

## Pioneer Lawmakers Association

David C. Mott

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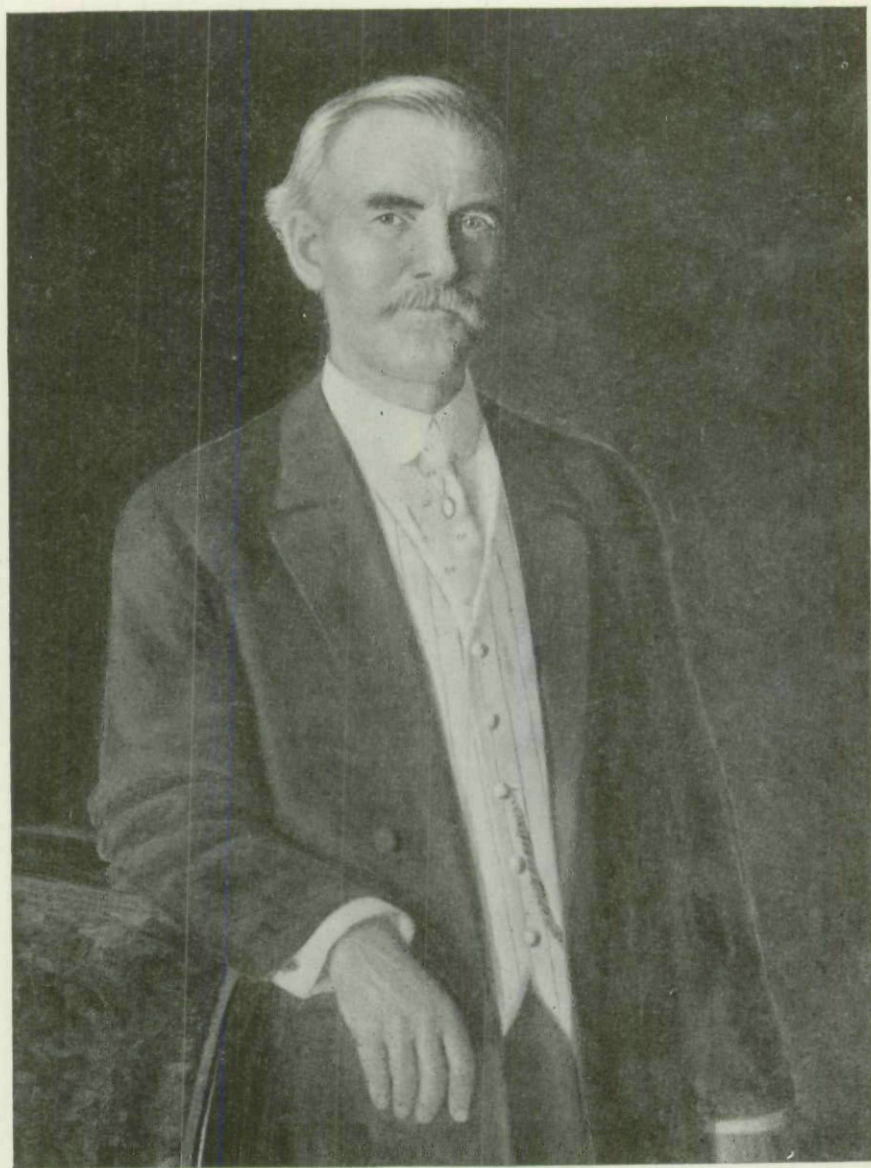
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B. F. CARROLL

President of the Pioneer Lawmakers Association of Iowa.  
Governor of Iowa, 1909-1913.

From a portrait (1913) in oil in the galleries of the Historical, Memorial and Art Department of Iowa.

# ANNALS OF IOWA

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## PIONEER LAWMAKERS ASSOCIATION

BY DAVID C. MOTT

The twenty-third biennial session of the Pioneer Lawmakers Association of Iowa met in the Portrait Gallery of the Historical, Memorial and Art Department of Iowa, Des Moines, February 15, 1933. The meeting was called to order by the president, B. F. Carroll. The invocation was offered by the Reverend S. A. Fulton of the First Presbyterian Church, East Twelfth and Maple streets, Des Moines. President Carroll then introduced Governor Clyde L. Herring who greeted the members of the association in the following words:

### ADDRESS OF GOVERNOR CLYDE L. HERRING

I appreciate the distinction of being permitted to appear before you and recognize immediately how unqualified I am to suggest anything to such a group as this. You men served your state years before I was heard of out here, and in trying times, too, and many of you realize that today we are facing even more trying times than you did, or than Iowa has ever had to face, at least since the Civil War.

You are as familiar as I am, perhaps, with conditions throughout Iowa, and yet it would wring your heart to sit over there on Capitol Hill and see the hundreds and thousands of letters that cross my desk every day, from hard-working, conscientious, loyal citizens of Iowa, who are appealing to some one, somewhere, in the hopes that he will be a Santa Claus and do something for them, that they may remain in the home they have given their life's work to earn.

It is a sad day for Iowa when we are confronted with a situation such as we are confronted with today. This is a day that calls for the earnest, thoughtful co-operation of everyone and I want you to know that I appreciate and shall appreciate any assistance you give me. I ask for your help and support.

You have been through these things. You can tell us much we ought to know nowadays. We have a legislature this year that is doing everything it possibly can. The members of the General Assembly are trying hard and I want to repeat here, what I have said several times, that when the legislators come into my office, or when I see them upstairs,

I cannot tell Republicans from Democrats. They look alike, talk alike, act alike, and work alike. They are always trying to do something in this terrible crisis.

I think they have made splendid progress. I know that we pioneered in taking some drastic steps. I know there were some criticisms upon the legislatures of other years. There probably always will be criticism. When we issued the mortgage moratorium proclamation, or when it was proposed, some folks said we didn't have the constitution in mind, or the law behind it, but we did have public opinion behind it and we did accomplish one thing by that proclamation—the people down east came to a full realization that out here in Iowa, we were not any longer going to sit idly by and permit our homes to be taken away from us. That should have been begun two or three years ago.

It is time we stand up and tell them that they cannot do it. The farmer out here has given all that he has. He has invested fifteen or twenty thousand hard earned dollars in his farm. Compare that with the ten thousand dollars that some land company down in the east, or somewhere else has "invested" in a first class mortgage, and this farmer is not going to sit by and see his fifteen- or twenty-thousand-dollar equity wiped out and then expect the man with the ten-thousand-dollar investment to get his ten thousand and a deficiency judgment besides.

You cannot make the farmers understand that this is law and equity. They cannot understand why they should stand for a deficiency judgment when that land company, if it had invested its money in stocks and bonds and the stocks and bonds had gone as low as the farm values have gone, and everything else has gone, through no fault of theirs, would not have anything to get a deficiency judgment on. They wonder whether it is just fair and if they should be forced to make up for the loss that this company has to stand, by making up what the mortgage doesn't bear, but they say the farmer has to.

You know that farm mortgage proclamation was put on in anticipation of the banking law, which was passed a few days later. That was issued, of course, anticipating that situation. In other words, we could not, by legal action, say to the depositor of any bank that he could not have his money and at the same time permit somebody else to say to him, that he must pay his interest or taxes with the money he couldn't get because the state legislature had so stated and he be driven from his home.

It was with that kind of a thought in mind that the proclamation was issued and it did serve its purpose. You know it has been very difficult for me to answer letters from farmers who have written in and said, in this effect, "in the interest of the public good, we signed a petition which waived our deposits in the bank. We agreed to leave our money in the bank in the interest of the public good and we cannot understand just why you now permit the men we owe money to, come to us and tell us because we can't pay our interest and taxes, they are going to take our homes away from us. We wonder where the public



good comes in, in such cases. Isn't it just as fair that they should waive something, too?"

It's pretty hard to answer some of these things. So we just tried to do the best we could. The legislature is going to pass some bills which will benefit Iowa. They have defeated some that should not have been defeated, and we are going to continue to defeat some more, and we are going to pass some more.

I think you have a right to expect a great deal from the present legislature and they have a right, I think, to expect from you the counsel and advice which they all need. I am not going to try to make a speech. I think I more properly appear here as an exhibit, a curiosity. We have once every forty-two years a Democratic governor of Iowa, and I just wanted to come over and let you look at me and see that I have no horns.

Governor Herring's address was responded to by John C. DeMar.

#### ADDRESS OF FORMER REPRESENTATIVE JOHN C. DE MAR

Mr. Chairman, Governor, and Members of the Pioneer Lawmakers Association of Iowa: We appreciate the welcome that is extended to us by the Governor. We appreciate the fact that he has laid aside the heavy duties which are now imposed upon him, and has taken the time to come over and attend our session and extend to us his welcome. We are appreciative of the fact that this afternoon the legislature will stop its wheels and will give us time to visit it, and will honor us for what we have done as members of past legislatures, and will forget what we failed to do.

There is a disposition on the part of those who are not members of this association to think of us as "has beens," and to think that the day of our influence in shaping legislation is past. We are not willing to concede that such is the fact. We all know that as members of the legislature, in respect to the most important matters we had under consideration, the judgment of the leaders among our constituents was sought by us and was an important factor in determining our course. We sought the counsel and advice of those living in our districts, the judgment of whom we regarded as sound. We were in name and in fact representatives of the people who chose us, and without seeking such advice we could not have truly represented them.

We are now retired to private life and are a part of that constituency. We are now in position to exert an influence in shaping the policies of our state second to none. We are now in a position to exert more influence and to have more to do with the shaping of legislation of the state than we were as members of the legislature. The extent of this influence depends of course upon the interest we have maintained in matters of state, and upon the good judgment we have exercised in advising along those lines since our retirement. There is a

duty resting upon us now no less than when we were members of the legislature to render advice and to exert our influence in seeing that proper legislation is enacted.

Today we will have much said about us that is good. We will not be subjected to criticism for what we did or failed to do in the past. We are ready to admit that as members of the legislature we made mistakes. Some of the legislation which we helped to pass has been criticized since, and some of the mistakes we made have been corrected. I suppose when we were members of the legislature and when we were in session, just as today, many people in the state expressed the hope that we would adjourn and let the state of Iowa get back to business again. That time is now far enough past that we do not feel the sting of such criticism, and we can rejoice in the welcome being extended us and can tender to those now in power all the assistance that we are able to give them.

Then followed the formal address by the president of the association, former Governor B. F. Carroll.

#### ADDRESS OF PRESIDENT B. F. CARROLL

##### AFTER RECOVERY—THEN WHAT?

For me to devote time to the question of how to obtain relief from the present depression would be only to repeat things that have already been written or said, for nothing seems to have escaped the attention of those who have undertaken to deal with the subject, and it may be while the storm is raging is not a good time to talk about what should be done after it is over, or in order to avert another disaster, but, even so, I should like to make some observations regarding the present situation, and, also, as to what I think should be done in order to avoid such catastrophes in the future.

Let us first consider some of the things that led up to the depression, or, more properly, to the crash of the stock market in the fall of 1929. I do not desire to raise questions that are controversial, and yet there will be differences of opinion upon almost every suggested cause of the trouble. I shall not discuss the tariff, for that is still a political and quite largely a party question.

There are, however, some suggested causes for our present difficulties upon which I think we can agree, or at most, our disagreement will not be extreme. For example, I think we can agree that the World War has had some bearing on the situation, whether we can agree as to the extent of its influence or not. The World War is not wholly responsible for our present ills, is perhaps not responsible in any degree for the stock market boom of 1929 nor, in the opinion of many, for the major portion of our present distress, which Senator Glass termed "A disaster which never should have come to this country and never would have come but for the maladministration of the banking community and among the supervisory officials."

The spark which caused the explosion may have come from abroad, but we had planted the bomb and attached the fuse and that an explosion was sure to follow, unless something was done to check the speculating and gambling on the stock market, there can be little doubt. That the banks, in financing brokers' loans, were primarily responsible for the boom of the stock market seems to have been quite definitely established. Senator Norbeck, chairman of the Senate Committee on Banking, stated only a few days ago that "some of the larger banks of the country are largely responsible for the boom of the stock market and, consequently, for the crisis" that broke in the fall of 1929.

It is my opinion that if we had been in as good condition to meet such a crisis in 1929 as we were in 1914 when the war broke out and all Europe was thrown into confusion we need not have fared worse from the foreign situation in 1929 than we did in 1914, for we had sustained the reaction from the war in 1920 which should have lightened the force of any further reaction.

In support of this statement let me call your attention to a few of the reasons why we were not more seriously involved in the chaos that prevailed in Europe at the beginning of the war, and from them see if we cannot arrive at some conclusions as to the cause of our present difficulties.

It requires a more graphic pen than mine to properly portray the situation that then prevailed abroad, and especially in Europe. Prof. Noyes, in his book entitled, *The War Period in American Finance, 1908-1925*, says it was "unquestionably the most formidable crisis in the world's financial history. In every financial crisis, great or small, it is the stock exchanges that first have to face the shock. They met it this time by closing their doors in every market of the world. The London Stock Exchange, which had never before suspended business, even in the Napoleonic wars, shut down indefinitely on the morning of July 31, 1914. . . . None of the European stock exchanges resumed business until long after the end of the year 1914. . . . Never in previous history, even in the panic of 1873, had the New York Stock Exchange shut down for longer than ten consecutive days. . . . On the morning of July 31, 1914, the announcement was made that it would 'be closed until further notice,' and it was not reopened to unrestricted trading until April 1915."

Quoting still further: "The American business community was undoubtedly in a state of bewilderment and consternation, but it showed no signs of outright panic. There was no run of depositors on any depository institution; none of the 'rumors' such as were circulated in October of 1907 and in August of 1873, that this or that concern was 'in danger'; no crippled or threatened bank had to be 'helped out' by its associates. For this immunity the closing of the Stock Exchange, and the consequent absence of any recognized further impairment in the value of stocks and bonds were no doubt important influences. But there were certainly other reasons; among them the absence of specu-



lation or inflated credit during the preceding year and the admitted soundness of the banking position."

It is the last of these which I wish to emphasize a little further on; but for the present, let me say that our commercial banks had not then gone into the bond and investment banking business to any considerable extent. Consequently we escaped what otherwise would doubtless have been one of our major panics.

With reference to the panic of six years later, that is, of 1920, the statement is made that in all previous crises, not including 1914, "the actual signal for financial panic and acute commercial distress had been the unexpected confession of insolvency by important banks or business houses."

In 1873 it was the failure of Jay Cook & Company, of Philadelphia, the concern through which our Civil War bonds were sold, but then agent for the Northern Pacific Railway; in 1893 it was the failure of the Milwaukee Bank and of the Erie Railroad; and in 1907 it was the failure of the Knickerbocker Trust Company of New York. Prof. Noyes declares that there was no such outstanding event in 1920 and that at no time could that panic be described as an old-fashioned "credit crisis." It was the aftermath of the World War and the liquidation and deflation which I think we can all agree were brought about entirely too drastically and abruptly.

Again, Prof. Noyes says, "there was no panic among bank depositors (in 1920), no hoarding of money, no use of clearing house certificates, and at no time was there any such run on the banks" as occurred in 1873, 1893 and 1907.

My position was such during the panic of 1907, being ex-officio superintendent of banking, and I had such opportunity to observe how the state and savings banks fared, that I feel warranted in referring to some of the things that took place. As has been stated, the panic was precipitated by the failure of the Knickerbocker Trust Company, in October, 1907. Confusion prevailed throughout the country. A committee from our Des Moines banks went to Chicago to see what the situation was there and to ascertain if money could be obtained to meet the requirements of this city and of the state. They were advised that no money could be furnished, and that the Chicago banks would resort to clearing house certificates when they opened Monday morning. This information was messaged back to Des Moines on Sunday morning, October 27. I met twice that day with our local bankers, and again on Monday morning, and it was decided that they, too, should make use of clearing house certificates, which they did. When checks were presented 25 per cent of the amount was paid in cash and 75 per cent in certificates, and in most instances the amount that could be checked out each day was limited.

When the Des Moines banks went to a clearing house basis it created a good deal of uneasiness among the banks out over the state, but there was the most sincere and earnest effort put forth by the larger banks



to assist their correspondents, a thing which seems to be lacking at the present time.

In order to assist in relieving the situation, after consulting the attorney general, I addressed a letter to each state and savings bank and advised them to temporarily discontinue attempting to maintain the reserve that the law required them to keep on hand, and to use any funds that they had to meet the requirements of their respective communities. I also assured the people of the state, through the press, that our state and savings banks were in a sound and healthy condition, and that there was nothing to be alarmed about. Because of their sound condition we did not lose a single state or savings bank as a result of the panic, nor did we lose as many banks during the six years, from 1903 to 1909, as were taken over by our banking department week before last under the law that has been recently enacted. Our banks were then confining themselves more nearly to a legitimate commercial banking business.

It is, however, the present depression and how to avoid another that I wish to discuss with you. Prior to and leading up to the stock market crash in the fall of 1929 there existed the greatest orgy of speculating and stock market gambling that this or any other country had ever known. That we were approaching a crisis it would seem that any reasonably sagacious financier should have known. There certainly had been sufficient warning given. The seeds of disaster were sown during or soon after the close of the World War. People had been encouraged by the banks to extend their credit and to invest far beyond anything that conservatism would warrant, and many of the banks themselves had loaded up with second and third mortgages, and stocks and bonds that proved to be very poor investment.

The commercial banks had largely departed from the field of commercial banking and had gone into the bond and investment banking business, and many of them either directly or through affiliates, had purchased large amounts of securities of questionable value, many of them being foreign bonds, had passed them down to their correspondent banks, and they in turn had sold them to their correspondents and to individuals, so that in the end most of them lodged in the hands of the smaller banks and of individual purchasers who had to stand the loss.

It has been stated, and so far as I am aware, never contradicted, that many of our failed banks were loaded up with securities in which they had no lawful right to invest their funds. Whether or not they were to blame is very doubtful, for many of them have complained that they were urged, against their wishes, to dispose of their farm paper and buy bonds. But bank failures were not confined to the small banks, and many of them that did fail, closed their doors as the result of the failure of larger banks of which they were correspondents. Senator Walcott stated from the floor of the United States Senate, some time ago, that "we have banks that have closed their doors because they have overpurchased, as correspondent banks of some of the

larger ones, the very securities that the larger banks have forced upon them."

It is claimed that much of our present trouble is due to the fact that we are trying to liquidate the largest debt that the world has ever known. I think there will be no controversy on that point, but why should our people and our commercial banks in which the people deposited their money for safe keeping, have been made to absorb the loss on millions of foreign bonds? Our own losses were heavy enough, but we might have stood them if additional burdens had not been thrown upon us.

In every crisis since the Civil War, except those of 1914 and 1920, one of the greatest factors in the situation has been the hoarding of money, usually upon the part of the people, who feared the loss of the same through failure of the banks. To relieve the financial stringency thus created clearing house certificates were resorted to. Even in 1914 clearing house loans were made, and the Aldrich-Vreeland Emergency Currency Law was brought into operation, not the Federal Reserve Law as seems to be generally believed, for while that law was enacted during the holiday week of 1913 no banks were opened under it until the fall of 1914, after the emergency had passed.

Under the Aldrich-Vreeland Law national banks could deposit with the Treasury of the United States commercial paper and receive back an issue of bank notes equal to 75 per cent of the amount of the deposit, or could deposit government or municipal bonds and receive bank notes equal to 90 per cent thereof. During the panic of 1914, \$363,632,000 of such notes were issued, and \$211,788,000 of clearing house loans were made, the bank notes going to about forty of the states of the union, to the District of Columbia and to Alaska. The Federal Reserve Law was in effect in 1920 and the Aldrich-Vreeland Act had expired by limitation, so that the emergency to be met that year fell to the lot of the Federal Reserve banks. While these banks have been charged, and perhaps not entirely without grounds for so doing, with having precipitated the deflation, they nevertheless handled the situation fairly well after it arose.

To tell the whole story as to what took place during the summer and fall of 1920 would not be possible at this time, but you may be interested to know that the rediscounts at the Federal Reserve banks in December were larger by \$225,000,000 than in May, and the note circulation was larger by \$321,000,000 in December than in May.

In our present depression, as to hoarding, it would seem that our banks are our greatest offenders, and as to them the larger ones are most to blame. Not only that, but they have pursued such a course, whether avoidable or not I do not know, as at all times to keep the people nervous and panicky. They have gone to unreasonable extremes in the matter of keeping their assets liquid, consequently many of them carry enormous reserves, thereby keeping money idle that should be circulating. These are not unsupported statements. Less than two



weeks ago the chairman of the board of directors of the Reconstruction Finance Corporation criticized some of the banks most severely for not assisting the railroads instead of coming to the R. F. C. and asking it to make loans to the railroads in which they were interested, alluding to the banks as being from 75 per cent to 100 per cent liquid. Senator Couzens, chairman of the committee before which the statement was made, in turn criticized the R. F. C. for making loans to railroads which they in turn used to pay interest to the banks or to redeem bonds which they held.

George E. Roberts in his January letter issued from the National City Bank, of New York, says: "The cash balances of the member banks at the Reserve Banks have gone up to the highest level since June of last year. . . . The banks are the possessors of far larger reserves than they can find safe and profitable use for under present conditions. For the member banks alone this 'excess' is estimated at substantially above \$500,000,000 or enough to support a volume of bank credit substantially above \$5,000,000,000 larger than at present, and with the figures of the nonmember banks included the total would be much larger.

"The existence of this huge store of idle funds is the dominating feature of the money market. . . . Clearly the volume of funds awaiting the beck and call of business is enormous."

In his February letter Mr. Roberts says, "This piling up of funds in the principal money markets of the country has continued during January, carrying the surplus reserves of the banks to levels higher than ever before."

If there are such enormous sums of money idle, why are they idle? If the R. F. C. can find places to invest government funds safely, and on short time payments, why cannot the banks find these same places for investment and why should they not find them? Should government funds be invested any more recklessly than the idle funds of banks? It is difficult to reach any other conclusion than that the larger banks of the country are not coming to the relief of our present difficulties as they could and should do. In view of the agitation for branch banks, prompted quite largely by the larger banks, one cannot help wondering if there is really that desire to prevent the failure of small banks which existed in previous panics, since the most potent argument that has been advanced in support of branch banks is the failure of small banks.

Senator Glass said sometime ago in the United States Senate, "The trouble is the banking community of the country is frightened to death. The banks have ceased to function. They have discarded the idea, without warrant, that the Federal Reserve system was intended for a time like this."

In conclusion let me make a few suggestions, some of which you may regard as quite radical:

(1) The government and the states should in fact as well as in theory regulate the banks and prescribe the kind of business they may transact.

(2) No other business than legitimate commercial banking should be permitted to be carried on from the rooms of a commercial bank.

(3) Commercial banks should be forbidden to carry on an investment banking business, and the two kinds of banking should be kept entirely distinct and separate. This is not an unreasonable suggestion. English banks of deposit do not engage in investment banking. When an individual deposits his money in a commercial bank he should have assurance that it is not to be used for speculative purposes, and when he goes to his banker for advice as to investments he should not be talked into buying something that the bank has to sell.

(4) The affiliates of commercial banks, of which there are about 300 throughout the country, should be entirely dissolved. The last issue of *Current History* contains an article from J. M. Daiger, author of the article, "Did the Federal Reserve Banks Play Politics?" in which he says, "The actual and potential losses sustained by thousands of small banks, and attributed in innumerable instances to the relationship of correspondent banks to affiliates, has in the last year or two reached staggering totals." He declares that Senator Walcott, himself a former Wall Street banker, "condemns the affiliate relationship and holds it responsible for the bank failures and other banking troubles of the last three years." Senator Glass says that the committee of the Senate appointed to investigate the banking situation found, "That one of the greatest contributions to the unprecedented disaster which has caused this almost incurable depression was made by these bank affiliates. They sent out their high-pressure salesmen and literally filled the bank portfolios of this country with investment securities."

(5) Money was made to circulate, and to be used to carry on the business of the country. It is the lifeblood of the nation. Anyone who interferes with its free circulation is defeating the purpose for which it was intended. If we had no hoarding of money there would be no demand for inflation. I would fix a limit to the amount of money that a bank could pile up in its vaults and withhold from circulation just as a limit is prescribed as to the amount of reserve that it is required to maintain. In other words, I would fix a limit to hoarding by banks, and would place a small tax on unnecessary idle funds in banks so as to make hoarding not only unprofitable but expensive. Banks would then find places for investment.

When the government decided that state bank money was not a good thing it did not forbid its issue, but placed a 10 per cent tax on it making it unprofitable for banks to issue it and it disappeared. So will a tax on hoarding cause it to disappear.

I would not have you think that I am holding our banking system and banking practices entirely responsible for all of our present troubles, but I do believe that they are responsible for the major portion



of it and that, with a proper banking system, properly supervised, our panics will be much less frequent, and when they do come they will be less severe and of much shorter duration.

Secretary Mott read a number of letters from members of the association who regretted they could not be in attendance. Among those writing were W. P. Allred, Corydon; E. P. Barringer, Ruthven; R. C. Campbell, Hamburg; Gardner Cowles, Washington, D. C.; John E. Craig, Keokuk; M. H. Calderwood, Eldridge; John W. Dunlap, Maquoketa; Willoughby Dye, Macedonia; M. F. Edwards, Parkersburg; Walter P. Jensen, Waterloo; T. F. Halstead, Winthrop; G. N. Haugen, Washington, D. C.; Robert Hunter, Sioux City; J. O. Kasa, Wallingford; N. E. Kendall, Des Moines; E. McDonald, Coon Rapids; J. F. Morris, Pasadena, Calif.; Clifford Paul, Anamosa; C. H. Robinson, Chicago; G. S. Robinson, hospital at Nevada; T. J. B. Robinson, Washington, D. C.; R. T. St. John, Riceville; T. J. Sullivan, McGregor.

The secretary also read the following list of names of members of the association who had died since the 1931 meeting: E. D. Baird, North English; Thomas A. Cheshire, Des Moines; John K. Cooper, Council Bluffs; B. L. Eiker, Leon; W. S. Fraley, Des Moines; A. F. Frudden, Dubuque; Francis P. Greenlee, Red Oak; Clayton B. Hutchins, Algona; R. A. Hasselquist, Chariton; John H. Jenks, Avoca; James H. Jamison, Osceola; Scott M. Ladd, Des Moines; Elmer F. Leach, Mt. Pleasant; Phil Livingston, Moingona; C. A. Meredith, Atlantic; Constant R. Marks, Sioux City; Henry N. Newell, LeMars; Henry O. Pratt, Cedar Rapids; Harvey L. Pierce, Buena Vista County; Andrew C. Ripley, Garner; Arthur C. Savage, Des Moines; W. C. Stuckslager, Lisbon; John D. Shaffer, Elgin; F. D. Steen, Davenport; L. M. Shaw, Denison; E. W. Weeks, Guthrie Center; James A. White, So. Amana; Ward Wilson, Tama; Robert M. Wright, Ft. Dodge. (Above list should have included Charles Eckles, Marshalltown.)

President Carroll appointed as a Committee on Nomination of Officers, George M. Titus, Henry H. Boettger, R. J. Bixby, W. G. Kerr and O. K. Maben.

Under the head of reminiscences the president called on several members. Some of their addresses follow:

## ADDRESS OF FORMER SENATOR JOHN T. CLARKSON

Mr. President, without having taken the time to prepare observations on reminiscences I would have felt more at ease if we could proceed under the same protection afforded while a member of the General Assembly, freedom of accountability in debate.

I make these preliminary observations because I don't know what I am expected to say. I consulted one whom I regard as an authority on matters of this sort, Senator Funk, who with an expressive wave of the hand, of which he is so capable, said, "Why, just say whatever you feel impressed you the most during your experience in the General Assembly."

Conforming thereto, but only giving what may be properly regarded as my first and early impressions, was the fact that I thought I had met the most unreasonable, stubborn body of men possible. However, the unfavorable opinion was somewhat modified before the end of the Thirty-third, and greatly improved in the Thirty-fourth, Thirty-fifth and Thirty-sixth general assemblies.

It is remarkable the mellowing effect that time alone can bring, with the result that I have arrived at the conclusion that the stubborn fellow had just as much right to be wrong as I had. I care not now how strong the arguments may have been, how far the stiletto was driven in, the vindictive expressions uttered, yet when I meet the fellow who was opposed to our pioneering bills, whether on the street and especially at these gatherings, it is very interesting and self-satisfying to know that he served in the General Assembly of which I was a member.

There were some incidents that left lasting impressions with me, yet others might feel they were of very little importance, possibly only a passing affair.

I will refer to but one, because I know my time is very limited. It had to do with Senator Chase, one of the most interesting characters that it has been my experience to have met, in or out of the General Assembly. Cultured and refined, yet very, very democratic. Classic, courageous, aggressive and progressive, if you please. I can see him now as he then appeared when he delivered a classic philippic on the equal suffrage question. What a loss to our experience, that we failed to take a shorthand report of his argument in the debate.

He had his peculiarities on occasions. Men and women importuned him for his support of the bill, but no one could obtain an expression from him for or against the measure. It never dawned to any member that he was interested very much one way or the other. Every member assumed that it would be a mere calling of the roll, but the giant arose in his position to do battle.

I will not undertake to review the classics which were invoked or undertake to describe his wonderful delivery, but well recall and can see it now—the gallery and the space back of the seats occupied by ladies, all of whom were anxious, interested spectators. After having delivered one of the most eloquent orations ever delivered in the Senate

Chamber during my experience, he suddenly stopped, surveyed the field and looked up toward the gallery and said, "Why, my dearly beloved sisters, why do you dislike mankind? Who was it that invented the mouse trap?"

Of course, we smiled, but the ladies did their part and refused to join therein, yet we were all carried away—not off our feet, of course—because the ladies are with us today, but his eloquence was appealing and his wonderful personality made the session a very interesting one on Lincoln's birthday.

In this delightful and interesting organization, we term ourselves pioneers, and I often wonder whether that applies to pioneering in legislative matters or more particularly to age. If the latter, then, Mr. President, I deny the accusation, but if the former it is vitally interesting. It was our duty to pioneer, and the one thing that I desire to impress and bring home to you and to the men of today, our successors in office, that we want them to feel that the work that we did needs amendments to meet changed and changing conditions. Remember they are pioneering as we were pioneering—endeavoring as best we could to bring before the legislative body needed enactments in order to meet the changing condition. Let us not permit ourselves to assume an attitude of believing that our successors are not as interested as we were in the need for legislative amendments to meet the requirements of the day.

Pioneers we were in that respect. Many of us were labeled as radicals although today we would be regarded as conservative. Some who felt the Workmen's Compensation Act was not fair nor needed of course loudly proclaimed the proponents as radicals, but today they are regarded as conservative. Some who believed we needed road legislation were regarded as radicals. Today they are regarded as conservative.

Improvement is always the hour of the day, but the negative and the minority have its place and usefulness to hold the van to a safe place, but after all it is our duty, even though we have passed the official garb to another, to at all times see to it that no man will infringe upon the fundamental principles of our government. Let those who will improve wherever they may or wherever they feel they can, but at all times keep in mind the proposition that government exists for man and not man for government. Let us not yield to Sovietism or the doctrine of Mussolini or Hitler, but adhere to the philosophy of the fathers that governments are instituted among men to protect human and property rights against selfish greed of the majority or minority, and thereby make this a better world in which to live. When we labor with that end in view and stand ready to battle for those fundamental principles, I care not whether you call a man radical or conservative, liberty by law will survive.

As Lincoln in effect said, "Write union over your proposition and you may write thereunder the things that will carry it out," and the pioneer lawmakers should say, as I believe we do, amend the law as



you will, to keep pace with progress, but do it within the spirit of the fundamental law of the land, handed down from those who have gone before, because "Tyranny begins where the law ends," and government by law will end and tyranny begin unless we adhere to the polar star, our fundamental law, the constitution, the voice of authority.

#### ADDRESS OF FORMER SENATOR GEORGE M. TITUS

Ladies and Gentlemen: As president of the association at its last session, I occupied so much of the time that I desire to limit my remarks this morning, to give a greater opportunity for others present. You know as we advance in years, our terminal facilities are not as good as when we were younger. I am pleased that I could arrange to be present at this meeting. In fact, I had serious doubts as to whether it would be possible to leave the business of my office. I desired especially to be here and, if called upon, to talk to you about what I think should be the interest of this association. I share with Mr. DeMar in the thought that while many of us never expect to again fill public office this should not prevent us from taking more and more active interest in political affairs, especially those of a nonpartisan nature and designed for the general improvement of this commonwealth—an active interest, if you please, in such legislation of a nonpartisan nature that is being considered at this session of the General Assembly. I find the members of the General Assembly are more willing to listen to and favorably consider the views of those who have previously served as lawmakers.

As illustrating this point I wish to refer to a little personal experience. At our last meeting you may remember in a part of my address as president I said: "It has frequently been predicted that this government will not endure. I do not think such predictions are correct, but if it should fail the future historian, when he writes its history, will, in my judgment, say that its rapid decline commenced when the primary system for nominating public officers was quite generally established in this country." What I said about the undesirability of our present primary system, it seems, was communicated to some of the members of the Forty-fourth General Assembly. A certain member of the House saw me at the hotel that evening and greeted me as follows: "I heard what you said at the Pioneer Lawmakers meeting about the primary law. Thank God, there is one Republican that has the courage to criticize this law." I found that a bill for its repeal was then being considered by the Forty-fourth General Assembly, but it did not reach a vote. A still better bill for repeal is now before the Forty-fifth General Assembly. A legalized caucus is provided for. The objections to the old caucus system are obviated by the terms of the new bill, and I hope, since it is a nonpartisan measure, its passage will be urged by all good citizens.

The members of this association should and could very properly urge their respective senators and representatives to work for its



passage. I also find that several other states are moving in the same line. In my own county I scarcely know a single Republican or Democrat who approves our present primary system. After discussing the subject with some of the members of the Forty-fourth General Assembly a few of us agreed that we would endeavor to get both parties to endorse a resolution favoring the modification or repeal at the next state conventions.

I wrote to Mr. Spangler, chairman of the Republican State Committee, asking for his views and received a very strong letter with many arguments against our present primary system. We asked Mr. Cross of Newton, temporary chairman of the last Republican state convention, to refer to it in his address. This he did, and if any of you were present you will remember he received more generous applause from this part of his address than from any other part.

The objections to the system are many. One of the most important is the fact that a very large proportion of the voters do not know and can not know the parties for whom they are voting at the primary election. Never since I have been a voter have I received as many requests from my fellow citizens to inform them for whom they should vote as I did at the last primary. I remember the president of the Women's Republican League of our county came to me with an improvised sample ballot, asking me to mark those I could recommend so that she could present it at a meeting of the league. The only thing I could do was to mark those for whom I intended to vote.

The expense of a candidate is another serious objection. The Resolutions Committee were favorable to a resolution such as I refer to, but owing to the time taken to consider other matters it was not included in the resolutions. The same experience, I am informed, occurred with the Democratic Resolutions Committee. If there is a universal demand for a legalized caucus in place of this primary law, why shall we not take an active interest in its accomplishment? It may take several years, but it deserves our best attention. It took thirteen years to bring about the National Federal Reserve Law, eight years for the Farm Loan Board, and eight years for the biennial elections. All of these laws for improvement of government machinery must be backed by the proper amount of interest or they fail. If you agree with me, I trust you will do as I suggested, write to your senator and representatives urging them to support the measure.

#### ADDRESS OF FORMER REPRESENTATIVE FRANK A. O'CONNOR

Mr. President and Gentlemen of the Pioneer Lawmakers Association: I have had in my life a few shocks. One of them was when I got a letter some two years ago saying I was a qualified member of the Pioneer Lawmakers Association of the state of Iowa. It really brought home to me that old Latin maxim, *Tempus fugit memento mori*.

Time does fly, and how many missing faces there are that remind us

of it. For myself I don't really feel any older than I did when I left the legislature during the reign of my friend Governor Carroll, our honored chairman.

I listened to the lingering strains of my friend Senator Clarkson's address in which I was interested, and I shall not philosophize in the brief talk I shall make on these principles except to leave with you the thought that comes to me as I look back and review mentally the efforts of the lawmakers of this state and every other state in the nation in a democratic form of government such as we enjoy.

It seems to me that we have paid all of the penalties which a free people should pay in order to determine what kind of government we want. If I were to make a criticism of our system, it is the complete indifference on the part of large sections and large numbers of communities, representative units who seem to entirely disregard the quality and qualification of men who should undertake to write the laws.

Now that is no reflection on any of the distinguished gentlemen who are here, all of whom I know served their state well, and we have had many able men, but those of us who have served in the General Assembly in either of its branches are aware of the truth of the fact that so many men are not trained at all in the science of government and who do not have a correct conception of the principles of government in the enactment of legislation. As good a legislator as Senator Titus, in his declining years, tells us how he felt about it, and the standpoint or standard by which he sometimes passed on legislation. His good friend with the lisp secured his vote on that ground, and the governor signed the bill on the same ground.

I say that not in a spirit of criticism, because I have committed greater faults myself, senator, based on friendship. How many men were there who could look a proposal squarely in the eyes and pass on it solely in the interest of public welfare? And still I say that is one of the penalties of government.

One thing about the men in the General Assembly that I observed was that they almost unanimously were men of conscience, who wanted to do right by the multitudes. To illustrate: In the Thirty-fourth General Assembly 1,000 bills were rolled into the hopper, and my good old friend, Representative Odendahl of Carroll, came down here to serve his state and after being here six weeks, he called me up one morning and said, "My God, Frank, I think I shall go home." "What is the trouble?" I asked. "I cannot even read the bills," he replied.

Now the truth is he undertook to take all of those numerous bills—we had twenty-six road bills alone and many intricate tax bills—and read them. He thought it was his duty to read all of those measures and all of the amendments, and the committee reports, and the poor old gentleman sat up until three or four o'clock in the morning undertaking to read those bills, a tribute at least to his conscience.

Every man here knows there is bill after bill introduced in each session worthy of the undivided time of a member for the entire session.

The member must, however, give his time to hundreds of measures. Still we expect to have sound and mature legislation. It is one of the penalties of our kind of government.

Take our session of the General Assembly right now, where they are considering most tremendously important measures. Men are moved largely by emotion in these troublesome times and still it is the time for the soundest kind of judgment in the enactment of legislation. We all know that. I don't look at it half as seriously now as I did twenty-four years ago when I came down here to the legislature, and I find the affairs of moment will roll right on after I am gone.

It is a great pleasure to get together; to come back and see my friend Governor Carroll, our chairman. We helped in the passage of the State Board of Education Bill which passed, but not without difficulty. I think I mentioned some certain men as members whom he will recall that he named, who served with distinction and honor.

Then I do not want to forget my good friend, Governor Clarke, whom I am delighted to see here today. He served as president of the Senate and later as governor. He did not have me to help him when he was in the governor's office. If there were any faults, Governor, you know now how to explain them before you pass on.

You know as I came in here this morning with the distinguished president of the Federal Land Bank of Omaha, Mr. Hogan, whom I think we ought to hear from briefly in this session—briefly I said. (Laughter.)

I was going to say something more about Governor Clarke and the reference to Mr. Hogan caused me to forget it. Whatever it is, you missed something. But anyway I came in here with Mr. Hogan this morning from over in the House chamber and not knowing exactly where this meeting was we went to the library and met a very charming young woman, and we asked her if she could tell us where the Pioneer Lawmakers were meeting, and she said, "They are in the Art Gallery." I said, "That is a very appropriate place, but I thought a man had to die in order to get into the Art Gallery." I am glad to see that you do not have to do that.

#### ADDRESS OF FORMER REPRESENTATIVE D. P. HOGAN

This is a very great surprise to me. I was not on the program and as I was just admitted to your body I think I ought to take a back seat for awhile and let some of the older members talk, but I will not talk long. Frank O'Connor said to talk briefly, and that is a good pointer.

Now I am going to the point of what may be worth while for me to say and then stop as I know that you do not want a long talk. There has been some talk about the times we are in. It seems to me that some of us older people can be of some service in calling attention to the courage of the pioneers during similar periods of depression. At no other period in the history of the world have any people enjoyed



such prosperity as did the people of Iowa during the first twenty years of the present century. There was a temporary setback in 1920, but it was of short duration and prices of Iowa products generally continued high until 1931. We had a good time, luxuries and high living with very little hardship or self-restraint and we became soft. When hard times came, we did not meet them quite as courageously as we should.

Some of you can look back to pioneer times. I can remember some of the hard conditions of the seventies and all of the nineties. I know the hardship and privation and distress of my people on a farm in Adams County in the seventies. They had the courage to fight it out and win and they were glad they did. A review of their record of fortitude and self-denial I think would help the present generation to make the necessary sacrifices to carry on and preserve their homes in the present trying times.

I have recently looked up the prices I received for hogs sold from my farm in Cass County during the past nine years which were by years as follows:

1924	.....	\$ 9.00
1925	.....	13.00
1926	.....	13.50
1927	.....	9.32
1928	.....	9.72
1929	.....	8.95
1930	.....	9.00
1931	.....	5.85
1932	.....	2.75

I have 170 head ready to sell now and the price is very low, but I have hopes that the price will be better in another year. On the average they have been high for the nine years. If we cannot stand a few years of these kind of times we are unworthy of the state of Iowa in which we live. Remember there is only one Iowa. We ought to get down on our knees every night and thank God that we live in such a good state.

Short speeches were also made by George W. Clarke, W. G. Kerr, Arthur Pickford, E. J. Bradley, W. W. Cornwall, Charles J. Fulton, E. J. Sidey, Albert M. Deyoe, John F. Riggs, George McCulloch, F. I. Herriott, Leslie E. Francis, and Frank S. Shankland.

Adjournment was then taken to Cherry Place for lunch. At the close of lunch Senator Titus on behalf of the committee reported their recommendation for officers which was adopted and is as follows:

President, John T. Clarkson; vice president, Emory H. Eng-



lish; secretary, David C. Mott; vice presidents by districts—First, Charles J. Fulton, Fairfield; Second, Frank A. O'Connor, Dubuque; Third, William G. Kerr, Grundy Center; Fourth, R. J. Bixby, Edgewood; Fifth, Frank E. Sheldon, Mount Ayr; Sixth, Henry H. Boettger, Des Moines; Seventh, George W. Van Camp, Greenfield; Eighth, O. K. Maben, Garner; Ninth, Robert Hunter, Sioux City.

The members of the association then went at once to the second floor of the State House and were soon escorted into a joint session of the Forty-fifth General Assembly in the hall of the House of Representatives. The gavel was turned over to President B. F. Carroll, and the following addresses were made:

#### ADDRESS OF SENATOR O. P. MYERS

Mr. President, Members of the Forty-fifth General Assembly, Members of the Pioneer Lawmakers Association: When we consider your pioneer record, ordinary words of welcome appear empty and useless. This very Capitol with its splendid architecture, and the state of Iowa, itself, are alive and articulate with thousands of voices proclaiming your welcome. Your record and your service are forever safe and secure.

Let me recall for the moment, something of the foundations of this republic. The long roll of the dark ages passes before us like a troubled dream of blood and flame, of conqueror and conquest, of the crash of battle, the silent camps of the dead. Royalty ran riot. The common people were nothing; they had their dreams of happiness, but they were only dreams. Might was the great arbiter, and for over forty centuries the conscience of the world slept.

And then, out over the lowly plain of Judea there dawned the shining star of Bethlehem, whose splendid radiance lighted up human charity, the brotherhood of man and immortality. Man began to discover himself. Conscious of eternity, he became a harder problem for tyrants. Backward and forward swung the mighty pendulum of human rights. The world became discouraged, and the dark ages fell like a funeral shroud down over human progress and human hope. But truth and right triumph. And from out the hush and wreck and gloom of that great human night—like a new earth from the great ocean of eternal truth—came the New Gospel of human rights, the foremost action in all human government.

"We hold these truths to be self evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

These words are the crystallized prayer of the ages. Man had dis-

covered himself, and for the first time in all human history, he could stand erect, in the free sunlight of Heaven, and challenge the world with the merit of manhood.

Shall Washington and Jefferson and Lincoln and Wilson be forgotten? This republic owes a higher and different service to humanity. Its language is the language of human rights. Its stars and stripes are the service flag of all humanity. We can no more repeal the Declaration of Independence than we can repeal the great Commandments of God. In the words of one of our greatest presidents, "What we seek is the reign of law, based upon the consent of the governed, and sustained by the organized opinion of mankind." The law of the jungle shall never again be supreme.

#### ADDRESS OF REPRESENTATIVE ELMER A. JOHNSON

Mr. Speaker, Members of the Pioneer Lawmakers Association: Upon me has devolved the high privilege and the great pleasure of welcoming you here this afternoon in behalf of the House of Representatives of the Forty-fifth General Assembly. Our welcome to you is cordial, our welcome to you is sincere.

We owe to you just such a debt of gratitude as you owe to those who set the noble example which you followed in the days when you were framing the ordinances and the laws for the great state of Iowa.

Someone said at the very beginning of government in what is now the United States of America, that restraint without liberty is slavery, but liberty without restraint is confusion, and your labors reflect this sound view.

There was handed to you the Constitution of the United States, and the Constitution of Iowa as your guide and your polar star in your conduct as legislators in behalf of the people of Iowa. You kept your eye upon that polar star, you performed that service nobly and well. May we emulate you in that service and may we too, keep our eyes upon that polar star and never be deflected from the right, the very right which is the basis of all statutory and fundamental legislation.

We appreciate your presence here today, we appreciate the expression which comes from your presence, and I feel that as you leave here today you will leave behind you an inspiration akin to and in the nature of a benediction which will fall like a mantle of blessing upon the legislature which is now in session, and to which the people of Iowa are looking to perform its duty, its high duty, its constitutional duty and its duty to the people of Iowa, as you performed it in the days that are now gone by.

#### PRESIDENT B. F. CARROLL'S REPLY

Senator Myers and Mr. Johnson, we want to thank you for these splendid words of welcome and to assure you that we appreciate and endorse the sentiment expressed by each of you. Most of us have served in one or the other of the bodies represented here today. We are

looking at your work as you will be looking at the work of others in about twenty years from now. We are trying to gauge it by the work we did here. We expect you to make mistakes. If you do not you are not entirely human. None of us are infallible. The conditions that prevail today are such as to require unusually good judgment in order to avoid making a great many mistakes.

I was just thinking while sitting here what a change has taken place, how many new faces there are here. After seventy-five years of almost unbroken reign a great political party has been dethroned. You have been speculating as to what brought it about. To one who has looked into matters as I have done it is very easy to understand what brought it about. I found it the other day in looking through the *House Journal* of two years ago, and I want to tell you something about it because I think it is worth your knowing.

The president of the Pioneer Lawmakers Association, Honorable George M. Titus, two years ago, in the presence of the joint session of the General Assembly made use of such language as this: "I am not in favor of overwhelming majorities. The state of Iowa has suffered politically from its reputation of being rock-rooted Republican." (Laughter.) Now what do you think of that, coming from the Senator from Muscatine, who claims to be a Republican? Following that he introduced as the gentleman to deliver the address of the day, the Honorable Irving Richman, his fellow townsman, a Democrat, who as a peroration to the splendid address which he delivered said: "Long live the Middle West! As the heart of the Middle West—long live Iowa. As a badly needed element in the politics of Iowa—long live the Iowa Democrats—may their tribe increase." (Applause.) Well, the "tribe" increased, and don't you see what caused it? It was these gentlemen of the Pioneer Lawmakers Association, and still some people think we have gone out of business. Why, we have just begun to function.

I recall that only a short while ago there were just a few Democratic representatives seated over here in the northeast corner of this chamber in what was known as the "Cherokee strip," but the Indians seem to have broken off of the reservation, or rather they seem to have extended the reservation until it now reaches away over toward the southwest corner of the chamber. Compared with the rest of the room it reminds one, as my old friend George England used to say, of a forty acres "jinin" up to a twenty.

Down here in front somewhere, no, he seems to have escaped, is Senator Ellis, a lone Indian, the only Democrat over in the other house for one whole session of the legislature. When it became necessary to put two Democrats on a committee they had to name him twice. There is no scarcity of Democrats now. As Richman designated them, the whole "tribe" seems to be in evidence.

We Republicans used to go parading around here with our thumbs stuck in the armholes of our vests just as if we owned things, but since



the massacre of November 8 you can hardly find one of that kind of "animals" and if you do discover one occasionally you find him to be some "hold-over" against whom "the statute of limitations had not run" or he wouldn't be here.

Well, the change is all right if you folks don't want to stay too long. You know how liberal we have been during the last three-quarters of a century in passing offices around and we expect you to be equally generous with us.

We have had some really great men connected with our association. I would like to tell you about some of them, but you can readily see just what kind of trouble I would get into. Every one of these fellows who belongs to our organization would think that his name should be mentioned first.

We have had some real statesmen as members. You know the difference between a politician and a statesman is that a statesman is a dead politician. We have, at least, one real live statesman among us. A man who served his state over in the Senate for twelve years. One of the most hard working, painstaking, able and efficient members of the General Assembly that I have ever known. He has served the state in various capacities almost ever since he retired from the Senate. It was my pleasure and privilege to name him as one of the first members of the State Board of Education, and he did not ask for the place, either. He has had unusual experience in matters of legislation, some of the most important laws upon our statute books having emanated from the Ways and Means Committee of which he was chairman. I think he has in mind calling to your attention, this afternoon, some of that legislation. I take great pleasure in introducing to you Honorable A. B. Funk, formerly of Spirit Lake, but now of Des Moines, who will now address you.

#### SOME HIGH LIGHTS IN EARLIER LEGISLATION

By A. B. FUNK

This paper is devoted chiefly to developments in legislative sessions from the Twenty-second to the Twenty-seventh inclusive, covering the period from 1888 to 1900.

It may not be out of place to submit as a background to this recital a brief personal statement. In 1888 I came into the Senate representing the counties of Clay, Dickinson, Emmet, Kossuth and Palo Alto. My service was during the administrations of five governors—Larrabee, Boies, Jackson, Drake, and Shaw. Six lieutenant governors—Hull, Poyneer, Bestow, Dungan, Parrott, and Milliman held the gavel over the Senate. Speakers of the House were Redman, Hamilton, Mitchell, Stone, Byers, and James H. Funk. I served with four senators from a number of districts and with five senators from Wapello.

In both bodies there were men of such unusual ability and experience as to make the situation embarrassing to a young man just breaking into political life. The list of strong men is so ample as to make

discrimination perplexing, but a few outstanding names are submitted. Senators: Gatch of Polk, Bolter of Harrison, Woolson of Henry, Young of Cass, Knight of Dubuque, Sweney of Mitchell, Parrott of Black Hawk, Wolfe of Clinton, McCoy of Mahaska, Clark of Page, Hutchison of Wapello, Kelly of Iowa. House members: Cummins and Berryhill of Polk, Curtis of Clinton, Ball of Johnson, Riley of Louisa, Wilson of Cass, Hamilton of Linn, Head of Greene, Luke of Franklin, McFarland of Emmet, Blythe of Cerro Gordo, Dayton of Allamakee, Smith of Mitchell, Roach of Lyon. Of the membership of that Senate there is but a single survivor.

It was an interesting and important period in state development. Iowa was just fairly emerging from pioneer conditions. In 1888 this noble edifice had been in use four years, but was not completed until 1886. Our institutions were modest, in some respects meager. There had been little regulation or restraint as to corporation conduct. Service requirements on the part of the state were becoming more and more insistent and acute. Iowa was out of debt and taxes were not especially burdensome. In this twelve-year period there was expansion in state administration and responsibility, probably more than in any other like period.

Issues uppermost in the Twenty-second General Assembly related to the regulation of railways and the control of shipping rates. Previously these corporations had things much their own way and there was a general feeling that the people were getting the worst of it. William Larrabee was governor. In the Senate for eighteen years he had been listed as a strong ally of the railroads. While governor he made radical change of front and assumed leadership of the belligerent antirailroad forces. Years afterward the Governor in private conversation gave me his reasons for this change.

Fayette County had been unfavorably situated as to railway connections, and Iowa was clamoring for more railroads. In working with the corporations he felt he was serving his own people and the state. He was a rare business executive, giving strict attention to affairs of government. Early in his administration he thought he had evidence that the Institution for Feeble-Minded Children at Glenwood was using too much money. Dr. Powell, the superintendent, was called in conference. He plead in self-defense that most of the apparently extravagant expenditure was on account of excessive freight rates on coal. This was due, he said, to the fact that the Burlington Railroad charged the through rate to Council Bluffs, plus the local rate back to Glenwood. The Governor assured the superintendent that this was so evidently a mistake that it would be easy of correction. The Iowa Burlington man in authority was an especial friend and he would have him fix it right away. Gentle reminder to the corporation friend brought the reply that the rate was logical and proper and generally all right. Somewhat astonished, the Governor went again with further explanation



when he was curtly informed that the charge was in accordance with regulations and would not be changed.

Larrabee at once declared war on the railroads. He became an authority on railway history and management during the controversy, writing a book of unusual character on the subject. In his forthcoming message the Governor made emphatic demand for the protection of the public "against exorbitant rates, unjust discrimination and unfair and inequitable details of all kinds at the hands of these corporations."

In the Senate Sweney of Mitchell led a strenuous fight for reform. He submitted a measure with teeth in it to meet the popular demand. After weeks of wrangling in committee and on the Senate floor it was so badly disfigured by the adroit tactics of the opposition that it was abandoned by its own author.

Strong men in the House were more successful under the leadership of Wilson of Cass. Measures finally licked into shape as House Files 373 and 374 assuming rate making power and providing general railway regulation were passed. In the Senate much time was consumed in reaching agreement in amending these measures and much conference diplomacy was necessary to final enactment. In their fundamental character they are still in legal control after the lapse of forty-five years.

Thus Iowa was early in the field with successful challenge as to railway rate making and general railway control to the great advantage of Iowa industry and agriculture.

In the Twenty-third General Assembly occurred the House deadlock which held up legislation for five weeks while a way out was being sought by equally divided political parties. Two years ago a pioneer lawmaker gave a detailed and interesting account of this interruption to this joint assembly.

The deadlock in the Senate of the Twenty-fourth was less disturbing but more sensational. Horace Boies had been elected governor the second time and with him had been chosen S. L. Bestow of Lucas County as lieutenant governor. Twenty-five Democrats, twenty-four Republicans and one Independent, Engle of Jasper, were present. At this stage of procedure the retiring Republican lieutenant governor, Poyneer of Tama, was presiding. With his vote and that of Engle the Republicans could elect, if all senators voted. The first office to fill was that of secretary. The Republican caucus nominee was J. W. Cliff of Jasper. He had the support of his fellow townsman, Senator Engle. In the exercise of logical strategy it was the legitimate Democratic game to prevent the register of a quorum, until Bestow was presiding. For three days there was on roll call silence on the part of a number of Democratic senators. Adopting the lately developed rule of Tom Reed in Congress as to counting a quorum, when the question was raised the chair ordered the temporary secretary to note in the journal the names of a number of senators present but not voting. Declaring



thereupon that a quorum existed he cast his vote for Cliff and so the office of secretary was filled. When other nominations were made Senator Brower of Cerro Gordo united with the Democrats carrying through the rest of the party program. Brower explained his vote as being in recognition of the inevitable and a desire to avoid delay.

When Bestow took up the gavel, however, it was proposed to oust Cliff and put in S. N. Parsons of Linn. Questions of order were unavailing as the reenforced Democratic steam roller proceeded to its logical function. Cliff refused to abdicate, whereupon the sergeant at arms was ordered to remove him from the chamber. This dignitary, with all the majesty he could summon and bearing his mace of authority, strode down the main aisle to execute the peremptory command. The deposed official made feeble show of resistance by grasping the reading desk before him, but the sergeant, with dignity becoming his office and the nature of the situation, marched Cliff to the door and ejected him. He soon returned, however, humbly to seat himself upon a convenient settee. This incident is remembered as being more comical than belligerent. Republicans were not inconsolable nor were Democrats unduly elated. And so ended the senatorial deadlock of 1892. Business of the session proceeded without partisan rancor or frequent division on party lines.

A large proportion of the body politic now remember no system of voting at general elections other than that in use since the enactment of what was called the Australian Ballot Law more than forty years ago. Previous to that time there was no statutory provision as to the printing of election tickets and voting was a rough and tumble process. Party tickets were printed and distributed at party expense. Any man might print and distribute any kind of ticket using the party nominees as part of his scheme with the injection of independent candidates as best suited his purpose. Any sort of mongrel ticket could go into the ballot box to be counted as cast. It was a common practice to issue such tickets at the eve of election in the interest of aspiring citizens. Printers were frequently kept up far into the night to meet the demand for this sort of political enterprise.

Furthermore there was no provision for secrecy of choice and no protection whatever from intimidation. Right in the polling place voters were herded to the ballot box by poll workers or their bullies. This crying evil had long been denounced, but it took a long time to develop a legal remedy. When the Australian system of voting was announced it attracted general attention, but years passed before it was introduced here. In the Twenty-third General Assembly a number of bills were submitted. All met early death except a House file which was messaged to the Senate and buried in the sifting committee. At the next session, however, in 1892, a bill originating in the House passed both bodies without a dissenting vote. Those who never knew the evils of the old system of voting cannot realize the far-reaching importance of what appears in history as the Australian Ballot Law.

The Twenty-fifth General Assembly was largely occupied with liquor legislation. The Republicans had adopted prohibition as a party issue a dozen years or so previously. After the failure, on a legal technicality, of the constitutional amendment adopted in 1882 they enacted statutory prohibition, making its provisions more and more drastic for a number of sessions.

At the Republican State Convention in 1893 there was registered a demand for modification of the law to the extent of supplying measures for control of the traffic where prohibition was impossible of enforcement. In the Senate of the succeeding assembly the party situation was embarrassing. On roll call there were sixteen Democrats loyal to party mandate for the repeal of the prohibitory statute and solidly against the Republican proposition of modification. Soon after the opening of the session a number of Republican senators, which combined with the Democratic vote could block the Republican program, were in writing pledged against it. A majority of the committee for the suppression of intemperance was found to be in definite opposition. It was necessary to enlarge the committee by the addition of four members in order to make it possible to report a modification measure. A committee bill reported was soon so disfigured by amendment as to make its abandonment necessary.

Republicans of the house were more favorable to a change. What was known as the Martin Mulet bill, patterned after an Ohio statute, was sent across the rotunda. It was adopted by the Senate committee and promptly brought out under special order. Meanwhile in Des Moines and at home work was being done to secure votes necessary to modification. Several senators had come over, but more were needed. When the measure came up on third reading it was understood that one more vote was necessary to a constitutional majority. It was a long bill. Secretary Hutchins was admonished to proceed deliberately with the reading. A water pitcher was handy and it seemed to require a lot of water to run the official windmill. The only hope of success was in the vote of Senator Turner of Marshall who had declared he would never assent to the suspension of the prohibitory law for as much as twenty minutes anywhere in Iowa. He was visited at his rear seat by men of influence including Governor Jackson. He still seemed adamant, but when there was placed in his hands a telegram signed by seventy-five leading citizens of the home county he regretfully capitulated. The secretary was given a hunch, reading was soon completed and the roll call disclosed the necessary twenty-six votes.

In assuming responsibility for the operation of the prohibitory system the Republican party took a heavy contract. Endeavor to cope with the rising tide of opposition and nonenforcement by tightening the legal screws upon the prohibition lid seemed merely to make the revolt more widespread and serious. Many strong advocates of the system gave to the legislature convincing testimony to show that the situation in their respective communities was absolutely beyond control



and that some change in the law must be made to avoid a breakdown of law and order.

The Mullet Law on the part of its sponsors was not intended to be permanent. It was enacted to save a deplorable situation which it might tend to improve. This expectation was justified by experience. In its early operation some sixty counties came under its supplemental provisions. When it was repealed after a lapse of twenty years Mullet counties numbered about fifteen. The law had served to strengthen and establish rather than to break down the prohibition system.

The liquor issue in after years had less of partisan color. A deadly blow to the saloon was struck by the Democrat Senator Moon of Wapello who secured the enactment of a law limiting the number of saloons in each community to one for each one thousand population. The successful movement for the return to prohibition was led by a prohibition Democrat, Senator John T. Clarkson of Monroe.

Our Board of Control system came to enactment after years of legislative agitation. Larrabee, Gatch, Hutchison McCoy and others had made strenuous effort to group our charitable, penal and quasi educational institutions under a single governing body, but they did not get very far owing to the persistent opposition and adroit strategy of the several institutions concerned.

Code revision of 1897 served to emphasize the weakness of the situation and the demand for a change and to set in motion a successful campaign for its installation.

A committee consisting of Senator Thomas D. Healy and Representatives Frank F. Merriam and Claude Porter was created with ample authority to secure information to be submitted to the Twenty-seventh General Assembly. Porter has now for years been a member of the Interstate Commerce Commission and Merriam recently retired as lieutenant governor of California.

The report of this committee covered sixty pages in fine type of the legislative journals. All the institutions to be grouped had been closely inspected and all that had been developing in other states along this line carefully considered by personal contact and otherwise.

The report was, in the Senate, referred to the committee on ways and means. A committee bill was reported which secured right of way on the floor in special order number one. It was before the Senate for ten days, strenuously resisted by way of amendment and otherwise, but it finally passed by very substantial majority including a number of senators who had fought with the minority. The committee was not defeated at any point by this determined opposition. The House was in a state of mind to receive the measure with favor and to deal with it constructively. Under able leadership it passed that body with little difficulty or serious amendment. This law has been changed in matters of detail but in its general structural character it stands today substantially as it came from the Senate committee. Drawn by Senator



Healy under committee approval it serves as a rare testimonial to the genius and skill of that lamented leader.

The Iowa Board of Control Law was remarkably original in its terms and provisions. It went far beyond any measure similar in purpose enacted anywhere else and afforded leadership in this field of legislation that was not ignored in other states. It foreshadowed the later consolidation of educational institutions and kindred agricultural departments serving to simplify and render more efficient branches of state service.

In the middle of the nineties the buildings and equipment of our state educational institutions were inadequate to the rapidly increasing demand upon their capacity and resources. Out of funds available from the general revenues of the state it was impossible successfully to cope with the situation. Conditions at the University were especially appealing. In the session of 1896 a measure for special levy to relieve the situation was introduced. Both bodies took kindly to the proposition and with little opposition an extra levy of one-tenth of a mill on the dollar of valuation was ordered. In subsequent sessions this levy was increased to one-fifth of a mill for the University and Agricultural College and half this amount for the State Normal School. To this especial encouragement and support is due a large measure of the stately buildings and excellent equipment now in public service. These extra levies were properly withdrawn by legislative action years ago.

Prior to the Code revision of 1897 the statutory tax levy for state purposes was two mills on the dollar of assessed valuation. This Statehouse had recently been erected out of the proceeds of an extra one-half mill and at several subsequent sessions the legislature put on this measure of additional tax for general state purposes.

Until the last quarter of the nineteenth century public revenues within the state were almost wholly derived from property taxation. Since that time streams of revenue from other sources have increased in number and volume. Railroads and other corporations have made very substantial contributions. Out of this revision came much increase in such revenues including the collateral inheritance tax which has in recent years produced, as I am informed, about three-quarters of a million dollars annually.

In spite of such substantial addition to the support of state government and the vast advance of taxable values the property levy for state purposes has increased more than four fold. It is interesting to study the enormous expansion in tax contribution together with growth of demand upon the public treasury. When my father came to Iowa in 1865 the state had a single penitentiary, one institution for the insane and one state supported school. No provision had been made for the blind or deaf, the feeble-minded, or the epileptic. There were no training schools for incorrigible boys and girls, no soldiers' home, no orphans' home, no institution for the tubercular. There were no railroad or labor commissions and much other state service developing in the

meantime was then without provision. Agriculture had no specific recognition in the scheme of state government.

In our pride of state and benevolence of purpose we have established high standards in education, philanthropy and general progress—perhaps higher than was wise or prudent from an economic standpoint. We have perhaps been too prone to announce how rich Iowa is, and to declare with expanded chest that there is nothing too good for the grand old state. As you gentlemen of the Forty-fifth struggle with the gigantic problems before you all of us may well reflect upon vital cause and grave consequences.

In the period of which I especially speak, agriculture was given such recognition as had not previously been accorded. The institution at Ames, growing in popularity and usefulness, was given more state support. Responsibility was to a helpful extent assumed as to the State Fair. Departments having for their purpose the conserving of farm interest were created or given more substantial support. Legislative action foreshadowed the future Agricultural Department. The fine rooms in the Statehouse it now occupies were, by the strenuous effort of Senator Harriman of Franklin in 1898, assigned to this service at a time when first floor space was becoming very difficult to secure. It was coming to be understood on Capitol Hill that the farmer was a big factor in state development and state affairs.

The Traveling Library is a department of the public service worthy of especial consideration. It had its inception in legislative action in 1896, and in later sessions was given more definite and helpful character. While still serving excellent purpose it was of more abounding interest and usefulness in the earlier years when private libraries were comparatively meager and public libraries unavailable to most of the people of the state. It has working relations with the libraries in all the small communities and is in friendly, sympathetic contact with the farms and homes of all the people who appreciate the opportunity it affords. A state with an almost perfect score as to literacy and eager for the best in literature has not failed to appreciate the rare service of the Library Commission.

Our vast collection of state archives, historical relics and portraits of distinguished Iowans known as the Historical Department is one of the most valuable accumulations of this character in the middle west at least. It had its inception in a bill introduced in 1890 by Senator Dungan of Lucas. The measure enacted at that time was reenforced at the next session by a movement led by Gatch of Polk. Later Garst of Carroll was instrumental in promoting the erection of the splendid edifice now occupied by the department. Nothing else on Capitol Hill or in the Capitol City is as appealing to the general public as this splendid accumulation of relics and rich depository of literature, art and science.

From 1849 to 1918 all state printing and binding was done by officials elected by the legislature at each regular session. These positions were



usually held by newspaper men in recognition of party service. During the earlier forty years there was such improvement in mechanical devices as substantially to reduce the cost of production, but the old rates were usually maintained. This fact made two or three terms in these offices good for a modest competency. Under the leadership of Senator Parrott of Black Hawk the water was squeezed out of these high rates in the Twenty-second General Assembly, resulting in very substantial saving to the state.

When I entered the Senate reading of the journal was a regular order of business. The reading began in apparent good faith, but quite soon upon motion further reading was dispensed with, a proceeding which resulted in much error in the record. The printed daily journal came in the Twenty-second Assembly upon the initiative of the pains-taking Woolson of Henry after considerable opposition inspired by the embarrassed state printer, the genial and gifted George E. Roberts. The printed daily calendar soon put in an appearance. There was then no stenography and no typewriting in legislative service. Both came shortly, however.

There was somewhat more of formality then than later. It was not considered good form, if not in violation of a definite rule, to mention by name the other legislative body on the floor of either house. In the Senate, at least, and I think in the House, the rule against smoking in open session was never suspended except at an occasional night meeting. During my term of service the president pro tem of the Senate, a constitutional official, was never elected as a nominee of a party caucus. So far as I remember it was never necessary to call the roll when a senator was placed in nomination for this position. Perhaps my only pretention to fame must be based on the fact that I was three times in succession so chosen to this office, a record I think in Senate proceeding.

This review of the work of a legislative period is necessarily hasty and inadequate. Much might be said as to measures which are not considered. Some single issues treated might be made interesting in occupying all the time at my disposal, but I have chosen to deal more briefly with a larger number of incidents and events. I have drawn largely on memory by no means perfect, supplemented by such attention as I could devote to fourteen legislative journals. It may not be difficult on the part of one widely informed in legislative history to discover in this recital some minor errors, but statements in the main will be found reasonably accurate.

It is not my purpose to say or to imply that the assemblies of my time were the source of all legislative wisdom or the sum of all legislative excellence. I have since known much of legislation and many legislators and this knowledge justifies a high estimate of the average Iowa legislator in general intelligence, safety of judgment and integrity of purpose and performance. I do not regard it as at all presumptuous, however, to voice the impression that at no time of like



duration in the history of the state have its people been more valuably served. It was a time of great opportunity to legislators of courage and vision and such opportunity was not unrecognized nor neglected.

From the run of my story it might appear that the opinion is entertained that the senates to which I belonged did most of the important business. This is far from the fact. It has been possible to deal much more understandingly with Senate proceedings because of contact more intimate and memories more enduring. Then and in all the years before and since the House of Representatives has borne its full share of legislative responsibility and performed its duty with equal courage and efficiency. Many very important measures have originated there and the House has very rarely killed a Senate bill that deserved enactment.

The Pioneer Lawmakers Association held its first meeting in February of 1886. It has since met regularly during each legislative session. Its constitution qualifies for membership all legislators and many other federal and state officials, when more than twenty years have elapsed since the beginning of service.

There is little reading matter I have come across that thrills me more than proceedings of the earlier meetings. They were very enthusiastic and largely attended by many whose terms of service ran back to the beginning of state affairs, and some even into the territorial period.

The second meeting of the association occurred in my first session. Then, and for my remaining sessions I saw and heard at meetings similar to this, many of these real pioneer lawmakers. They were a grand group. Most of them had qualified under the scriptural injunction: "Be strong and show thyself a man." In private and public life they had been real empire builders. They had assisted substantially in laying broad and deep the foundations of a great state. Many of them had served in the Civil War and most of them had conquered conditions and circumstances in struggles fierce as war itself.

Out of a long list of these men I saw and heard I note these names: George G. Wright, W. H. M. Pusey, P. M. Casady, John Scott, Reuben Noble, John A. Kasson, H. H. Trimble, B. F. Gue, J. B. Grinnell, Hoyt Sherman, J. F. Duncombe, Hawkins Taylor, T. S. Parvin, C. F. Clarkson, Daniel F. Miller, L. L. Ainsworth, Edward Johnstone. Many men on these rolls of honor had more than state reputation in government or otherwise.

When these visitors broke into our legislative proceedings we were thrilled by their presence, their eloquence and their fervor of devotion to the commonwealth they had done so much to establish in strength and to maintain in perpetuity. Their talks were not all serious. They could be jolly as well as grave. We were told how they had legislated at two-fifty per day; of strenuous encounter with mud and floods and blizzards as they came and went on wheels, on horseback and afoot from High Henry, Proud Mahaska and the Hairy Nation, from the river counties and from the slough water districts. Mention was made of a resolution requiring the secretary to furnish gum boots with which

legislators might negotiate the trail from the west side to the old State-house. General Drake told a story of the time when Judge Wright ran for office in a district composed of Van Buren, Davis and Appanoose counties. The result was so close at election he depended upon the seventeen solid votes of Appanoose, which he had been promised to save him from defeat, but the result sugared off only a single ballot. He wrote a friend over there saying, "William, tell me who cast that vote. I want to buy his wife a dress." Sixteen men claimed the solitary ticket and the Judge saved his money.

We do not hope, of course, to impress you as they impressed us. We did not grapple with pioneer conditions and circumstances as did they. While they moved along dim trails as it were it was ours to follow paths better established and of more definite destination. In our day, however, we faithfully served and successfully achieved. We caught the torch they flung to us and strove to hold it high and keep it bright for other hands to bear aloft in legislative leadership.

In those days we of the legislature did not realize how soon we would be able to take our places as legislative guests. I well recall the jolt I had when Senator Garst said to me, "Funk, it won't be long before you will be coming in here as a pioneer lawmaker." You may feel now as I did then, but you will soon be in our class. Indeed, several members of this assembly are already eligible and the number will rapidly increase with the flight of years.

Members of the Joint Assembly: Most of you were our constituents; now all of us are yours. Few men of Iowa so well realize the burdens you are bearing and the perplexity you experience in the presence of economic emergency and financial stress. We understand how seriously you are applying yourselves to grave problems in the solving of which you so fervently hope to help the home folks, many of whom are struggling in the deep waters of despair.

It will not be at all strange if you find serious difficulty in meeting the expectations of your constituents. You will find even more difficulty in completely satisfying yourselves in a situation such as has never before developed in Iowa nor anywhere else. Government everywhere is in trouble. Lawmakers in action on all continents and on all the islands of all the seas are in a serious state of doubt and uncertainty.

In these days of tribulation you are carefully feeling your way along the thorny paths of legislative duty. We are not disposed to, nor prepared to, tell you how to deal with weighty matters under consideration. After a session or two of experience in those halls a man is apt to be less cocksure as to just what is best to do in cases where he has had little opportunity to acquire intelligent understanding.

Experience proves that a legislator is ultimately judged by the operation of a statute for which he has voted. If such a law prove beneficial, he is forgiven for ignoring adverse counsel. If it prove unfortunate, he is held accountable, even by the loudest shouter for enactment.



As you proceed in the courageous, conscientious and constructive discharge of your legislative duties, you are assured of the sympathy and support of your grateful guests of this memorable hour, the Pioneer Lawmakers of Iowa.

#### PRESIDENT B. F. CARROLL CLOSES THE MEETING

At the expiration of twenty years from the time that you first became members of the General Assembly you automatically became members of the Pioneer Lawmakers Association. That is also true of persons who have served as supreme or district judges or in state offices in general.

Several members of the present General Assembly are now members of our association, viz., Hon. L. D. Teter, member of the House from Marion County, Senators Harry C. White of Benton County, W. H. Klemme of Winneshiek County, and William Carden of Henry County.

We have with us today a member who represented Wayne County in the lower house when the legislature marched over from the old Capitol and for the first time occupied this chamber and this building, the Hon. George McCulloch, whose services began in the Nineteenth General Assembly. He has since served his district in the Senate of the Thirty-third and Thirty-fourth general assemblies.

One or two members not present are still living who served in the Thirteenth General Assembly, but there are few living who served back of the twenty-second session.

It may not occur to you who are now serving in the legislature just what the Pioneer Lawmakers Association means to the rest of us. It affords an opportunity to get together to discuss those things which are outstanding in matters of legislation, both past and present.

Senator Funk is impressed by Board of Control legislation, one of the greatest pieces of legislation ever enacted in the state, as he had much to do with its enactment. It came from his committee. I am impressed with the law creating the State Board of Education, it having been enacted while I was governor and the responsibility of selecting a board that could put the law into successful operation having fallen to my lot. When you have retired from your present positions you will look back upon your work and gauge it, not so much by the numerous minor matters dealt with, but by the outstanding measures which you enact into law. You will, no doubt, have a long list of important measures to refer to, for never before has the state been confronted with just such a condition as we are confronted with today, and never were there more perplexing problems to be dealt with. We are interested in these matters just as you are interested in them, and it is such things that we come together to consider, as well as to renew acquaintances. We are not living in the past, not that, but we are sitting on the "side-lines" watching what you folks are doing.

Much of the legislation which we enacted we thought was the "climax of perfection"; now you tell us it is not suited to changed conditions.



Perhaps it is somewhat out of date, but under much of it the state has made real progress. As an association we like to get together and discuss among ourselves and with you proposed changes.

Now it is only going to be a short time, and you will just be surprised how short the time will appear to be, until you will be members of this association. Why, I can hardly realize that I came into the Senate thirty-seven years ago. You know I am only a young chap yet, but it is true, time just slips away so fast, and so many things have occurred within that time; why, I could almost write a history from memory of them. It is because of such things that we like to get together, and why we impose ourselves upon you, or rather why we accept your kind invitation to hold one session with you.

We are under great obligations to you, and we want you to know that we are greatly interested in the things you are endeavoring to accomplish. We are just as loyal citizens now as we were when we were sitting in one or the other of these houses. We have the interest of the state just as much at heart—why, if I stood at the desk here in front of you today and held up my hand and took oath to support the Constitution of the United States and the Constitution of the state of Iowa, as a member of this legislature, I could not feel any more deeply concerned about the welfare of the state—I would only be assuming a little more personal obligation. Why, it is my state, it is the home of my family, it is the home of my fellow citizens. It is here that I was born. I love it. What I have said for myself I can say for the other members of our association and for you people. There is not much disloyalty in the state of Iowa, not much. The overwhelming majority of our people are law abiding. They do not sympathize with lawlessness. We certainly thank you for your kindness in inviting us to meet with you, and now Mr. President, allow me to turn the joint session back to you. (Applause.)

The spirit pervading the entire proceedings of this session was very fine and enjoyable. Thirty-eight registered and several were in a short time who failed to register, especially some who only attended the session before the joint assembly. Besides those already mentioned in the above proceedings the following were present as shown by the register: W. H. Arney, Marshalltown; W. I. Beans, Oskaloosa; W. R. Cooper, Newton; Thomas Geneva, What Cheer; J. M. Hathaway, Onawa; Joshua Jester, Des Moines; Fred W. Jones, Spirit Lake; W. H. Klemme, Ridgeway; F. M. Laird, Tabor; R. J. Martin, Des Moines; Oley Nelson, Slater; W. M. Rowles, Onawa; H. T. Saberson, Des Moines; Ralph Sherman, Grinnell.

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