

its duty. The report of the committee was accepted and the committee discharged.

The sergeant-at-arms announced the arrival of the President of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk, and the members of the Senate were seated throughout the House chamber.

JOINT CONVENTION

In accordance with law and concurrent resolution duly adopted, the joint convention was called to order, President Nicholas presiding.

President Nicholas announced a quorum present and the joint convention duly organized.

President Nicholas extended his personal welcome to the Pioneer Lawmakers and offered the following remarks:

MEMBERS OF THE JOINT CONVENTION, MEMBERS OF THE PIONEER LAWMAKERS ASSOCIATION, LADIES AND GENTLEMEN:

It is with great pleasure as a presiding officer of this joint convention to assist in the welcoming of the former Lawmakers of Iowa, who together with the present lawmakers have established in Iowa a state and local system of government which, in the very nature of things, has its faults, but which I would not exchange for that of any state of the Union. Iowa has good government, and the laws we pass help to keep it so.

We have set up a judiciary under which the protection of our laws is guaranteed to all, and whose integrity has never been questioned, we have established protection for our poor, our widows and our orphans. We have safe working conditions for the employees in our industries; we have shown due regard for our problems of sanitation and public health.

It is through the efforts of the Pioneer Lawmakers of this state that we have established a system of government which was formed on a sound foundation, and it is you here today that I can congratulate upon being a part of this great establishment for a great state.

It is nice that you could come to renew acquaintances with old friends and new. I am happy to welcome you and it is a pleasure to introduce the former Senator who will have charge of this meeting from now on.

It is my great pleasure to present to you the Honorable De Vere Watson, who is going to substitute for Senator Arch W. McFarlane on this occasion today.

The Honorable De Vere Watson, former Senator from Pottwatamie, presented to the joint convention, Senator George E. O'Malley of Polk, who welcomed the Pioneer Lawmakers on behalf of the Senate and offered the following remarks:

MR. PRESIDENT, MR. SPEAKER, PIONEER LAWMAKERS, MEMBERS OF THE JOINT SESSION, LADIES AND GENTLEMEN:

This is an honor to have the opportunity to welcome the Pioneer Lawmakers of Iowa on this occasion.

We, of the Fifty-seventh General Assembly, are happy to see you back to view our legislative endeavors and again breathe in the atmosphere of Iowa's most exclusive society—the General Assembly.

I am likewise happy that the now famous quote, "Old soldiers never die, they just fade away", does not apply to your honored group, as evidenced by your substantial numbers here today.

As you well know, several members of the Pioneer Lawmakers are still carrying on and are active in the making of laws of our state. I assure you it has been enjoyable to work with Honorable Frank C. Byers, Senator from Linn; Honorable Arch W. McFarlane, Senator from Black Hawk; Honorable J. T. Dykhouse, Senator from Lyon; Honorable George L. Scott, Senator from Fayette; Honorable Dewey E. Goode, Representative from Davis; Honorable A. C. Hanson, Representative from Lyon; Honorable W. J. Johannes, Representative from Osceola, and Honorable Stanley Watts, Representative from Clarke, present Assembly members that you have on your membership.

You Pioneer Lawmakers in your time of service reflected the hopes and ideals of your constituents. The laws you passed met the needs of those days.

As our predecessors in molding Iowa's statutes, you set the pattern and led the way for generations to follow.

We hope that our current deliberations meet with your approval.

On behalf of the members of the Senate, it is a real pleasure to welcome you here today and sincerely hope that your meeting will be one of inspiration and that you will all enjoy yourselves by renewing acquaintances with the older members and friends and becoming acquainted with the new members who are carrying on in an effort to effectively solve the legislative problems of the day.

Senator Watson presented to the joint convention Representative Robert B. Carson of Buchanan who welcomed the Pioneer Lawmakers on behalf of the House and offered the following remarks:

MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE JOINT CONVENTION AND FRIENDS:

Today we pause in our ponderance of the many problems which are before us in this 1957 legislature. We pause and do honor to the lawmakers who have pondered many similar problems in legislative sessions which are now a part of the history of the Hawkeye state. On behalf of the members of the House of Representatives in the Fifty-seventh General Assembly I extend our most hearty and sincere welcome to you, the Pioneer Lawmakers of Iowa.

Through those perilous decades immediately after the founding of the territory, the pioneers of Iowa selected sound, intelligent, and God-fearing individuals to make their laws. The result has been a sound thinking, highly literate, and God-fearing people who have flourished on this rich land. These good people, and this good land, are the abundant resources which will furnish a solid normal growth in the years which lie ahead.

The lawmaker of today, like his predecessor, must constantly study the future needs of the citizen. He must examine and re-examine these needs and determine which ones should be provided by government. He must determine whether they come within the proper province of government, the priority to be given each of these needs, based on their urgency and the availability of public funds if the needs are material in nature. The lawmaker must further be governed by the fact that the state has nothing in its own right with which to provide for any need. The state can only provide what it must first levy from the citizen. May Divine Providence give us the wisdom and the strength, as you have had the

wisdom and strength, to protect the solvency of the citizen while providing for his future needs at the same time.

We, the lawmakers of today, commend you, the lawmakers of yesterday, for the forthright and steadfast manner in which you came to grip with the problems which faced you in the Assemblies in which you served. We are delighted to have you return to these halls today. May God bless you every one.

Senator Watson then presented to the joint convention the Honorable Harold E. Davidson, president of the Pioneer Lawmakers Association, who addressed the joint convention as follows:

MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE FIFTY-SEVENTH GENERAL ASSEMBLY, LADIES AND GENTLEMEN:

I appear before you today to honor the members of this Assembly on behalf of those who served at least twenty years ago. The purpose is not only briefly to live again legislative problems of former years, but also to reassure you and each of you members not only of the importance of your task to the problems of this biennium but to the future development of our state in all the aspects of future good living.

At the outset, I should like to make a general observation about the function of law and law making.

Dean Roscoe Pound pointed out many years ago that law is social engineering. Neither common law rules nor statutes are ends in themselves. They are always means to the end of securing the best possible social adjustment of conflicting interests. It is the best interests of society which should constantly be uppermost in your minds in the promulgation of and the enactment of a statute. The law should be a means to eliminate or reduce social friction. It is inevitable that when a statute is enacted it is designed to meet the then current needs of the community caused by actual conditions.

It is a truism, that changes in community conditions come about more rapidly than changes in our laws. This is only natural and, certainly, no one can be criticized therefor.

However, in some cases the continued application of an old law in a community which has undergone extensive economic, industrial and social changes increases the very social friction which the law originally was designed to reduce or prevent.

Our fathers toiled in greater hardship than do we, and lived more frugally—far less indulgently. The ways of our age are swifter and more superficial. Many of our generation have recently waxed wealthy, inheriting real and personal property that in many instances quadrupled in value. All this seemed a happy exception to the toilsome course of ordinary life of the days gone by; but it has dangers and disquieting tendencies, illustrated by present trends and indulgences. This includes, among other things, greed, commercialism and inordinate lust for power and money, and all too often without regard as to the ethical and moral means of such acquisition. Consequently, regulatory statutes are necessary now that were not needed years ago. Regulation, of course, does not mean that government should be in competition with private business and not at all, except and only to the extent that neither the people nor private enterprise can supply such types of service. Regulation means the adoption of such rules as are reasonably necessary to prevent abuses or exploitation of the public or segments of it, by means of advantages acquired by natural or created situation.

CENTRALIZATION OF POWER

There is a strong trend to centralize power in the Federal Government in Washington. This centralized power, as a general rule, is inconsistent with individual liberty, individual responsibility and human freedom itself. This trend, if continued, will also reduce this state as well as the other forty-seven to mere satellites. The result will be the loss of state control of matters of local concern, the destruction of our dual system of government. Also, if this process is not checked, the time must certainly come when the sovereign states will be nothing more than mere municipal corporations with only such powers left them as the Federal Government may choose to allow.

The Tenth Amendment to the Constitution of the United States in substance provides that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

The state governments were, are and should continue to be governments whose sovereign powers are inherent and not delegated powers as is the Federal Government.

It is the opinion of many leading lawyers that this Tenth Amendment is being ignored and nullified by judicial decisions of the Supreme Court of the United States in many of its decisions.

For an example: The vesting of power to regulate the insurance business by Congress, and the consequent loss of regulation by the states, if and when Congress should exercise such power, was effected by a decision in the case of United States vs. Southeastern Underwriters Association, 322 U. S. 533, decided in 1944. Fortunately for the states the good judgment of Congress came to the rescue and in March, 1955, passed the McCarran Act providing in part that the business of insurance and every person engaged therein shall be subject to the laws of the states. However, it must be apparent to you, and the fact remains, that under this decision the Congress still has the power to repeal this statute and the Federal Government take over at any time and eliminate state regulation.

In this connection, it is interesting as well as discouraging to note that there is now pending litigation in the Circuit Court of Appeals at Cincinnati, Ohio to judicially determine whether or not the Federal Trade Commission has the power to regulate the insurance business and this claim of the Federal Trade Commission is being made regardless of the 1955 Congressional enactment. How are we to curb this unconstitutional usurpation of the states' powers? This should be the concern of all of our citizens as well as legislators; but it is difficult properly to educate the rank and file of our citizens because it is being done a little at a time and each instance affects only a small segment of our people or, possibly, offers temporarily what appears to be benefits although in the long run disaster may result.

You are all familiar with the famous Nelson Case. Nelson was convicted for subversion under the laws of the State of Pennsylvania. The United States Supreme Court reversed this conviction on the theory that, by the passing of the Smith Act, Congress intended to preempt the field and only the Federal Courts could prosecute for subversion.

There is not the slightest doubt that Congress never intended the state laws to be thus nullified. The author, Congressman Smith, last year asked Congress to specially clarify its intention for the purpose of preventing the future nullification of such state laws.

You may ask why is he telling us these things. The answer is simply to inform any of you who may not be too familiar with these matters

and to again remind those of you who are, the importance of not voluntarily permitting the Federal Government to preempt these or any other fields that are primarily and fundamentally the states' prerogative and Constitutional duty to exercise.

Again in this same connection we are just now fully realizing how thoroughly federalized our National Guard has become and have seen the Pentagon dictate a requirement for all National Guard personnel to have six months' intensive training in an Army camp. The National Guard was essentially a State Militia for use in maintaining law and order if and when violence should break out and probably more often needed where and when disaster strikes. This has been true except in time of war. The Cold War and the extensive preparedness for war emergencies will sometime pass but the Guard, through federal subsidy and gradually imposed controls, has become a federal rather than a state force and a part of the standing Army of the United States.

It must be readily apparent to all of us that if the Federal Government has the power to preempt any and all fields, the result could and eventually would be detrimental to our freedom and liberty. We may for the moment think we, as certain individuals or our various groups, could gain some temporary benefits or advantage by such preemption. However, it should be clear that once the sovereign powers of the states are lost they could never be regained. Also, we as citizens of this great and still sovereign state, to a large degree, can better know, and understand the needs and desires of our people for orderly government than Washington, D. C. Further, if there are inequities or wrongs to be righted, certainly the Legislature is more apprehensive of such conditions and needs than are people in far away states which may not have similar existing conditions.

There is now strong sentiment in some quarters in favor of Federal Aid to Education. In fact, many in high Federal Government positions are advocating appropriations for what is now said to be used only for the construction of a public school building program. Of course, it should be obvious to all of us that this is only the first step toward Federal control of our entire public school system. The next step will be to subsidize teaching salaries, perhaps only particularly in the beginning. Then comes the dictation of the textbooks to be used and who may or may not teach in our schools. We are then at the complete mercy of some school administrator or bureaucrat in Washington with whom we may, but probably would not, agree as to what is best for our state public school system.

If this situation should exist, the economic and financial dependence would make impossible the operation of our schools without such Federal subsidy. The Federal Government would necessarily exact from us more tax money than would be thus returned, plus all the costs occasioned thereby, which would be substantial. Certainly we can and should build our own schools.

We may not build them as elaborately; they may not conform to some National Architectural Plan; less red tape and less cost will certainly result, and in the long run our children will be able to receive as good an education, probably better than as, if and when what is taught and who may teach is dictated from Washington.

The future stability of our Federal Government depends on less federal spending, not more.

You all remember the old adage: "He who pays the piper calls the tune." This truth is as real as life itself.

It is not our purpose and it is definitely not intended to try to dictate to this Assembly any specific legislation, but rather to assure the

members of this Assembly that the people of this great state realize the magnitude of your duties and trust you to engineer the best possible social adjustment for the future and for all the people of our state.

Having also had some experience in the judicial branch of government, it should be clear from what has been said that this branch should never, under any guise of expediency or otherwise, usurp your branch which is the legislative. The judicial approach must always strive to interpret legislative enactments to give force and application to the true intent of the legislature, except in the very rare instances where a statutory law is unconstitutional.

May I say to you distinguished legislators that I thoroughly believe that the judges of both the District Courts and the Supreme Court of this state adhere strictly to this most important principle of our system of free government of checks and balances. The written opinions of our state Supreme Court sustain this observation.

One of the Justices of the Supreme Court of the United States in an opinion written by him sometime ago said that "because the words of a statute are plain that their meaning is also plain is merely pernicious oversimplification." I leave this for your own appraisal.

Time will not permit here to discuss the far-fetched interpretation applied to the Interstate Commerce clause of the United States Constitution, but suffice for the present to say, that it is hard to imagine a business or enterprise that could be considered purely intrastate even though its product or service has never been and probably never will become interstate commerce or cross any state line. The interpretation generally is to the effect that there is such possibility and if not directly, by some indirect method. Such interpretation was never intended and amounts simply to usurpation of power. Your attention is invited to investigate some of the many Federal decisions on this subject and the effect it has on the several states and their government.

In conclusion, may I say I consider it a high honor to have had the privilege of appearing before you and if anything has been said to assist in stimulating your thinking, I shall feel most amply rewarded.

"Our Liberties We Prize And Our Rights We Will Maintain." This is our motto and is inscribed on our State Flag. If this motto is to survive until the next century, our dual system of government must also survive and ways must be found to educate and alert our people effectively to resist and prevent the Federal Government from preempting the powers and duties of state governments.

I know you will not shirk your responsibility as public servants but will help solve not only the problems of our state but those of ours and other states in their relation to the Federal Government. Let us all dedicate ourselves to helping preserve the sovereign powers of our great and beloved state.

We must all have faith, Someone has said that faith is louder than noise. This is true, for if we have faith a cannon could be shot off beside us and our faith still remain. We must all have faith in God, faith in the people of our state and country and last, but not least, faith in ourselves.

Remember our motto: "Our Liberties We Prize And Our Rights We Will Maintain."

Thank you.

The minutes of the joint convention were read and approved.

Milroy of Benton moved that the joint convention be now dissolved.