutual aid compacts with other states and to coordinate mutual aid plans between political subdivisions of this state.

c. To delegate any administrative authority vested in him under this Act, and to provide for the subdelegation of any such authority.

d. To cooperate with the president and the heads of the armed forces, the civil defense agency of the United States, and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the civil defense of the state and nation, including, but not limited to, the direction or control of:

(1) Aircraft observation and detection, blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises.

(2) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith.

(3) The effective screening or extinguishing of all lights and lighting devices and appliances.

(4) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services.

(5) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic prior, during, and subsequent to drills or attack.

(6) Public meetings or gatherings, and

(7) The evacuation and reception of the civilian population.

Section 20. In the event of actual or imminent attack against the United States by means of thermonuclear or other weapons, any statute, franchise, law, rule or regulation within the State of Iowa to the contrary notwithstanding, the Governor may declare that a state of emergency exists and thereafter he shall have the following emergency powers:

1. To enforce all laws, rules and regulations relating to civil defense and to assume direct operational control of all civil defense forces and helpers in this state;

2. To take immediate possession, in the name of the State of Iowa, of any real or personal property within the state and use, sell, lend, give, distribute or destroy such property as by him deemed best to defend the state and to minimize death, suffering, and damage incident to the emergency. He shall account to the Treasurer of State for any funds received from such property; the taking and using of any such property shall be with the right on

the part of the owner thereof or any person having interest therein, to have reasonable compensation for the said property, or for his interest therein, or for the use or destruction thereof.

3. To regulate, limit, restrict or close to traffic and public use any public highway or waterway within the state, including streets in cities and towns.

4. To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the state and to take such steps as are necessary for the reception and care of such evacuees.

5. To use the property, resources and facilities of the state government including the services of every officer and employee of the state of Iowa, in the performance of any service or duty relating to the emergency.

6. To authorize the temporary transfer of any of the officers and employees of the state of Iowa to the federal government.

7. To lend or lease to the federal government any of the property of the state.

8. To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population of the state.

9. To expend, without regard to existing statutes, in the interest of the safety and security of the citizens of the state of Iowa, such moneys of the state not otherwise appropriated, as may be necessary to carry out the purpose and intent of the provisions of this section.

#### Section 21.

1. The state director of civil defense is authorized to create and establish such number of Command Areas as may be necessary to

support and reinforce civil defense organizations in stricken areas and with due consideration of the plans of the Federal Government and of other states. The state director of civil defense with the approval of the governor shall appoint a director of civil defense for each such Command Area who shall be responsible to the governor and the state director of civil defense for its organization, administration and operation. Such Command Areas shall perform support functions in any part of the state, or, upon the conditions specified in this section, in other states.

2. The state director of civil defense with the approval of the governor shall appoint a director of civil defense for each Target Area, so designated by the United States civil defense agency, who shall be responsible to the governor and the state director of civil defense for its organization, administration and operation.

3. Personnel of such areas while on duty, whether within or without the state, shall:

a. If they are employees of the state, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their regular employment.

b. If they are employees of a political subdivision of the state, whether serving within or without such political subdivision, have the powers, duties, rights, privileges and immunities, and receive the compensation incidental to their regular employment.

c. If they are not employees of the state or a political subdivision thereof, be entitled to compensation by the state at a rate comparable to the average, basic, daily pay for the same type of employment of those in the area who are from political subdivisions, and to the same rights and immunities as are provided



by law for the employees of this state. All personnel of such areas shall, while on duty, be subject to the operational control of the authority in charge of civil defense activities in the area in which they are service~~d~~, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

Section 22. There is hereby created in each county in the state a county civil defense council, whose jurisdiction shall apply to the county in which it is located and which shall be designated as "                                 County civil defense council", each such council bearing the name of its own county. A civil defense council having already been created in each of the counties and in certain cities of the state through the efforts of the Iowa development commission, in cooperation with the federal civil defense administration of the United States, each of such county and local civil defense councils shall continue their existence under the provisions of this Act; but if it has not already done so, each county shall increase its membership to include the chairman of the board of supervisors of such county and the mayor of each city and incorporated town within such county. The membership otherwise shall be determined in size by the county civil defense council itself and shall include such representative citizens of such county as may be deemed necessary to represent all parts of the county, its citizenry and its interests. In no event shall the county civil defense council be composed of less than twelve (12) members, at least five (5) of whom shall be nonholders of public office. Any member of a county civil defense council may be removed by its chairman, or by the council itself, for failure or refusal to act. The chairman of any county or local civil defense council may be removed by the governor for his failure or refusal to act, neglect

of his duties, or misconduct in office. In the event of a vacancy in the office of chairman of a county civil defense council, the governor shall fill such vacancy.

Section 23. A county civil defense council shall, under the direction of the state director, within its county be authorized and empowered:

1. To cooperate with the state civil defense agency, the president of the United States, and any federal department or agency having to do with civil or with military defense or preparedness.

2. To cooperate with similar defense agencies of other counties or states.

3. To provide and maintain, within its jurisdiction, such adequate control centers, air raid warning systems, and facilities for the transmission of warnings as may meet with the approval of the state director.

4. To organize and maintain adequate civil defense units for services and activities relating to bacteriological, radiological chemical or any other type of enemy attack or natural disaster.

5. To assist in the organization and continued operation of the local civil defense organization in any city or town within the county.

6. To supervise and correlate all civil defense activities within the county in order to avoid duplication of effort to bring about efficiency.

7. In conjunction with and under the direction of the state director, to carry out within the county the provisions of sections nineteen (19) and twenty (20) of this Act.

8. To carry out and enforce such rules, orders and regulations as may be directed by the state director for the protection and defense of the lives and property of all citizens of Iowa.

9. To maintain an office for its headquarters and for the preservation of its records and property, and to employ such full time clerical help or other assistance as may be necessary for the proper functioning of the council, and to fix the compensation of such employees, and to make such other expenditures for services, supplies, rent and expense as may be necessary.

10. To appoint civil defense wardens and auxiliary police, and all wardens and auxiliary police so appointed by a county or local civil defense council shall have the power and authority while on duty to make arrest for any violation of this Act.

Section 24. Any city or town, regardless of its plan or form of organization, is hereby authorized to establish a local organization for civil defense with the approval of the county civil defense council and the state director, if found to be in accordance with the state civil defense plan and program. Each such organization shall have a local civil defense council and a director. The director shall be appointed by the executive officer of the city or town, subject to the prior approval of the state director. The local civil defense council shall have the direct responsibility for the organization, administration, and operation of such organization, the duty of which shall be to perform all such defense functions provided for in this Act within the territorial limits of the city or town within which it is organized and which, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of section twenty-six (26) of this Act. Any local organization for civil defense in any city or town on the effective date of this Act, which has been recognized under section twenty-two (22) hereof, shall continue to exist and be controlled by the provisions of this section.

Section 25. The governing bodies of cities and towns, regardless of the plan or form of organization, are hereby authorized and empowered to enact ordinances, not in conflict with the provisions of this Act, pertaining to local civil defense.

Section 26. The director of each local organization for civil defense may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense plan and program, and in time of disaster it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements.

Section 27.

1. All functions hereunder and all other activities relating to civil defense are hereby declared to be governmental functions. Neither the state nor any political subdivision thereof nor other agencies of the state or political subdivisions thereof, except in case of willful misconduct, gross negligence, or bad faith, nor any civil defense worker complying with or reasonably attempting to comply with this Act, or any order, rule or regulation promulgated pursuant to the provisions of this Act, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of such activity. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this Act, or under the workmen's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any Act of Congress.

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2. Any requirements for a license to practice any professional, mechanical or other skill shall not apply to any authorized civil defense worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during a civil defense emergency.

3. As used in this section the term civil defense worker shall include any full or part time volunteer or auxiliary employee of this state, the District of Columbia, or other states, territories, and possessions of the federal government, or any neighboring country, or of any political subdivision thereof, or of any agency or organization, performing civil defense services at any place in this state, subject to the order or control of, or pursuant to a request of, the state government or any political subdivision thereof.

4. Any civil defense worker, as defined in this section, performing civil defense services at any place in this state, pursuant to agreements, compacts or arrangements for mutual aid and assistance, to which the state or a political subdivision thereof is a party, shall possess the same powers, duties, immunities and privileges he would ordinarily possess of performing his duties in the state, province or political subdivision thereof in which normally employed or rendering services.

Section 28.

1. Whenever the Federal government or any agency or officer thereof shall offer to the State, or through the State to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of civil defense, the State, acting through the Governor, or

such political subdivision, acting with the consent of the Governor and through its executive officer or governing body, may accept such offer and upon such acceptance the Governor of the State or executive officer or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

2. Whenever any person, firm, or corporation shall offer to the State or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of civil defense, the State, acting through the Governor, or such political subdivision, acting through its executive officer or governing body, may accept such offer and upon such acceptance the Governor of the State or executive officer or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision, and subject to the terms of the offer.

Section 29.

1. Any person owning or controlling real estate or other premises, who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or

premises for the purpose of sheltering persons during an actual, impending, mock or practice attack, shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises for loss of, or damage to, the property of such person.

2. Nothing herein shall authorize any county civil defense council, local civil defense council, officer or personnel thereof, to incur indebtedness binding upon the state, county, city or town.

#### Section 30.

1. The board of supervisors of each county, upon formal request of the county civil defense council, is hereby authorized to levy a tax each year upon all taxable real and personal property, including moneys and credits, with the county of not more than one-quarter ( $\frac{1}{4}$ ) of one (1) mill, the proceeds of such tax to be used in the financing of the activities of the county civil defense council and of local and municipal civil defense councils within the county working in cooperation with the county civil defense council. The proceeds of this tax shall be held in a special fund, to be entitled "county civil defense fund", and shall be used for the purpose of paying the expenses and cost of operation of the county civil defense council, its organization and for the purpose of assisting in the financing of local or municipal civil defense councils, with the county, which cooperate with the county civil defense council. All disbursements shall be made upon warrants drawn by the county auditor against such



fund, upon written authority of the chairman of the county civil defense council. A levy made under the provisions of this subsection shall be made by the county board of supervisors at the time required by law for the making of other county levies. Warrants may be issued by authority of the county civil defense council after the date such a levy has been made in anticipation of receipts therefrom and such warrants shall be handled in the manner prescribed by chapter seventy-four (74) of the Code.

2. Any funds remaining in any county civil defense fund, or in the possession of any local civil defense council, which were derived from the tax provided for herein, shall revert to the county general fund at the expiration of this Act.

#### Section 31.

1. The local budget and control laws and statutes relative to annual appropriations, to the contrary notwithstanding, the board of supervisors of each county, upon the request of the county civil defense council, is hereby authorized in its discretion, after the effective date of this Act, to transfer from any fund or funds which it may have on hand such sums to the county civil defense fund as are deemed necessary to pay the expenses and cost of operation of the civil defense units within the county, as authorized by this Act.

2. The local budget and control law, and statutes relative to annual appropriations, to the contrary and notwithstanding, the governing body of each city or town upon the request of the local civil defense council is hereby authorized in its discretion after date this Act is effective, to transfer from any fund or funds which it may have on hand such sums as are found necessary

to pay the expenses and cost of operation of the local or municipal civil defense council.

Section 32. The county civil defense council is hereby authorized to allocate to local or city civil defense councils from the county civil defense fund such amounts as it may deem necessary, upon presentation by the local civil defense council of its needs, but it shall make no such allocation until all local civil defense councils within the county have been given an opportunity to request allocation of funds from the county civil defense fund. All expenditures of funds derived from taxation and received by a local or municipal civil defense council shall be expended in accordance with rules and regulations to be prescribed by the state Civil Defense Commission, and a proper accounting shall be made to the county civil defense council of all expenditures of allocated funds.

Section 33. Purchases by state, county, and local or municipal civil defense councils shall be exempt from the taxes imposed by sections four hundred twenty-two point three (422.3) and four hundred twenty-three point two (423.2), Code of 1954.

Section 34. In carrying out the provisions of this Act, the governor, the director and the executive officers or governing bodies of the political subdivisions of the state are directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the state, and of the political subdivisions thereof, to the maximum extent practicable; and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and

to extend such services and facilities to the governor and to the civil defense organizations of the state upon request.

Section 35. No organization for civil defense established under the authority of this Act shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Section 36. No person shall be employed or associated in any capacity in any civil defense organization established under this Act, who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or of this state, or who advocates the overthrow of any government in the United States by force or violence, or who has been convicted of, or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

"I \_\_\_\_\_, do solemnly swear ( or affirm) that I will support and defend the constitution of the United States and the constitution of the state of Iowa, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this

state by force or violence; and that during such time as I am a member of the (name of the civil defense organization), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

Section 37. It shall be the duty of every organization for civil defense established pursuant to this Act, and of the officers thereof, to execute and enforce such orders, rules and regulations made by the governor, or under the authority of the governor.

Section 38. Except as hereinafter provided, any person violating any provisions of this Act, or any rule, order or regulation made pursuant to and under authority of this Act, shall be guilty of committing a misdemeanor and upon conviction thereof be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment in the county jail not exceeding thirty (30) days or by both such fine and imprisonment.

Section 39. Whenever by order of the governor, the state director, or the county or local civil defense council, a civil defense emergency or practice civil defense exercise is proclaimed in any county, city, or town or other area in the state, during the designated period and in the designated area, it shall be unlawful for any person to display any light or to use any street, alley or highway without the permission of the governor, state director, county or local civil defense council ordering and proclaiming the civil defense emergency or practice civil defense exercise; and the willful display of any light without such

permission shall constitute a misdemeanor, and shall be punishable by a fine of not more than one hundred (\$100.00) dollars or by imprisonment in the county jail for not more than thirty (30) days; and if such unlawful act herein prohibited is perpetrated in time of actual invasion or attack, it shall constitute the crime of treason, and shall be punishable as such, as defined by the statutes of the state of Iowa.

Section 40. Whosoever shall be convicted of the crime of robbery, larceny from a building, larceny from the person, breaking and entering a building for the purpose of committing a crime, assault with a deadly weapon, grand larceny, arson, rape or assault with intent to commit a felony, when such crime has been committed in any area in which a civil defense emergency or practice civil defense exercise is in effect, or during an actual air raid or enemy attack, shall be sentenced to the penitentiary for life, or to a term of years at the discretion of the court. Sentence for any term of years may be imposed under this Act, provisions of the indeterminate sentence law to the contrary notwithstanding.

Section 41. There is hereby appropriated from the general fund of the state, and presented to the governor and the state controller, from funds not otherwise appropriated, for each year of a biennium, an amount approved by the Iowa State Civil Defense Council, subject to the approval of the legislative bodies.

Section 42. Chapter sixty-one (61), Acts of the Fiftieth General Assembly, and section nine (9) of chapter sixty-three (63), Acts of the Fifty-first General Assembly are hereby repealed.

Section 43. This Act shall be construed liberally and in accordance with the definitions and provisions of the Federal civil defense act of 1950 known as Public Law 920, Eighty-first Congress, Second Session, approved January 12, 1951, and Public Law 875, Eighty-first Congress, Second Session, approved September 30, 1950, and Public Law 655, Eighty-fourth Congress, signed by the President July 3, 1956, (And 85th Congress),

Section 44. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 45. This Act, being deemed of immediate importance shall take effect and be in full force from and after its publication in the \_\_\_\_\_, a newspaper published in \_\_\_\_\_, Iowa; and in the \_\_\_\_\_, a newspaper published in \_\_\_\_\_, Iowa.

A SUGGESTED IOWA CIVIL DEFENSE ACT

An Act to create and maintain a state civil defense commission, a state office of civil defense with state and local subdivisions thereof, and to provide emergency power to the governor in connection therewith and to provide appropriations and penalties in connection therewith.

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

Section 1. This Act may be cited as the "Iowa Civil Defense Act of 1959."

Section 2.

1. Because of the existing and increasing possibilities of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, natural disaster, sabotage or other hostile action, and in order to insure that the state of Iowa will be adequately prepared to deal with such disasters and to provide generally for the common defense, and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

a. To create a state civil defense commission; a state office of civil defense and to authorize the creation of local organizations for civil defense in the political subdivisions of the state;

b. To confer upon the governor of the state the emergency powers provided herein;

c. To provide for the rendering of mutual aid among the political subdivisions of the state and with other states with respect to the carrying out of civil defense functions.

2. It is further declared to be the purpose of this act and the policy of the state that all civil defense functions of this state be coordinated to the maximum extent with the comparable functions of the federal government, including its various departments and agencies, other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

Nothing contained in this Act shall be construed to limit or in any way affect the responsibilities of the American Red Cross under the Act of Congress approved January 5, 1905 (33 Stat 599 as amended).

Section 3. As used in this act:

1. "Civil Defense" means the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, natural disaster, sabotage, or other hostile action. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, telephone, telegraph, radar and radio services, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.



2. "Local organization for civil defense" means an organization created by, or in accordance with, the provisions of this act by state or local authority to perform local civil defense functions.

3. "Command area" means an organization for civil defense created in accordance with the provisions of this Act by state authority to support, coordinate and direct local organizations for civil defense.

4. "Target area" means an area within the state of Iowa that has been designated by the United States civil defense agency as an area which because of its economic, military or political character is considered to be a likely target for enemy attack by thermonuclear or other weapons.

5. "Political subdivision" means county, city and town.

#### Section 4.

There is hereby created and established a state civil defense commission hereinafter called the "commission", to be known as the "Iowa Civil Defense Commission" to consist of five members, only three of whom shall be members of the same political party, and who shall be appointed by the governor with the approval of the senate in executive session.

#### Section 5.

The members of said commission shall hold office for six years, except that on the first commission one member shall be appointed for the period ending July 1, 1961, two for the period ending on the first day of July 1963, and two for the period ending on the first day of July 1965. Each member shall serve until the appointment and qualification of his successor.

Section 6.

All members of the commission shall be electors of this state.

Section 7.

Vacancies on the commission shall be filled by appointment by the governor, for the balance of the unexpired term.

Section 8.

No members of the commission shall receive any salary for his services, but each shall be reimbursed for necessary expenses incurred by him in the performance of his duties, and each shall be paid, in addition to said expenses, the sum of \_\_\_\_\_ dollars per diem, or part thereof, spent in attending to his duties as commissioner, provided such per diem compensation shall not exceed \_\_\_\_\_ dollars for each fiscal year.

Section 9.

The commission shall, within thirty days after its appointment, meet and organize. At such meeting it shall elect from among its members a chairman, a vice-chairman, and a secretary, to serve for one year, and annually thereafter shall elect such officers, all to serve until their successors are elected and qualified.

Section 10.

The commission shall at its initial meeting fix the date and place for its regular meetings. Three members shall constitute a quorum, and no action shall be taken by less than a majority of the commission. Special meetings may be called upon notice, as provided by its rules and regulations. Regular meetings shall be held at its office but when delay or expense may be prevented or in the event of an actual or imminent attack on the United States by means of thermonuclear or other weapons, it may hold hearings or proceedings at any place designated by it.

Section 11.

The commission shall report in writing to the governor on or about December 1 of each year, a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and expenditures, such other information as it may deem necessary or useful, and any additional information which may be requested by the Governor.

Section 12.

Suitable offices and other equipment shall be provided by the state for the commission in the city of Des Moines and it may incur the necessary expense for office furniture, stationery printing, incidental expenses, and other expenses necessary to carry out the provisions of this Act. The commission may employ such clerical, technical, and other employees and assistants as it may deem necessary for the proper transaction of its business and shall fix their salaries, subject to the approval of the governor and comptroller.

Section 13. The commission shall have the following power duties:

1. It is empowered and directed to encourage, foster and assist in the organization and maintenance of effective state and local emergency operational civil defense organizations to insure the greatest possible saving of lives and property in the event of an attack on the United States by means of thermonuclear or other weapons.

2. It shall prepare a comprehensive plan and program for the civil defense of this state, such plan and program to be integrated into and coordinated with other state agencies, civil defense plans of the federal government, and of other states insofar as possible, and to coordinate the preparation of plans and programs for civil

defense by the political subdivisions of this state, such plans to be integrated into and coordinated with the civil defense plan and program of this state.

3. In accordance with such plan and program for the civil defense of this state, it shall procure supplies and equipment, institute training programs and public information programs, and take all other preparatory steps, including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the functioning of adequately trained and equipped forces of civil defense personnel in time of need.

4. It shall make or establish studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for civil defense, and plan for the most efficient use thereof in administering the provisions of this Act.

5. It shall advise the Governor and the director on all matters pertaining to civil defense.

Section 14. A state director of civil defense shall be appointed by the commission to serve for an indefinite term at the pleasure of the commission. He shall devote his entire time to the duties of his office as required by this Act and shall not be actively engaged or employed in any other business, vocation, or employment, nor shall he hold any other state office. He shall receive such compensation as the commission may determine, subject to the approval of the Governor and the comptroller, and shall be reimbursed for all expenses actually and necessarily incurred by him in the discharge of his official duties.

Section 15. The director shall be head of the state office of civil defense and the executive officer of the commission but shall not be a member thereof. He shall be in charge of the office

of the commission and responsible to the Governor and the commission for the execution of the program for civil defense of this state. He shall coordinate the activities of all civil defense organizations within the state, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other states and of the federal government and shall have such additional authority, duties and responsibilities authorized by this Act as may be assigned to him by the commission and the Governor. Provided that in the event of an actual or imminent attack on the United States by means of thermonuclear or other weapons and the declaration of a civil defense emergency by the Governor as provided herein, the director shall be subject to the direct operational control of the Governor for the duration of the emergency.

Section 16. In the event of a vacancy in the office of the director during a declared civil defense emergency, the Governor may fill such vacancy by appointment until a successor is qualified.

Section 17. The director with the approval of the Commission may appoint one Chief Deputy Director and not to exceed five deputy directors, and may fix their compensation subject to the approval of the Governor and Comptroller.

Section 18. During the temporary absence or disability of the director, the chief deputy director shall assume the powers and duties of the directors as acting director and in case of a vacancy in the office of director the chief deputy director shall become acting director pending the qualification of a successor director.

Section 19.

1. The Governor shall have general direction and control of all state civil defense organizations and activities and in the event of disaster beyond local control, he may assume direct

operational control over all or any part of the civil defense functions within the state.

2. In performing his duties under this Act, the Governor is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the civil defense of this state and of the nation.

3. In performing his duties under this Act, the Governor is further authorized and empowered:

a. To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this Act within the limits of the authority conferred upon him herein, with due consideration of the plans of the federal government. The provisions of chapter fifty-one (51), Acts of the Fifty-fourth General Assembly, shall not be applicable to the orders, rules and regulations authorized by the provisions of this paragraph.

b. On behalf of this state, to enter into mutual aid compacts with other states and to coordinate mutual aid plans between political subdivisions of this state.

c. To delegate any administrative authority vested in him under this Act, and to provide for the subdelegation of any such authority.

d. To cooperate with the president and the heads of the armed forces, the civil defense agency of the United States, and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the civil defense of the state and nation, including, but not limited to, the direction or control of:

(1) Aircraft observation and detection, blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises.

(2) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith.

(3) The effective screening or extinguishing of all lights and lighting devices and appliances.

(4) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services.

(5) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic prior, during, and subsequent to drills or attack.

(6) Public meetings or gatherings, and

(7) The evacuation and reception of the civilian population.

Section 20. In the event of actual or imminent attack against the United States by means of thermonuclear or other weapons, any statute, franchise, law, rule or regulation within the State of Iowa to the contrary notwithstanding, the Governor may declare that a state of emergency exists and thereafter he shall have the following emergency powers:

1. To enforce all laws, rules and regulations relating to civil defense and to assume direct operational control of all civil defense forces and helpers in this state;

2. To take immediate possession, in the name of the State of Iowa, of any real or personal property within the state and use, sell, lend, give, distribute or destroy such property as by him deemed best to defend the state and to minimize death, suffering, and damage incident to the emergency. He shall account to the Treasurer of State for any funds received from such property; the taking and using of any such property shall be with the right on

the part of the owner thereof or any person having interest therein, to have reasonable compensation for the said property, or for his interest therein, or for the use or destruction thereof.

3. To regulate, limit, restrict or close to traffic and public use any public highway or waterway within the state, including streets in cities and towns.

4. To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the state and to take such steps as are necessary for the reception and care of such evacuees.

5. To use the property, resources and facilities of the state government including the services of every officer and employee of the state of Iowa, in the performance of any service or duty relating to the emergency.

6. To authorize the temporary transfer of any of the officers and employees of the state of Iowa to the federal government.

7. To lend or lease to the federal government any of the property of the state.

8. To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population of the state.

9. To expend, without regard to existing statutes, in the interest of the safety and security of the citizens of the state of Iowa, such moneys of the state not otherwise appropriated, as may be necessary to carry out the purpose and intent of the provisions of this section.

#### Section 21.

1. The state director of civil defense is authorized to create and establish such number of Command Areas as may be necessary to



support and reinforce civil defense organizations in stricken areas and with due consideration of the plans of the Federal Government and of other states. The state director of civil defense with the approval of the governor shall appoint a director of civil defense for each such Command Area who shall be responsible to the governor and the state director of civil defense for its organization, administration and operation. Such Command Areas shall perform support functions in any part of the state, or, upon the conditions specified in this section, in other states.

2. The state director of civil defense with the approval of the governor shall appoint a director of civil defense for each Target Area, so designated by the United States civil defense agency, who shall be responsible to the governor and the state director of civil defense for its organization, administration and operation.

3. Personnel of such areas while on duty, whether within or without the state, shall:

a. If they are employees of the state, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their regular employment.

b. If they are employees of a political subdivision of the state, whether serving within or without such political subdivision, have the powers, duties, rights, privileges and immunities, and receive the compensation incidental to their regular employment.

c. If they are not employees of the state or a political subdivision thereof, be entitled to compensation by the state at a rate comparable to the average, basic, daily pay for the same type of employment of those in the area who are from political subdivisions, and to the same rights and immunities as are provided

by law for the employees of this state. All personnel of such areas shall, while on duty, be subject to the operational control of the authority in charge of civil defense activities in the area in which they are service, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

Section 22. There is hereby created in each county in the state a county civil defense council, whose jurisdiction shall apply to the county in which it is located and which shall be designated as "                     County civil defense council", each such council bearing the name of its own county. A civil defense council having already been created in each of the counties and in certain cities of the state through the efforts of the Iowa development commission, in cooperation with the federal civil defense administration of the United States, each of such county and local civil defense councils shall continue their existence under the provisions of this Act; but if it has not already done so, each county shall increase its membership to include the chairman of the board of supervisors of such county and the mayor of each city and incorporated town within such county. The membership otherwise shall be determined in size by the county civil defense council itself and shall include such representative citizens of such county as may be deemed necessary to represent all parts of the county, its citizenry and its interests. In no event shall the county civil defense council be composed of less than twelve (12) members, at least five (5) of whom shall be nonholders of public office. Any member of a county civil defense council may be removed by its chairman, or by the council itself, for failure or refusal to act. The chairman of any county or local civil defense council may be removed by the governor for his failure or refusal to act, neglect

of his duties, or misconduct in office. In the event of a vacancy in the office of chairman of a county civil defense council, the governor shall fill such vacancy.

Section 23. A county civil defense council shall, under the direction of the state director, within its county be authorized and empowered:

1. To cooperate with the state civil defense agency, the president of the United States, and any federal department or agency having to do with civil or with military defense or preparedness.

2. To cooperate with similar defense agencies of other counties or states.

3. To provide and maintain, within its jurisdiction, such adequate control centers, air raid warning systems, and facilities for the transmission of warnings as may meet with the approval of the state director.

4. To organize and maintain adequate civil defense units for services and activities relating to bacteriological, radiological chemical or any other type of enemy attack or natural disaster.

5. To assist in the organization and continued operation of the local civil defense organization in any city or town within the county.

6. To supervise and correlate all civil defense activities within the county in order to avoid duplication of effort to bring about efficiency.

7. In conjunction with and under the direction of the state director, to carry out within the county the provisions of sections nineteen (19) and twenty (20) of this Act.

8. To carry out and enforce such rules, orders and regulations as may be directed by the state director for the protection and defense of the lives and property of all citizens of Iowa .

9. To maintain an office for its headquarters and for the preservation of its records and property, and to employ such full time clerical help or other assistance as may be necessary for the proper functioning of the council, and to fix the compensation of such employees, and to make such other expenditures for services, supplies, rent and expense as may be necessary.

10. To appoint civil defense wardens and auxiliary police, and all wardens and auxiliary police so appointed by a county or local civil defense council shall have the power and authority while on duty to make arrest for any violation of this Act.

Section 24. Any city or town, regardless of its plan or form of organization, is hereby authorized to establish a local organization for civil defense with the approval of the county civil defense council and the state director, if found to be in accordance with the state civil defense plan and program. Each such organization shall have a local civil defense council and a director. The director shall be appointed by the executive officer of the city or town, subject to the prior approval of the state director. The local civil defense council shall have the direct responsibility for the organization, administration, and operation of such organization, the duty of which shall be to perform all such defense functions provided for in this Act within the territorial limits of the city or town within which it is organized and which, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of section twenty-six (26) of this Act. Any local organization for civil defense in any city or town on the effective date of this Act, which has been recognized under section twenty-two (22) hereof, shall continue to exist and be controlled by the provisions of this section.

Section 25. The governing bodies of cities and towns, regardless of the plan or form of organization, are hereby authorized and empowered to enact ordinances, not in conflict with the provisions of this Act, pertaining to local civil defense.

Section 26. The director of each local organization for civil defense may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense plan and program, and in time of disaster it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements.

Section 27.

1. All functions hereunder and all other activities relating to civil defense are hereby declared to be governmental functions. Neither the state nor any political subdivision thereof nor other agencies of the state or political subdivisions thereof, except in case of willful misconduct, gross negligence, or bad faith, nor any civil defense worker complying with or reasonably attempting to comply with this Act, or any order, rule or regulation promulgated pursuant to the provisions of this Act, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of such activity. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this Act, or under the workmen's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any Act of Congress.

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2. Any requirements for a license to practice any professional, mechanical or other skill shall not apply to any authorized civil defense worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during a civil defense emergency.

3. As used in this section the term civil defense worker shall include any full or part time volunteer or auxiliary employee of this state, the District of Columbia, or other states, territories, and possessions of the federal government, or any neighboring country, or of any political subdivision thereof, or of any agency or organization, performing civil defense services at any place in this state, subject to the order or control of, or pursuant to a request of, the state government or any political subdivision thereof.

4. Any civil defense worker, as defined in this section, performing civil defense services at any place in this state, pursuant to agreements, compacts or arrangements for mutual aid and assistance, to which the state or a political subdivision thereof is a party, shall possess the same powers, duties, immunities and privileges he would ordinarily possess of performing his duties in the state, province or political subdivision thereof in which normally employed or rendering services.

Section 28.

1. Whenever the Federal government or any agency or officer thereof shall offer to the State, or through the State to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of civil defense, the State, acting through the Governor, or

such political subdivision, acting with the consent of the Governor and through its executive officer or governing body, may accept such offer and upon such acceptance the Governor of the State or executive officer or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

2. Whenever any person, firm, or corporation shall offer to the State or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of civil defense, the State, acting through the Governor, or such political subdivision, acting through its executive officer or governing body, may accept such offer and upon such acceptance the Governor of the State or executive officer or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision, and subject to the terms of the offer.

Section 29.

1. Any person owning or controlling real estate or other premises, who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or



premises for the purpose of sheltering persons during an actual, impending, mock or practice attack, shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises for loss of, or damage to, the property of such person.

2. Nothing herein shall authorize any county civil defense council, local civil defense council, officer or personnel thereof, to incur indebtedness binding upon the state, county, city or town.

Section 30.

1. The board of supervisors of each county, upon formal request of the county civil defense council, is hereby authorized to levy a tax each year upon all taxable real and personal property, including moneys and credits, with the county of not more than one-quarter ( $\frac{1}{4}$ ) of one (1) mill, the proceeds of such tax to be used in the financing of the activities of the county civil defense council and of local and municipal civil defense councils within the county working in cooperation with the county civil defense council. The proceeds of this tax shall be held in a special fund, to be entitled "county civil defense fund", and shall be used for the purpose of paying the expenses and cost of operation of the county civil defense council, its organization and for the purpose of assisting in the financing of local or municipal civil defense councils, with the county, which cooperate with the county civil defense council. All disbursements shall be made upon warrants drawn by the county auditor against such

fund, upon written authority of the chairman of the county civil defense council. A levy made under the provisions of this subsection shall be made by the county board of supervisors at the time required by law for the making of other county levies. Warrants may be issued by authority of the county civil defense council after the date such a levy has been made in anticipation of receipts therefrom and such warrants shall be handled in the manner prescribed by chapter seventy-four (74) of the Code.

2. Any funds remaining in any county civil defense fund, or in the possession of any local civil defense council, which were derived from the tax provided for herein, shall revert to the county general fund at the expiration of this Act.

#### Section 31.

1. The local budget and control laws and statutes relative to annual appropriations, to the contrary notwithstanding, the board of supervisors of each county, upon the request of the county civil defense council, is hereby authorized in its discretion, after the effective date of this Act, to transfer from any fund or funds which it may have on hand such sums to the county civil defense fund as are deemed necessary to pay the expenses and cost of operation of the civil defense units within the county, as authorized by this Act.

2. The local budget and control law, and statutes relative to annual appropriations, to the contrary and notwithstanding, the governing body of each city or town upon the request of the local civil defense council is hereby authorized in its discretion after date this Act is effective, to transfer from any fund or funds which it may have on hand such sums as are found necessary

to pay the expenses and cost of operation of the local or municipal civil defense council.

Section 32. The county civil defense council is hereby authorized to allocate to local or city civil defense councils from the county civil defense fund such amounts as it may deem necessary, upon presentation by the local civil defense council of its needs, but it shall make no such allocation until all local civil defense councils within the county have been given an opportunity to request allocation of funds from the county civil defense fund. All expenditures of funds derived from taxation and received by a local or municipal civil defense council shall be expended in accordance with rules and regulations to be prescribed by the state Civil Defense Commission, and a proper accounting shall be made to the county civil defense council of all expenditures of allocated funds.

Section 33. Purchases by state, county, and local or municipal civil defense councils shall be exempt from the taxes imposed by sections four hundred twenty-two point three (422.3) and four hundred twenty-three point two (423.2), Code of 1954.

Section 34. In carrying out the provisions of this Act, the governor, the director and the executive officers or governing bodies of the political subdivisions of the state are directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the state, and of the political subdivisions thereof, to the maximum extent practicable; and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and

to extend such services and facilities to the governor and to the civil defense organizations of the state upon request.

Section 35. No organization for civil defense established under the authority of this Act shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Section 36. No person shall be employed or associated in any capacity in any civil defense organization established under this Act, who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or of this state, or who advocates the overthrow of any government in the United States by force or violence, or who has been convicted of, or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

"I \_\_\_\_\_, do solemnly swear ( or affirm) that I will support and defend the constitution of the United States and the constitution of the state of Iowa, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this

state by force or violence; and that during such time as I am a member of the (name of the civil defense organization), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

Section 37. It shall be the duty of every organization for civil defense established pursuant to this Act, and of the officers thereof, to execute and enforce such orders, rules and regulations made by the governor, or under the authority of the governor.

Section 38. Except as hereinafter provided, any person violating any provisions of this Act, or any rule, order or regulation made pursuant to and under authority of this Act, shall be guilty of committing a misdemeanor and upon conviction thereof be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment in the county jail not exceeding thirty (30) days or by both such fine and imprisonment.

Section 39. Whenever by order of the governor, the state director, or the county or local civil defense council, a civil defense emergency or practice civil defense exercise is proclaimed in any county, city, or town or other area in the state, during the designated period and in the designated area, it shall be unlawful for any person to display any light or to use any street, alley or highway without the permission of the governor, state director, county or local civil defense council ordering and proclaiming the civil defense emergency or practice civil defense exercise; and the willful display of any light without such

permission shall constitute a misdemeanor, and shall be punishable by a fine of not more than one hundred (\$100.00) dollars or by imprisonment in the county jail for not more than thirty (30) days; and if such unlawful act herein prohibited is perpetrated in time of actual invasion or attack, it shall constitute the crime of treason, and shall be punishable as such, as defined by the statutes of the state of Iowa.

Section 40. Whosoever shall be convicted of the crime of robbery, larceny from a building, larceny from the person, breaking and entering a building for the purpose of committing a crime, assault with a deadly weapon, grand larceny, arson, rape or assault with intent to commit a felony, when such crime has been committed in any area in which a civil defense emergency or practice civil defense exercise is in effect, or during an actual air raid or enemy attack, shall be sentenced to the penitentiary for life, or to a term of years at the discretion of the court. Sentence for any term of years may be imposed under this Act, provisions of the indeterminate sentence law to the contrary notwithstanding.

Section 41. There is hereby appropriated from the general fund of the state, and presented to the governor and the state controller, from funds not otherwise appropriated, for each year of a biennium, an amount approved by the Iowa State Civil Defense Council, subject to the approval of the legislative bodies.

Section 42. Chapter sixty-one (61), Acts of the Fiftieth General Assembly, and section nine (9) of chapter sixty-three (63), Acts of the Fifty-first General Assembly are hereby repealed.

Section 43. This Act shall be construed liberally and in accordance with the definitions and provisions of the Federal civil defense act of 1950 known as Public Law 920, Eighty-first Congress, Second Session, approved January 12, 1951, and Public Law 875, Eighty-first Congress, Second Session, approved September 30, 1950, and Public Law 655, Eighty-fourth Congress, signed by the President July 3, 1956, (And 85th Congress),

Section 44. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 45. This Act, being deemed of immediate importance shall take effect and be in full force from and after its publication in the \_\_\_\_\_, a newspaper published in \_\_\_\_\_, Iowa; and in the \_\_\_\_\_, a newspaper published in \_\_\_\_\_, Iowa.





Regional Director  
Region 6

August 22, 1958

General Counsel

Iowa Civil Defense Act

Reference is made to your memorandum of August 8, 1958, requesting comments on the suggested Iowa Civil Defense Act as prepared by the Survival Plan Project of Iowa.

The suggested Act seems to be a composite of portions of the "Model State Civil Defense Act" (as prepared by our agency some years ago), and portions of the old "Iowa Emergency War Act of 1943" (Ch. 61, Laws of the 50th G.A. of Iowa), together with the inclusion of some additional and new provisions concerned with the composition, tenure, authority and operations of the "Iowa Civil Defense Commission" and with fiscal and other matters.

The Act grants certain emergency powers to the Governor, creates "state civil defense commission", provides for a "state office of civil defense" headed by a "director" appointed by the state civil defense commission, and authorizes the creation of local organizations for civil defense in the political subdivisions of the state. My comments and suggestions relative to various provisions of the suggested legislation follow, being indicated by the section number to which they pertain.

The language in section 2 closely parallels that used in section 2 of the Model Act. However, I believe that the language used in the Model Act in enumerating the types of disasters to be included is to be preferred over that which is used in section 2.1 of the suggested Act. For example, fire is not necessarily a natural disaster, nor does it in all cases result from an enemy attack, sabotage or other hostile action.

Local civil defense councils are given certain authority and emergency powers in section 23 of the suggested Act. Recognition of such authority and powers should be made in section 2.1.b of the suggested Act as is done in section 2(a)(2) of the Model Act.

The last paragraph of section 2 does not appear in any of the provisions contained in the Model Act, and pertains to certain responsibilities assigned to the American Red Cross.

The language of the paragraph in question seems to have been taken from section 4 of Public Law 81 - 875 ("Federal Natural Disaster Act"), where similar language appears.

The definitions in section 3 of the suggested Act follows substantially those contained in section 3 of the Model Act, with the substitution of "command area" for "mobile support unit" and the addition of a definition for "target area". The word "emergency" should be inserted immediately before the word "functions" appearing in line 2 of section 3.1 in order to indicate that such functions are of an emergency nature and do not encompass ordinary rehabilitation work or permanent repairs or replacements performed or made by utility companies, State Highway Commission, or other private or public agencies. In addition, the word "of" should be deleted from line 9 of section 3.1.

The wording of section 3.3 when read in conjunction with that contained in section 21.1 is confusing. The definition "command area" obviously has been substituted for the definition of "mobile support unit" which appears in the Model Act. However, it is not clear whether the term "command area" is intended to embrace a geographical area wherein authority may be asserted, or whether the term would be limited solely to the ordinary connotation of the term "organization". If the latter is intended, perhaps the term "command area unit" should be used although the "mobile support unit" idea is now somewhat outmoded. Furthermore, it does not clearly appear from the provisions of the suggested Act whether the "command area" shall direct or supersede local civil defense organizations (see section 21.1).

The "target area" concept, defined in section 3.4 of the suggested Act, is somewhat antiquated because of the realization of fallout hazards. If this term is to be retained and used, perhaps the definition should also make reference to "critical target areas" as used by this agency.

Sections 4 through 13 deal with the establishment, composition, tenure, authority, powers and duties of the "Iowa Civil Defense Commission". Although the appointment of members of the Commission requires original Senate approval, apparently vacancies on the Commission may be filled by appointment by the Governor without the necessity of such additional confirmation (see section 7, suggested Act).

Nowhere in the suggested Act does it appear that the Commission has been given the power to make rules and regulations, yet such power and authority seems to have been assumed in the wording of section 10 thereof (see line 5). It would seem that the Commission should somewhere be given the power to at least prescribe its own rules of procedure.

It is suggested that the word "before" be substituted for the word "about" in line 1 of section 11 of the suggested Act in order to make the time for the submission of the Commission's report more definite.

The authority granted by section 12 of the suggested Act to the Commission to incur expenses for office furniture, stationery, printing, incidental expenses and other expenses is unlimited. Such necessary expenditures should be held within the appropriation or other funds which might be available therefor (cf., section 4(b) of the Model Act which authorizes expenditures of funds made available for purposes of civil defense from sources other than an appropriation therefor). Furthermore, the requirement for the dual approval by both the Governor and the Comptroller of the salaries for Commission employees seems unnecessary, especially in view of the fact that the Comptroller is an appointee of the Governor and directly responsible to him and under his control (see sec. 8.4., Code of Iowa, 1958).

The State of Iowa has made provision for a personnel division in the Office of the State Comptroller (see subsection 6, section 8.5, Code of Iowa, 1958). The State Executive Council, through the personnel director, is authorized to adopt and establish plans of classification and compensation for each position and type of employment in State government (with certain exceptions and exemptions) based on merit system principles and standards. It might be well to make reference in section 12 of the suggested Act to the establishment of a merit system for Commission employees so that the Commission would be eligible to receive contributions for administrative expenses under section 205(a)(14) of Public Law 85-606. It should be remembered, however, that the provisions of P. L. 85-606 require as a condition of eligibility for personnel and administrative contributions to a state that the state plans which are submitted be in effect throughout the state and be mandatory upon the subdivisions therein.

The language of section 13 of the suggested Act should be revised to read as follows: "The commission shall have the following powers and duties:". Section 13.1 is limited in its operation to "an attack on the United States by means of thermonuclear or other weapons" and apparently excludes natural disasters. It is recommended that natural disasters be included therein or that that part of the sentence beginning with the words "to insure" and ending with the word "weapons" be deleted.

The word "shall" should be substituted in lieu of the word "to" in line 5 of section 13.2.

It might be difficult for the Commission to accomplish the objectives listed in section 13 in the event of an attack situation, for in such case the Governor has control of the director of civil defense and the civil defense forces (see sections 19 and 20 of the suggested Act).

Regional Director  
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Section 13 should also authorize the Commission to make necessary rules and regulations particularly in view of the fact that section 32 of the suggested Act provides that all expenditures of funds derived by taxation and received by local or municipal civil defense councils shall be expended "in accordance with rules and regulations to be prescribed by the state Civil Defense Commission" (emphasis supplied).

Section 14 of the suggested Act provides that the state director's compensation, set by the Commission, shall be subject to the dual approval of the Governor and the Comptroller.

Section 17 of the suggested Act provides for the appointment by the director of five deputy directors (compensation subject to the dual approval of the Governor and the Comptroller). Why these assistants should be denoted deputy directors is not clear as Section 18 does not authorize them to act either in the place or in the stead of the Director or the Chief Deputy Director.

The word "directors" where it appears in line 3 of section 18 of the suggested Act should appear in the singular ("director").

Section 19 of the suggested Act is in substantially the same language as section 6 of the Model Act. Section 19.3.b is identical to section 6(c)(5) of the Model Act. This provision is intended to authorize the Governor to enter into mutual aid agreements with other states. There is some doubt as to whether executive authority granted in this matter is broad enough to enable the Governor to enter into such compacts. It is therefore suggested that the Model Interstate Civil Defense and Disaster Compact be also enacted so as to clarify and make certain that authority exists to enter into such compacts. By incorporating the terms of the Model Compact into Iowa state legislation, any legal question as to the scope of authority would be completely eliminated. Such procedure would also provide legislative ratification, which might be held necessary in some instances even though apparent clear authority had been previously granted to the executive. And, if the Model Compact is used without substantial change, the procedure for obtaining the subsequent consent of Congress to such pacts would be simplified.

Provision should be made in section 20 of the suggested Act that the legislature might also declare the existence of a state of emergency. (Incidentally, the suggested Act makes no provision for the termination of such declared emergency by either the Governor or the legislature). Thought should also be given to the incorporation of a provision for the declaration of a state of emergency in the case of sabotage or natural disaster (cf., section 43 of the suggested Act where reference is made to the Federal Civil Defense Act of 1950).

The language in the Model Act, (see section 7(b), (c), thereof) granting authority to construct, transport, store, maintain, renovate, etc., should be incorporated in the provisions of section 20.2 of the suggested Act.

The use of the term "target area" in section 21.2 of the suggested Act might lead to confusion. (See previous remarks under section 3.4. supra.)

Section 22 of the suggested act is a revamp and revision of the old Iowa Emergency War Act of 1943. As presently worded it gives no clue as to the method of designating a chairman of a county civil defense council; yet the chairman of such council has authority to remove other members of such council (presumably including a mayor of a city or town and the chairman of the county board of supervisors) and can only be removed and replaced by action of the Governor. The section proceeds on the assumption that civil defense councils have already been created by some authority, apparently the Iowa Development Commission, and are in existence in each of the counties and in certain cities of the State. Some revision of the wording of this section should also be considered. Furthermore, it does not seem logical to have county councils, such as provided for in this section, in those counties which have large cities. Some states, in similar situations, have exempted cities of a certain population or class from participating in county organizations and have authorized such cities to set up their own organizations. This criticism is also applicable to section 32 of the suggested act which authorizes the county council to allocate funds to the various local or city defense councils within the county.

Section 23 is another attempt to incorporate language contained in the old Iowa Emergency War Act of 1943 into the new suggested civil defense act (see section 10, Ch. 61, Laws of the 50th G.A. of Iowa). Attention is called to the provisions of sections 19 and 20 of the suggested Act wherein grants of power are made to the Governor and not to the state director of civil defense. The language of section 23.7 of the suggested Act should be so changed as to indicate that the county civil defense council shall be under the direction of the "Governor" or "the Governor and state director" in the situations envisioned in said sections 19 and 20.

The same comments are made in regard to section 23.8 as are made in the preceding paragraph.

Section 23.10 of the suggested Act provides for the appointment of "civil defense wardens" who shall have the power of arrest while on duty. Nowhere are the duties of such officers defined. Perhaps such duties should be delineated at some point in the suggested

legislation. The provision relating to auxiliary police in section 9(a) of the Model Act would seem to be preferable since it somewhat clarifies the position of such auxiliary appointees.

Section 24 of the suggested Act makes no reference as to the manner in which the activities of the city and county civil defense councils will be related and coordinated. In addition, there might also be an overlap of authority and defense functions between a city or town and a "command area" or a "target area".

Section 25 of the suggested Act is but a restatement of section 18 of the old Iowa Emergency War Act of 1943.

Sections 26 and 27 are either verbatim or substantially the same as sections 10(a), 11(a), 11(b), 11(c), and 11(d) of the Model Act.

Section 29.1 of the suggested Act has been copied from section 12 of the Model Act. It is suggested that the wording in the last two lines of said section 29.1 be changed to read "about such real estate or premises nor for the loss of, or damage to, the property of such person".

Section 29.2 of the suggested Act would seem to be limited in application to the provisions of section 29. It is doubtful that the drafters of the suggested Act intended its application to be so limited.

Section 30 of the suggested Act deals with fiscal matters. It is to be noted that the exercise of the authority granted to the board of supervisors to make a tax levy for civil defense purposes is permissive and not mandatory. The tax, if levied, would be a special tax and its proceeds would be held in a special fund which would be known as the "County Civil Defense Fund". Among other things the proceeds of such tax, though levied on a county-wide basis, could be used for financing the activities of local and municipal civil defense councils within the county working in cooperation with the county civil defense council. Apparently the county council would be the body which determined whether or not a local defense council was "cooperating" with it. Warrants for the disbursement of such funds raised by taxation would be drawn by the county auditor upon written authority of the chairman of the county civil defense council (see section 30.1, lines 15-17). Section 30.2 provides that at the expiration of the Act any funds remaining in a county civil defense fund or in the possession of a local civil defense council which were derived under the special tax should revert to the county general fund, of which they never were a part. Whether or not funds from this special tax could be reverted to the county general fund is a matter which should be presented to the State Attorney General for determination.

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The opening clauses of both sections 31.1 and 31.2 of the suggested Act, although following similar wording contained in the old Iowa Emergency War Act of 1943 (see sections 12 and 13 thereof) are somewhat awkward in wording and might be improved upon.

Provision is also made in section 31.2 as to transfers by a city or town "from any fund or funds" which it may have on hand of such sums as are found necessary to pay the expenses and costs of the operation of the local civil defense council. However, the Act does not authorize the establishment of a special fund by cities and towns to be known as a "Civil Defense Fund".

Section 32 of the suggested Act assumes that authority has been granted to the state civil defense commission to prescribe rules and regulations for the expenditures by county civil defense councils of funds derived from taxation. See comments under section 13, supra.

The statutory citation in line 3 of section 33 of the suggested Act should be corrected to read "four hundred twenty-two point forty three (422.43)" (reference to state sales tax).

Sections 34, 35 and 36 of the suggested Act follows sections 14, 15 and 16 of the Model Act.

Section 37 of the suggested Act generally follows the provisions of the first sentence of section 19 of the Model Act. Consideration should be given not only to orders, rules, and regulations made by the Governor or under the authority of the Governor, but also to any other orders, rules or regulations which might not be made by the Governor but which might be made "under authority of this Act".

Section 38 of the suggested Act is a penal provision and is quoted almost verbatim from section 20 of the old "Iowa Emergency War Act of 1943".

Section 39 of the suggested Act is another penal provision and closely follows section 19 of the old "Iowa Emergency War Act of 1943". It should be noted, however, that under section 20 of the proposed Act it is the Governor who declares "a state of emergency" while here it seems that a local civil defense council may also proclaim a "civil defense emergency". Moreover, although this section is not necessarily objectionable, nevertheless the concept of blackouts seems to be outmoded. Reference might also be made in this section to such things as forced evacuation, etc.

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Section 40 of the suggested Act substantially restates the provisions of section 21 of the old "Iowa Emergency War Act of 1943". It might be observed that the penalty imposed for the commission of the specified crimes during a "civil defense exercise" seems unusually harsh, but this is within the province and discretion of the State Legislature. S  
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Section 41 of the suggested Act is an appropriation measure. It would seem that the appropriation should be in a specified amount "or so much thereof as is necessary" rather than the indefinite amount provided for in section 41. In addition, the use of the word "presented" seems inept and should be replaced by the words "made available" or "to be expended by" or words of similar connotation. The section should also contain a statement as to the purposes for which such funds are appropriated (e.g., "appropriated for the purposes set forth in this Act" or similar wording).

Section 42 of the suggested Act is a repealer section. It is interesting to note that "Chapter 61, Acts of the 50th General Assembly" by its own provisions remained in force only until June 30, 1945. Yes

Reference should be made to the amendments to the acts listed in section 43 of the suggested Act. This would be preferable since the acts are cited by their public law number rather than to their United States code citations.

The suggested Act might well also contain a "supremacy clause" and also provisions relating to workmen's compensation protection for volunteer civil defense workers.

We trust that the above comments will aid you in your consideration of the suggested "Iowa Civil Defense Act".

/s/ Philip C. Baldwin for

Charles H. Kendall



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