

## CIVIL CONSEQUENCES OF CONVICTION FOR A FELONY

"Escheat is due to the lord of the fee on the death of the tenant without an heir, or upon his conviction of a felony."<sup>1</sup> "In the case of treason the whole of the traitor's lands of whomsoever they were held, were forfeited to the Crown and the lord got nothing unless the Crown granted the escheated land away."<sup>2</sup>

The foregoing are examples of the drastic and severe treatment of felons and traitors by the Crown at common law; essentially they were deprived of their property and their rights as a citizen.

Although less severe consequences follow today many of a citizen's rights and privileges are affected by conviction of a felony, in Iowa or under Federal law. This article does not purport to discuss the obvious and direct effects such as incarceration or the imposition of fines and forfeitures by the State; but rather, the incidental losses to the felon and his resultant position in society.

### I. Rights as an Elector

A common misconception held by society is that one who is convicted of a felony is deprived of his citizenship. Neither the Constitution of Iowa nor that of the United States contains any provision depriving any person convicted of a felony of his citizenship.<sup>3</sup> The Constitution of Iowa does provide for the loss of certain of the rights and privileges of citizenship upon conviction of a felony.<sup>4</sup> The right to vote is one of these.<sup>5</sup> An early Iowa case stated that the right to vote is not a natural or inherent right, but exists only as conferred by the Constitution or by statute.<sup>6</sup> Article II Section 5 of the Iowa Constitution provides: "No idiot or insane person, or person convicted of any infamous crime shall be entitled to the privileges of an elector." Any crime that is punishable by imprisonment in the penitentiary is an infamous crime within the meaning of this section.<sup>7</sup> It is apparently enough that the punishment resulting from conviction may be imprisonment in a penitentiary or reformatory, and it is immaterial, when the person is so convicted, whether the court imposes a penitentiary sentence, a jail sentence, or only a fine as a statute may authorize.<sup>8</sup> Judicial construction has not limited the application of this section to conduct which constitutes an infamous crime under Iowa statutes, and in a recent Iowa case, it was held that one who was convicted of a Federal offense suffered the loss of his right to vote in Iowa as well.<sup>9</sup> Even though the court which tries him suspends the sentence upon the good behaviour of the defendant, he is

<sup>1</sup> PLUCKNETT, CONCISE HISTORY OF THE COMMON LAW 536 (5th ed. 1956).

<sup>2</sup> *Ibid.*

<sup>3</sup> 1923-24 OP. ATTY. GEN. 325.

<sup>4</sup> State *ex rel.* Dean v. Haubrich, 248 Iowa 978, 83 N.W.2d 451 (1957).

<sup>5</sup> IOWA CONST., art. 2, § 5 (1857); Coggeshall v. City of Des Moines, 138 Iowa 730, 117 N.W. 309 (1908).

<sup>6</sup> Coggeshall v. City of Des Moines, *supra*, note 5.

<sup>7</sup> Blodgett v. Clarke, 177 Iowa 575, 159 N.W. 243 (1916).

<sup>8</sup> 1940 OP. ATTY. GEN. 368.

<sup>9</sup> State *ex rel.* Dean v. Haubrich, 248 Iowa 978, 83 N.W.2d 451 (1957); 1911-12 OP. ATTY. GEN. 823.

deprived of the privilege of an elector.<sup>10</sup> The posting of an appeal bond upon appeal from the conviction of an infamous crime does not suspend the operation of the section, and during the pendency of the appeal, the person is disqualified as an elector.<sup>11</sup>

Included in Article II Section 5 of the Iowa Constitution is the eligibility of holding an elective office. To be eligible for such an office, one must be a qualified elector.<sup>12</sup> In a recent Iowa case, *State ex rel. Dean v. Haubrich*, a quo warranto proceeding was instituted challenging the right of the defendant to hold an elective office following his conviction of a Federal crime.<sup>13</sup> In 1950, Haulbrich had been convicted of income tax evasion and sentenced to 12 months imprisonment. The sentence was reduced to a fine and probation for 18 months. In November, 1955, Haubrich was elected Mayor of Mapleton, Iowa. He had never been pardoned from the prior conviction, but in December of 1955, he received a certificate of restaration of citizenship from the Governor of Iowa.<sup>14</sup> Thereafter, at a special meeting of the town council, the office of Mayor was declared vacant by reason of the prior conviction of Haubrich, but at the same meeting, the council then elected Haulbrich to fill the vacant office. In upholding his right to hold the office, the Court said, "On April 20, 1956, at a special meeting of the town council of Mapleton a resolution was passed stating the defendant was not eligible to be elected as Mayor, and the office was declared vacant. There was na harm in the adoption of the resolution to this effect, but it had no legal significance. Defendant's election and qualification were *nullities* and the office was already vacant. The previous Mayor has not qualified as a hold-over."<sup>15</sup> "Since his qualification as an elector and officeholder had been restored prior to this [April] elction, the election was legal.<sup>16</sup> He immediately qualified as provided by statute and, therefore, became and is legally elected Mayor of Mapleton."<sup>17</sup>

An interesting result is reached in the candidacy for United States Senator. Eligibility to serve as a Senator is determined by Article I, Section 3, Clause 3 of the United States Constitution. By Article I, Section 5, of the United States Constitution, the United States Senate is the only authority empowered to pass upon the qualifications of its own members, when the candidate presents himself at the bar of the Senate with his credentials of election. Although the Iowa Code provides the procedure for nomination as United States Senator, these statutes are prcedural only and are not construed as spelling out additional qualifications.<sup>18</sup> It was ruled in a recent opinion,<sup>19</sup> therefore, that one *not an elector* may offer himself to the public

<sup>10</sup> 1940 OP. ATTY. GEN. 368.

<sup>11</sup> 1925-26 OP. ATTY. GEN. 462.

<sup>12</sup> 1948 OP. ATTY. GEN. 270; Op. Atty. Gen., April 13, 1936.

<sup>13</sup> 248 Iowa 978, 83 N.W.2d 451 (1957).

<sup>14</sup> The Certificate of Restoration and its effect on the rights of the felon will be discussed in detail in a later section. It is sufficient to state at this time that the certificate restores those rights lost by reason of the conviction.

<sup>15</sup> 248 Iowa at 981, 83 N.W.2d at 453.

<sup>16</sup> The election referred to at this point in the opinion is the election by resolution of the town council.

<sup>17</sup> 248 Iowa at 982, 83 N.W.2d at 453.

<sup>18</sup> IOWA CODE c. 43 (1962).

<sup>19</sup> Op. Atty. Gen. (Staff to Heslinga), May 7, 1962.

as a candidate for public office, be it State or Federal, even though if successful, he could be ineligible to hold the office.<sup>20</sup>

## II. Restoration of Lost Rights

At this point, it would be well to determine how the rights referred to above once lost may be restored. The Iowa Code places the power in the Governor to issue a Certificate of Restoration of the Rights of Citizenship.<sup>21</sup> According to the decisions on this section, one convicted of an infamous crime who has been finally discharged from a penal institution where he was sentenced for such conviction *and* who has been given a certificate of restoration to all the rights of citizenship by the Governor is restored to the same position in which he was prior to his conviction.<sup>22</sup> The most important factor here is that one's rights are not restored *unless* and *until* the certificate has been granted.<sup>23</sup> The certificate of restoration is a separate instrument to be distinguished from a pardon or a parole, and is generally granted as an incident to the pardoning power.<sup>24</sup>

Although the Governor has no power to pardon one convicted of a Federal crime or order a remission of any fines or forfeitures suffered as a result of the conviction, he does have the power under this section to restore the rights of citizenship lost as a result of the Federal conviction.<sup>25</sup> As previously stated, this can be of great importance to one so convicted who is seeking an elective office.<sup>26</sup>

In 1959, the Iowa Code was amended to provide that the board of parole shall recommend that the Governor issue a certificate of restoration for those persons discharged from parole who have demonstrated that they will be law-abiding citizens.<sup>27</sup> Notwithstanding this provision, the Governor has the exclusive power of restoration, and is the sole judge as to what conditions must be met before the certificate may be procured.<sup>28</sup>

<sup>20</sup> *Ibid.*: "The foregoing acts of the County Auditor are duties to be performed by him with such precision and certainty as to leave nothing to the exercise of discretion or judgment. These statutes invest him with neither discretion nor judgment in the making up of the ballot with the names of the candidates as certified to him by the Secretary of State."

<sup>21</sup> IOWA CODE § 248.12 (1962): "The governor shall have the right to grant any convict, whom he shall think worthy thereof, a certificate of restoration to all his rights of citizenship. The warden or superintendent, upon request of the governor, shall, in case of application for such restoration, furnish him with a statement of the convict's deportment during his imprisonment, and may at all times make such recommendations to the governor as he shall think proper respecting such restoration."

<sup>22</sup> 1936 OP. ATTY. GEN. 417; 1923-24 OP. ATTY. GEN. 325.

<sup>23</sup> 1936 OP. ATTY. GEN. 417.

<sup>24</sup> 1911-12 OP. ATTY. GEN. 823.

<sup>25</sup> 1958 OP. ATTY. GEN. 57.

<sup>26</sup> See text supported by notes 12-17, *supra*.

<sup>27</sup> IOWA CODE § 248.3 (1962): "The board of parole shall recommend to the governor the restoration of citizenship of such persons as have been discharged from parole and who have, by their conduct, given satisfactory evidence that they will continue to be law-abiding citizens."

<sup>28</sup> 1958 OP. ATTY. GEN. 57. The following is a press release issued by Governor Hughes on March 5, 1963, illustrating his position on the issuance of the certificate of restoration:

**"STATEMENT OF POLICY BY GOVERNOR HAROLD E. HUGHES  
CONCERNING RESTORATION OF CITIZENSHIP"**

I have instituted, effective today, a new policy on the restoration of citizenship of persons convicted of a felony.

For the past two years persons discharged from parole, from our state prisons

The Code provides that the certificates be issued by the Governor in duplicate<sup>29</sup> and copies sent to the officer who has custody of the person if he is in custody, and to the clerk of the court where the judgment of conviction is entered.<sup>30</sup> If he is not in custody, the copy that would be sent to the officer is then sent directly to the person.<sup>31</sup> It is further provided that when the clerk receives his copy, he shall file it in his office, and make a notation that the certificate has issued on the judgment docket of the case in question.<sup>32</sup> The form of the certificate used by the Governor is set out in appendix A at the conclusion of this article.

### III. Jury Service

One of the statutory requirements that must be met before one's name can be placed on the lists of grand jurors, petit jurors, or talismen by the appointive commission is that he be an elector of the State.<sup>33</sup> As stated earlier, one who has been convicted of an infamous crime, and who has not been issued a certificate of restoration has lost the elective franchise, is not an elector of the state, and, therefore, is not qualified to serve as a juror. By having received an order restoring the rights of citizenship, however, one would be restored as an elector and would then be eligible to be placed on the respective jury lists.

There is a second obstacle in the way of one who would serve on a jury, however, in the challenges for cause. Rule of Civil Procedure 187

and from our county jails have not had their rights of citizenship restored at the time of discharge.

More than 500 persons, I am informed, have been discharged from parole, prison or jail during the past two years and have not, as of today, had their rights of citizenship restored.

I do not think such a policy is in the public interest. It is in the public interest to make the former prisoner or parolee a useful member of society. To do so, it is necessary to remove the deprivations, frustrations, resentments and hostilities that led to his crime. It is necessary to rehabilitate him, to find him a meaningful role in society and to give him the assurance that society is ready and willing to give him another chance.

I do not believe that a policy of withholding citizenship works toward any of these ends. I feel it works against them.

I feel that, instead of helping to create an atmosphere in which the former prisoner is likely to become a useful member of society, it helps to create one in which he is likely to again become a menace to society and costly to the taxpayer.

In the future, therefore, I will restore the rights of citizenship to persons discharged from prisons or parole at the time of their discharge.

Those persons who have been discharged during the past two years and have not had their rights restored can receive those rights by making application to me.

These applications must be accompanied by:

1. A letter of recommendation from an elective official, a law enforcement officer, a clergyman or a reliable person known to the governor.
2. A letter from the person asking restoration outlining the reasons he feels these rights should be restored and his activities since his discharge.

I am asking county attorneys, county sheriffs and district court judges to inform those persons discharged from county jails after serving time on felony charges that they have lost their citizenship and to inform them of the procedures by which they may regain it."

<sup>29</sup> Iowa Code § 248.14 (1962).

<sup>30</sup> *Id.* § 248.15.

<sup>31</sup> *Id.* § 248.16.

<sup>32</sup> *Id.* § 248.17.

<sup>33</sup> *Id.* § 609.2(1).

(f) (1) provides that a prospective juror may be challenged by either party for having been convicted of a felony. The important distinction between this section and that of the statutory qualifications above, is that the latter requires one to be a qualified elector, which the convicted felon can become by receiving a restoration certificate, and the former is in terms of an absolute prohibition, upon the showing of the conviction of a felony alone.

Rule of Civil Procedure 187 (f) (2) provides for a challenge for cause of any prospective juror not possessing the statutory qualifications set out in Chapter 609.2 (1). Thus, one who had been convicted of a felony and who has not been issued a certificate of restoration but was placed on the jury list would be subject to another challenge for cause under this section.

Related to this area is the question of when the objection or challenges to a prospective juror must be raised. It is generally held in Iowa that unless the objection is timely made before the completion of the examination of the prospective jurors, the objection is waived.<sup>34</sup> Thus, even though the juror had a prior conviction, he could serve on the jury if either side failed to raise the proper timely objection.

#### IV. Officer in a Labor Union

According to the Labor-Management Reporting and Disclosure Act, effective January 1, 1959, no person having been convicted of crimes specified in the act or engaged in certain activities can serve as an officer, in positions detailed in the act, of any labor organization.<sup>35</sup>

The act is not geared to the general conviction of a felony or of an infamous crime, as in the loss of the elective franchise,<sup>36</sup> but it specifies certain crimes or activities which raise the prohibition. These include a person who (1) is or has been a member of the Communist party, or (2) has been convicted for or served any part of a prison term resulting from his conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts great bodily injury, or a violation of title II or III of the act, (relating to reporting requirements of unions) or conspiracy to commit any such crimes.<sup>37</sup>

The prohibition extends to specified official capacities. These are: officer, director, trustee, member of the executive board, business agent, manager, organizer, or other employee other than one performing purely clerical or custodial duties, of any labor organization, or any such officer or labor consultant for any group or association of employers dealing with any labor organization.<sup>38</sup>

The prohibition applies for a period of five years after the termination of membership in the Communist party, or five years after the conviction

<sup>34</sup> *Estate of Coleman v. Brower Constr. Co.*, 119 N.W.2d 256 (Iowa 1963); *Tollackson v. City of Eagle Grove*, 217 Iowa 696, 213 N.W. 222 (1927); *State v. Burch*, 202 Iowa 348, 209 N.W. 474 (1926); *State v. Matheson*, 130 Iowa 440, 103 N.W. 137 (1905).

<sup>35</sup> Labor-Management Reporting and Disclosure Act § 504, 73 Stat. 519 (1959), 29 U.S.C. § 504 (Supp. 1962), hereinafter cited by the Act's popular name.

<sup>36</sup> See references in note 5, *supra*.

<sup>37</sup> Labor-Management Reporting and Disclosure Act § 504(a).

<sup>38</sup> *Id.* § 504(a) (1), (2).



for the crime specified or the termination of imprisonment therefore, whichever is later.<sup>39</sup> When the Governor grants a certificate of restoration following the conviction, or upon a determination by the Board of Parole of the United States Department of Justice that the person's service in any such capacity would not be contrary to the provisions of the act, the prohibition against service is terminated.<sup>40</sup>

Although there are few decisions under this section, it is generally held that the purpose of the five year waiting period before one can hold such a position in a labor organization is to assure that such a person has demonstrated for at least that period his ability to conduct himself in obedience to the criminal laws free of custody and custodial supervision.<sup>41</sup> Under a recent decision, the section creates a duty on the part of the labor union to prohibit particular persons from holding office, but does not create a federal right to any office.<sup>42</sup> Also, even though one had been convicted and placed on parole more than five years before but released from parole within five years prior to his election, he was ineligible to serve as business agent for a union, as the parole period is considered to be a part of the imprisonment.<sup>43</sup>

#### V. Marriage and Divorce

Section 598.8 (3) and 598.9 of the 1962 Code of Iowa provide that a divorce from the bonds of matrimony may be decreed against a spouse convicted of a felony after the marriage.

In the few reported decisions on this section, it is clear that the conviction must be absolute through appellate affirmance or want of appeal.<sup>44</sup> Further, while appeal is pending, conviction cannot be asserted as a ground for divorce.<sup>45</sup>

It is also significant that conviction of a felony is a *ground* for divorce in Iowa as in most jurisdictions.<sup>46</sup> This leaves the spouse with the obligation of seeking a divorce and asserting the conviction as a ground therefor rather than providing an immediate avoidance of the marriage bonds, which is the result in a few states having absolute civil death statutes.<sup>47</sup>

#### VI. Effect on Competency and Status as a Witness

The conviction of a felony does not generally render a witness incompetent in Iowa.<sup>48</sup> The fact of the conviction may be shown however, for purposes of impeachment.<sup>49</sup> The Code of Iowa provides that a witness may be interrogated as to his previous conviction for a felony, and that the records of such conviction may be introduced as proof.<sup>50</sup> This is an outgrowth of the

<sup>39</sup> *Ibid.*

<sup>40</sup> *Id.* § 504(a) (2) (A), (B).

<sup>41</sup> *Serio v. Liss*, 189 F. Supp. 358 (D. N.J. 1960).

<sup>42</sup> *Strauss v. International Bhd. of Teamsters*, 179 F. Supp. 297 (E.D. Pa. 1959).

<sup>43</sup> *Serio v. Liss*, 300 F.2d 386 (3d Cir. 1961).

<sup>44</sup> *Vinsant v. Vinsant*, 49 Iowa 639 (1878).

<sup>45</sup> *Rivers v. Rivers*, 60 Iowa 378, 14 N.W. 774 (1882).

<sup>46</sup> See collection of cases in Annot., 139 A.L.R. 1308 (1942).

<sup>47</sup> See Section VII, this article.

<sup>48</sup> *State v. Addison*, 249 Iowa 905, 87 N.W.2d 916 (1958); *State v. Voelpel*, 208 Iowa 1049, 226 N.W. 770 (1929).

<sup>49</sup> *State v. Underwood*, 248 Iowa 443, 80 N.W.2d 730 (1957); *State v. Warren*, 242 Iowa 1176, 47 N.W.2d 221 (1951); *State v. Hall*, 233 Iowa 1268, 11 N.W.2d 481 (1943); *State v. Johnson*, 215 Iowa 483, 245 N.W. 728 (1933).

<sup>50</sup> IOWA CODE § 622.17 (1962).

rule at common law that credibility of a witness may be attacked by a showing of his bad moral character.<sup>51</sup> The impeachment must be based upon the conviction of a *felony*. Questions as to prior convictions of a crime generally<sup>52</sup> or indictment for a particular offense<sup>53</sup> are improper, as the crime must be a felony, and there must have been a verdict of guilty and judgment thereon.<sup>54</sup>

Thus, from the standpoint of one convicted of a felony, he has the right to testify as a witness, but his testimony is subject to impeachment by a showing of the prior conviction.

### VII. Absolute Civil Death

There remain in fifteen states today statutes which result in civil death of the felon upon the conviction and sentencing of life imprisonment for the commission of a felony.<sup>55</sup>

Generally, in these states, the capacity of the felon to maintain suit is lost, but he may still be subject to suit or criminal procedure by others.<sup>56</sup> The effects of this rule have been lessened in many of these state. In New York, for example, a special committee has been developed to handle the "estate" of the convict in order to maintain suits for injuries suffered prior to the conviction.<sup>57</sup> In other states it is simply a matter of the court refusing to dismiss such actions when the litigant is subsequently convicted and sentenced to life imprisonment.<sup>58</sup>

The marital status can also be altered in these states having absolute civil death statutes. In some jurisdictions, civil death does not automatically dissolve the marriage bonds<sup>59</sup> and the spouse of one convicted is left simply with a ground for a divorce as in Iowa.<sup>60</sup> In some reported cases, however, the marriage bonds were dissolved as an incident of absolute civil death.<sup>61</sup>

The contrast of these cases with Iowa's treatment of convicted felons regarding civil rights demonstrates the severity of the treatment of felons in those jurisdictions which provide for absolute civil death. Although one convicted of a felony in Iowa loses certain valuable rights, this loss does not reach the level of severity that it does in the fifteen jurisdictions referred to above.

<sup>51</sup> *United States v. Denton*, 307 F.2d 336 (6th Cir. 1962) (cross examination regarding prior conviction allowed, even after full pardon); *Palmer v. Cedar Rapids & M. Ry.*, 113 Iowa 442, 85 N.W. 756 (1901).

<sup>52</sup> *Hanners v. McClelland*, 74 Iowa 318, 37 N.W. 389 (1888).

<sup>53</sup> *Kitteringham v. Dance*, 58 Iowa 632, 12 N.W. 612 (1882).

<sup>54</sup> *Hackett v. Freeman*, 103 Iowa 296, 72 N.W. 528 (1897).

<sup>55</sup> See note, *Civil Death in Alabama*, 8 ALA. L. REV. 62 (1955). Those states having some form of absolute civil death are: Alabama, Alaska, Arizona, California, Hawaii, Idaho, Kansas, Maine, Minnesota, Missouri, Montana, New York, North Dakota, Oklahoma, Oregon, Rhode Island, Utah, and Vermont. See also cases collected in Annot., 139 A.L.R. 1308 (1942).

<sup>56</sup> *Quick v. Western Ry. of Ala.*, 225 Ala. 186, 142 So. 539 (1939); *Ex parte Brown*, 206 Ala. 528, 91 So. 306 (1921).

<sup>57</sup> *Shapiro v. Equitable Life Assur. Soc'y.*, 182 Misc. 678, 45 N.Y.S.2d 717 (Sup. Ct. 1943).

<sup>58</sup> *Costera v. Superior Court*, 29 Cal. App. 694, 159 Pac. 735 (1916).

<sup>59</sup> *Graham v. Graham*, 251 Ala. 124, 36 So.2d 316 (1948); *Villalon v. Bowen*, 70 Nev. 456, 273 P.2d 409 (1954).

<sup>60</sup> See text supported by notes 44-47, *supra*.

<sup>61</sup> *In re Lindewall*, 287 N.Y. 374, 39 N.E.2d 907 (1942); *Gargan v. Sculley*, 82 Misc. 667, 144 N.Y. Supp. 205 (1913).

## CONCLUSION

The areas previously referred to are perhaps the more important of the losses sustained by one convicted of a felony. The list is by no means exclusive. Whenever one who has been convicted of a felony seeks a position of trust created by statute or regulation or one which is governed by general licensing requirements, the effect of his prior conviction should be considered as a possible obstacle in his path.<sup>62</sup> As previously illustrated, the attorney for a client faced with such an obstacle should consider the use of the certificate of restoration of citizenship as a possible remedy.

For the most part, the reasons for the restrictions placed on a convicted felon are self-evident. When, for example, the responsibilities of public office are placed on an elected official by the electorate, it is important that he not only demonstrate an ability to conform to our criminal statutes, but that he be placed in that office by responsible citizens as well. Similarly, in an era when the increasing millions of our nation's labor force surrender the future of their industrial democracy to labor union officials, it is imperative that those officials have the ability and inclination to carry out this position of trust for the benefit of the union members.

In most instances, the areas affected by the conviction of a felony form the roots of our social order. It is important from the standpoint of the preservation of that order that the law should prescribe minimum qualifications for those who would perform its functions. It is equally important to understand that the legal alteration of an individual's status through the conviction of a felony can generally be reversed and that status restored within the law. The attempt here has been to point out the losses sustained through conviction as well as the requirements and procedure for restoring a client to his position prior to the conviction.

JAMES A. STOUT (June, 1963)

<sup>62</sup> Conviction of a felony may be a consideration in the granting or revocation of a license to practice one of the various health professions. (As used here, the term "health professions" includes barbers, chiropractors, cosmetologists, dentists, dental hygienists, embalmers and funeral directors, physicians, nurses, optometrists, osteopaths, pharmacists, and podiatrists.) These professions are governed by Practice Acts found in Iowa Code c. 147-158 (1962). In nearly all of these Acts there are requirements of good moral character. Thus, even though there is no specific prohibition for the conviction of a felony, a crime that would bear on moral character could preclude the criminal from the practice of the profession involved.

Further examples are found in Iowa Code c. 610 (1962), prescribing standards for the practice of law, c. 114 (civil engineers), c. 116 (accountancy), c. 118 (registered architects), and see also c. 117 (real estate brokers and salesmen).

In addition, conviction for violation of securities laws, such as the Iowa Blue Sky Law, Iowa Code c. 502 (1962), though not necessarily conviction of a felony, may result in denial or revocation of a license to act as dealer in or salesman of securities in Iowa. Iowa Code § 502.14 (1962).



## APPENDIX A

## RESTORATION OF CITIZENSHIP

To All to Whom these Presents Shall Come—Greetings:

KNOW YE, that by authority in me vested by law  
 I,.....Governor of the State of Iowa, in the  
 name and by the authority of the people thereof, do hereby discharge from  
 further liability under his sentence.....  
 who was at the.....term A. D.....of the  
 District Court of Iowa, in and for.....County,  
 convicted of the crime of.....  
 and sentenced to the.....  
 for the term of.....  
 .....

I do hereby restore the said.....  
 to all the rights, privileges and immunities which were forfeited by reason  
 of said conviction.

This Restoration of Citizenship shall not be construed as a Pardon or  
 as a remission of guilt or forgiveness of the offense, and shall not operate  
 as a bar to greater penalties for second offenses or subsequent convictions  
 or conviction as a habitual criminal.

This ORDER is granted upon the recommendations of

IN TESTIMONY WHEREOF, I have hereunto set  
 my hand and caused to be affixed the Great Seal  
 of the State. Done at Des Moines, this.....day  
 ( SEAL ) of.....in the year of  
 our Lord nineteen hundred and.....

.....  
 Governor.

## EDITORIAL NOTES

1. In connection with *Habeas Corpus in Iowa*, 3 DRAKE L. REV. 30 (1953), the case of *Sieren v. Hildreth*, 118 N.W. 2d 575 (Iowa 1962) should be read. The case was a habeas corpus proceeding whereby petitioner sought to nullify his conviction on the ground that two of the jurors who rendered the guilty verdict should have been disqualified due to the fact that their names, among others, had been placed in the jury panel box without being selected by the jury commission. Petitioner did not learn of this until months after his conviction. The trial court sustained the writ and the Supreme Court, in reversing, stated that errors or irregularities in the formation of juries, in the absence of predjudice being shown, do not render a judgment void, and that, regardless, petitioner waived his right to object by not objecting before the jury was sworn, since the irregularity could have been discovered by examining the jury list book. The Court indicated that, had the objection been raised on petitioner's original appeal from the conviction, the verdict could have been reversed.
2. In *School Reorganization in Iowa*, 9 DRAKE L. REV. 18 (1959), it was pointed out that a special method exists under IOWA CODE § 275.40 (1962) for merging an existing district not containing a high school with one which does contain a high school. *Wapello County Bd. of Educ. v. Jefferson County Bd. of Educ.*, 115 N.W. 2d 212 (Iowa 1962), the first case to construe this section, raised the question of when a dispute between school boards of two different counties concerning the proposed merger of a non-high school district with a district containing a high school is to be submitted to the state board of public instruction. The Court concluded that if there is a controversy over such a merger and it has been approved by the county board of the high school district affected, any party affected may take the matter to the state board of public instruction within 10 days of the county board's approval, and, if this is done, the merger is not final until the approval of the state board is received. However, as in this case, if no affected board takes action within the ten day period prescribed by statute, the action of the county board becomes final and effective.

In *Green v. Webster County Bd. of Educ.*, 115 N.W.2d 856 (Iowa 1962), the Court, inter alia, declined to decide which of two school districts would provide better educational opportunities, holding that the fixing of school district boundaries is a legislative function of the county board and is not to be interfered with by the courts. The Court also held that once a county board has exercised its power to annex by resolution an unattached tract of land less than four sections in area, that tract loses its identity in the district to which it is annexed so that any further action with respect to that tract cannot be taken by resolution alone.
3. Three recent cases should be read in connection with *Contribution between Joint Tortfeasors as Affected by the Yerkes Case*, 6 DRAKE L. REV. 30 (1956).

In *Fane v. Hootman*, 117 N.W.2d 435 (Iowa 1962), the defendant to the main cause of action filed a cross-petition against a third-party