

Pieces of Iowa's Past, published by the Iowa State Capitol Tour Guides weekly during the Legislative Session, features historical facts about Iowa, the Capitol, and the early workings of state government. All italicized text/block quotes in this document are taken directly from historical publications with the actual spelling, punctuation, and grammar retained.

Examining the Firsts: The 31st General Assembly

This year begins the 91st Iowa General Assembly. Some of this year's *Pieces of Iowa's Past* articles will briefly examine the work of the 1st, 11th, 21st, 31st, 41st, 51st, 61st, 71st, 81st, and 91st General Assemblies or observe interesting events that happened during those years.

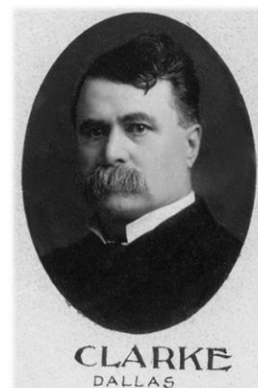
The 31st General Assembly convened January 8, 1906, and adjourned April 6, 1906, an 89-day session.



[Lt. Governor
John Herriott](#)

There was a total of 150 members. The Senate had 8 Democrats and 42 Republicans, and Lieutenant Governor John Herriott was President of the Senate.

The House of Representatives had 21 Democrats, 77 Republicans, and 2 Independent members. Representative George Clarke was the Speaker of the House during the 31st General Assembly.



[Speaker of the House
George Clarke](#)

Albert Cummins was the Governor. He was 56 when he was sworn into office on January 13, 1906.

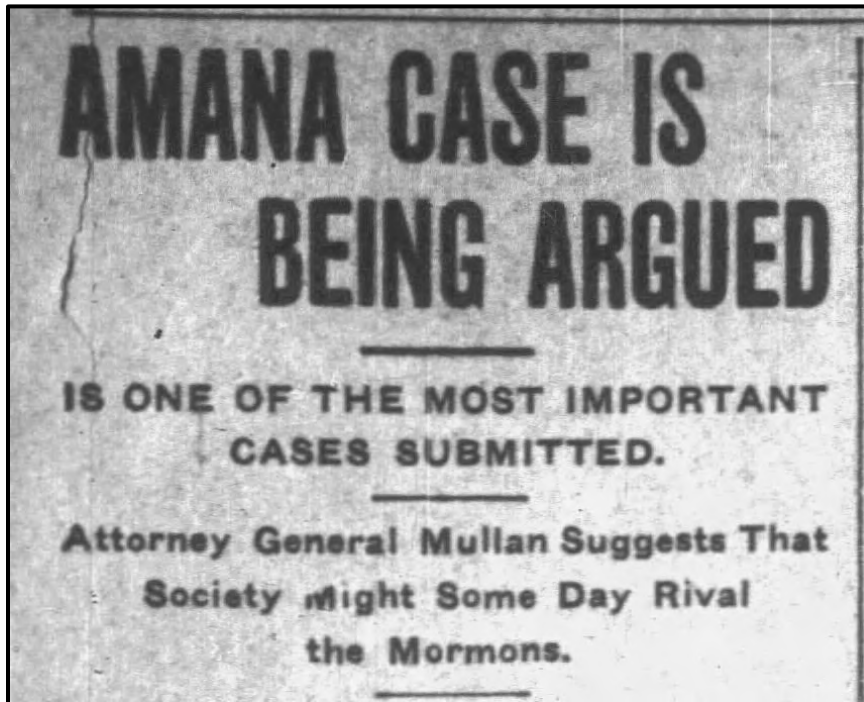
In 1900, Iowa had a population of 2,231,853, and by 1910 that number decreased slightly to 2,224,771.

During the 31st General Assembly, some notable events happened, such as the completion of the lunette paintings that



[Governor Albert Cummins](#)

surround the second-floor rotunda, the General Assembly celebrating former Governor William Larrabee's birthday in a joint convention, and a significant case for the Iowa Supreme Court.



On November 20, 1906, the Iowa Supreme Court ruled on the *State v. Amana Society* case concerning whether the Amana Society, incorporated as a religious organization, improperly engaged in business activities for profit.

The Gazette, Cedar Rapids, June 8, 1906

The Beginning of Amana Colonies in Iowa

The Amana Colony in Iowa was established by German-speaking settlers who belonged to the Community of True Inspiration, also known as Inspirationalists, a religious group originating in Germany in 1714. The Inspirationalists sought a more meaningful religious experience than they found in established churches at the time. They believed the Lutheran Church had become too focused on intellectual debate and formalized worship, thus neglecting the spiritual needs of the congregation. In contrast, the Inspirationalists believed religion was a personal experience and emphasized sincere humility and earnest study of the Bible.

By 1840, the Community of True Inspiration, still based in the state of Hesse in Germany, grew to nearly 1,000 members. Persecution and an economic depression in Germany forced the community to begin searching for a new home. A small committee traveled to America and purchased a 5,000-acre

site near Buffalo, NY. Land was owned communally, and work was done cooperatively. By 1843, the community, now numbering roughly 1,200 people, adopted a constitution that formalized their communal way of life.

In 1855, seeking more farmland for their growing community, the Inspirationalists moved to Iowa, where land was attractively priced; they named their new home Amana—meaning “to remain true,” from Song of Solomon 4:8—and established six villages a mile or two apart across a 26,000-acre river valley.

Under 1858 Iowa Acts, Chapter 131 (incorporation of benevolent, charitable, religious and scientific societies), the Community of True Inspiration created a legal corporation in Iowa in December 1859 under the name “Amana Society.”

CHAPTER 131.	
INCORPORATION OF SOCIETIES.	
AN ACT for the Incorporation of Benevolent, Charitable, Scientific or Missionary Societies.	
SECTION 1. <i>Be it enacted by the General Assembly of</i>	
the State of Iowa, That any three or more persons of full age, citizens of the United States, a majority of whom shall be citizens of this State, who shall desire to associate themselves for benevolent, charitable, scientific, religious or missionary purposes, may make, sign and acknowledge before any officer authorized to take the acknowledgments of deeds in this State and file in the office of the Secretary of State, and also in the office of the Recorder of the county in which the business of	
254	LAWS OF IOWA.
Society formed by certificate.	
Acknowledged and filed	

State of Iowa v. Amana Society

By 1906, the Amana Society was reported as owning 26,225 acres of land, two woolen factories, one cotton print factory, four hotels, seven general stores, three drug stores, seven blacksmith shops, three lumber yards, coal and lime yards. It also had a population of 1,000 members spread between 280 dwellings.

Iowa Attorney General Charles W. Mullan argued that the society exceeded its powers under its articles of incorporation as a religious society. He warned that although the Amana Society had not sought political power like the Mormon Church, there was a risk that a future ambitious leader could use the society's structure to expand its influence and wealth significantly. If the society were allowed to conduct all types of secular business under the protection of religious freedom, it might grow so powerful that it could control vast amounts of land and operate beyond the reach of state oversight.

The Amana Society countered that living with all things in common, as is taught in the Acts of the Apostles, required them to engage in farming, stock raising, and manufacturing—not for profit, but to meet their basic needs and sustain their way of life.

The Iowa Supreme Court ultimately ruled in favor of the Amana Society, reasoning that its communal ownership and business endeavors were integral to the members' religious beliefs and not for the purpose of individual pecuniary gain. In its ruling, the Supreme Court emphasized the constitutional protection of religious freedom, stating that the law should not interfere with the free exercise of faith as long as it remains harmless to society. With the remark that "the fate of other similar enterprises during the past century, such as Brook Farm, the Phalanxes, and other experiments of the followers of Fourier, Owen and others, indicate that the peril is not at all imminent. So long as selfishness is the controlling passion of the human heart, the individual in all probability will be safe as against the encroachment of communism. At any rate, it will be time enough to obviate

the danger, when, if ever, it is seriously threatened, with appropriate legislation."

(Special Correspondence.)

Des Moines, Iowa, June 8—Can a religious society attempting to obey the injunction of the apostle to have all property in common exist legally under the laws of Iowa and own thousands of acres of land and millions of dollars of property and do a business reaching nearly a million of dollars a year? This is the question that has been submitted to the supreme court of Iowa in the case of the State vs. the Amana society.

The Amana society, a peculiar religious organization of Iowa county, claims it has a right to do business for profit the same as any business concern but escape taxation because it is a religious society and attempting to obey the apostles' orders to have all things in common. The state of Iowa, through the attorney general, asserts before the supreme court that the society may carry out its religious desires and live with all things in common but that it must incorporate as any other concern for pecuniary profit must incorporate.

The courts are asked to dissolve the society, by appointing a receiver and distributing the property to the members of the society unless it incorporates.

The magnitude of the question before the Iowa supreme court is best understood in the inventory in the printed argument of Attorney General Mullan and in his oral arguments made to the supreme court today. The Amana society was incorporated as a religious organization December 1, 1859, and its corporate existence has been extended from time to time. Here are leading

Flouring mill products.. . . .	76,000
Live stock sold....	123,000

Total.... \$550,000

Attorney General Mullan argued before the supreme court today in the case that the society has exceeded its powers under its articles of incorporation as a religious society and that by

that act its charter has been forfeited. He argued that whatever the religious beliefs of the 1,000 or more members of the society as to living with all property in common the society had in fact become a gigantic corporation doing a business amounting to an immense profit each year and that when ever a religious society attempts to obtain

property and wealth and power through secular business it transcends the authority conferred upon it by the state, and the fact that the members claim that the transaction of such business and the gaining of such wealth is a part of the religious beliefs of the society is no answer to the charge made by the state that it is violating the laws by which it was created.

The possibility that the society may some day become as menacing as the Mormon church is suggested by Attorney General Mullan in his argument today. He said: "It is true that the Amana society has not attempted to acquire the temporal power which was attained by the Mormon church; but can it be said that in the future some strong ambitious man, actuated by a desire to extend the influence of the society and to greatly increase its wealth and property, may not become the head and ruling spirit of the corporation? If that should occur, and it is held that the society may, under its articles of incorporation, transact all classes of secular business as a part of its religious belief, no reason exists why, under the management of such an ambitious head, the society may not extend its influence over a large portion of the state, and hold in its own right, many hundred thousand acres of land, and thereby become a dominant power which will be practically beyond the control of the courts and state authorities. The suggestion is not exaggerated. Its prototype exists in the Mormon church."

It is probable that no case has ever been more exhaustively argued before the supreme court of this state than this case. Every phase of the question was submitted to the supreme court today in the oral and printed arguments. The magnitude of the property involved, the magnitude of the legal questions and the possibilities of the society becoming a future dominant power in the state make it one of the most interesting as well as important cases. Within the past few years the society has been acquiring land very rapidly and has increased enormously in wealth.

The attorneys for the society led by Judge M. J. Wade of Iowa City maintain that the articles of incorporation and bylaws of the society give it authority to transact this business. Attorney General Mullan claims that the articles may state that authority but the articles can only exist under the law and the law does not allow religious societies to have such powers. The attorney for the society claims the rights under the United States constitution which guarantees religious liberty. The attorney for the state argues that public policy demands that religious societies shall not have authority to engage in secular pursuits since "Such societies discourage individual effort, the building of homes and the rearing of families in those homes. So far as their influence goes the tendency is, to remove the very foundation stone upon which our society rests, the individual home."

The case submitted to the court today will not be decided by the court before the following period which opens the first of July, and may not be reached by the court that soon.

The Gazette, Cedar Rapids, June 8, 1906

This case was significant in Iowa's history because it raised key questions about how "religion" is defined under state law. Even though the Amana Society was involved in many business activities, it was not a corporation for profit because those activities were necessary parts of its communal religious way of life.