

No. 35

AN ACT

SB 477

Amending the act of December 22, 1951 (P. L. 1726), entitled "An act relating to the loyalty to the United States and the Commonwealth of Pennsylvania of public officers and employes, including teachers and other employes of the public school system, and officers and employes of State-aided institutions of learning; requiring oaths or affirmations by applicants for public office or employment and by present appointed officers and employes; prohibiting appointment or employment and requiring discharges after hearing in certain cases; imposing conditions on the payment of appropriations to State-aided institutions of learning; requiring statements under oath or affirmation of candidates for elective public offices; and imposing duties on State and local appointing authorities and certain other State officers," redefining and clarifying the term "subversive person," further providing for ineligibility for employment or appointment to office, the procedure relating thereto and the statement and oath of applicants; and removing obsolete provisions and provisions relating to loyalty standards for refusal of employment.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 2, 3 and 4, act of December 22, 1951 (P. L. 1726), known as the "Pennsylvania Loyalty Act," are amended to read:

Section 2. Definitions.—For the purposes of this act:

"Organization" means an organization, corporation, company, partnership, association, trust, foundation, fund, club, society, committee, political party, or any group of persons, whether or not incorporated, permanently or temporarily associated together for joint action or advancement of views on any subject or subjects.

"Subversive organization" means any organization which engages in or advocates, abets, advises or teaches, or a purpose of which is to engage in or advocate, abet, advise or teach, activities intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States or of the Commonwealth of Pennsylvania, or of any political subdivision of either of them, by force or violence.

"Subversive person" means any person who commits, attempts to commit, or knowingly aids in the commission [, or advocates, abets, advises or teaches, by any means, any person to commit, attempt to commit, or aid in the commission of,] of any act intended to overthrow, destroy, alter, or to assist in the overthrow, destruction or alteration of the constitutional form of government of the United States or of the Commonwealth of Pennsylvania, or any political subdivision of either of them, by force or violence, or who with the specific intent to further the unlawful aims thereof, is knowingly a member of a subversive organization or a foreign subversive organization as defined in this act.

"Appointing authority" means any person, department, board, com-

mission, or other agency of the Commonwealth, or of any political subdivision thereof, who appoints or employs officers or employes.

Section 3. Ineligibility for Employment or Appointment to Office.—No subversive person, as defined in this act, [nor any person as to whom on all the evidence there is reasonable doubt concerning his loyalty to the government of the United States or the Commonwealth of Pennsylvania,] shall be eligible for employment in or appointment to any office or any position of trust or profit in the government of or in the administration of the business of this Commonwealth, or of any school district, county, municipality or other political subdivision of this Commonwealth.

Section 4. Procedure in Appointments; Statement and Oath of Applicants.—Every appointing authority shall establish, by rules, regulations, or otherwise, procedures designed to ascertain, before any person, including teachers and other employes of the public school system, is appointed or employed, that he is not a ¹subversive person [and that there is no reasonable doubt on all the evidence as to the loyalty of the person involved to the government of the United States or the Commonwealth of Pennsylvania]. In the event the applicant is deemed to be a subversive person, [or in the event reasonable doubt as to loyalty exists,] he shall not be appointed or employed. In addition, each applicant shall be required to make a written statement, under oath or affirmation, which statement shall contain notice that it is subject to the penalties of perjury, and shall be in the following form:

“I,, do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of with fidelity.

“And I do further swear (or affirm) that I [do not advocate, nor am I] am not knowingly a member with the specific intent to further the aims of any organization that advocates, the overthrow of the government of the United States or of this Commonwealth by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution of the United States or of this Commonwealth.

“And I do further swear (or affirm) that I will not [so advocate nor will I] knowingly become a member with the specific intent to further the aims of such organization during the period that I am an employe of the Commonwealth of Pennsylvania (or political subdivision thereof).”

Section 2. Sections 5 and 8 of the act are repealed.

Section 3. This act shall take effect immediately.

APPROVED—The 29th day of June, A. D. 1967.

RAYMOND P. SHAFER

¹“subversion” in original.