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

Examining the Nines: Killing of the Constitutional Convention

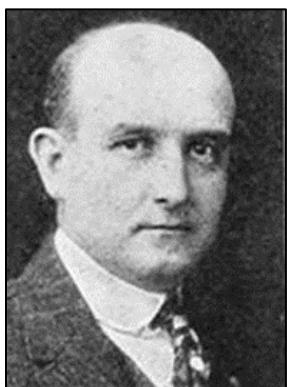
This year begins the 89th Iowa General Assembly. Some of this year's *Pieces of Iowa's Past* articles will briefly examine the work of the 9th, 19th, 29th, 39th, 49th, 59th, 69th, and 79th General Assemblies, or observe interesting events that happened during those years.

The 39th General Assembly convened January 10 and adjourned April 8, 1921, an 89-day session.

There was a total of 158 members. The Senate had 2 Democrats and 48 Republicans, and Lieutenant Governor [John Hammill](#) was President of the Senate.



**Lieutenant Governor
John Hammill**



**Speaker
Arch McFarlane**

The House of Representatives had 6 Democrats, 101 Republicans, and 1 Independent member. Senator [Arch McFarlane](#) was the Speaker of the House.

Nathan Kendall was the Governor. He was 52 when he was sworn into office on January 13, 1921.

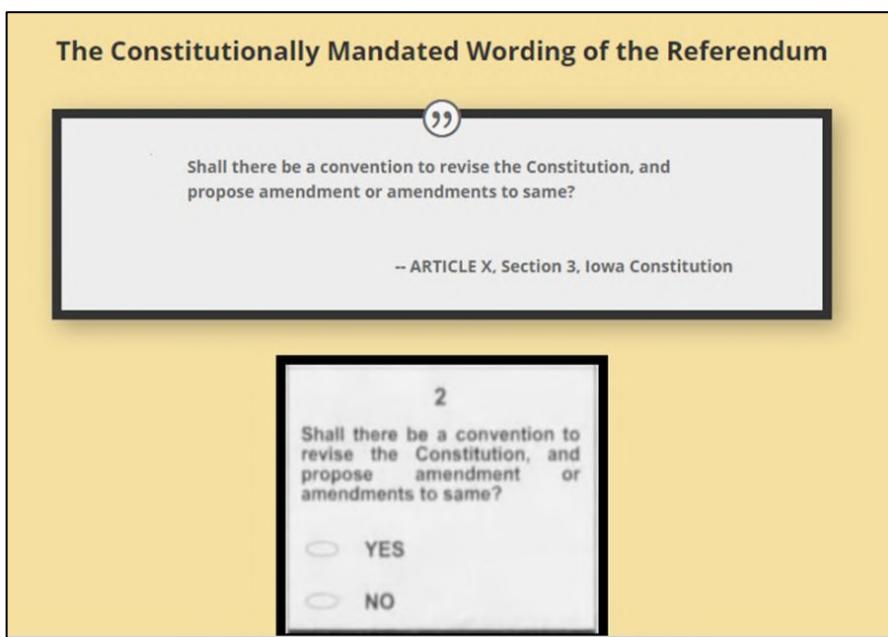


**Governor
Nathan Kendall**

The Federal census of 1920 put Iowa's population at 2,404,021.

Constitutional Convention

On August 3, 1857, voters ratified Iowa's third constitution, proposed by its third constitutional convention. Section 3 of Article 10 of the Iowa Constitution includes a clause for a decennial referendum on whether to call a constitutional convention. The first implementation of Iowa's decennial referendum on whether to call a state constitutional convention was in 1870.



On November 2, 1920, the question "Shall there be a convention to revise the Constitution, and propose amendment or amendments to same?" was answered favorably by a vote of 279,652 for a constitutional convention and 221,763 against.

This would be the first and last time since our current 1857 constitution was adopted that the decennial referendum received approval by the voters.

The 39th General Assembly was charged with the duty of providing ways and means for a delegate convention.

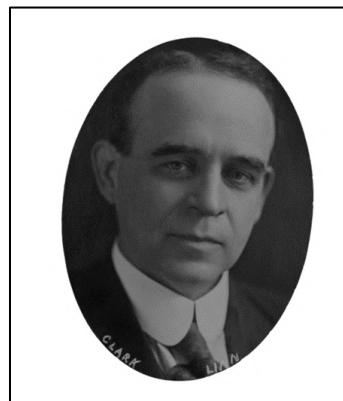
[House File 307](#), the first bill relating to the convention, was introduced by Representative [Julian Calhoun](#) and Representative [John Rankin](#) on January 20, 1921. It proposed a convention of 50 members, 1 from each senatorial district, chosen along political lines at the next general election in 1922. The convention delegates would convene in convention in Des Moines in the Senate Chamber of the Capitol Building, on the first Tuesday in June, 1923, at 10 o'clock. Delegates were to be paid \$20 a day, but in no case would any delegate be paid more than \$2000 for said per diem compensation.



The Des Moines Register - April 10, 1921

"Several bills were offered in both houses providing for the selection of the delegates and other details. Finally, everything was agreed upon except that the senate wanted the convention to be nonpartisan while the house insisted that they be chosen on a partisan basis. Calhoun, Mayne, Westervelt and Weaver took the position that it was not a question of whether the members wished a constitutional convention but a question of whether they would deliberately violate the express mandate of the constitution that such conventions should be called pursuant to the vote the people expressed last fall. The vote was hot and extended but by a *viva voce* vote (Latin, meaning "live voice" vote) the house finally killed the whole constitutional convention bill."

Linn County [Representative C.F. Clark](#) gave the Cedar Rapids Gazette a dramatic account of "the killing of the constitutional convention (con-con) bill in the house of representatives."



**Representative
C.F. Clark, Linn County**

The Gazette (Cedar Rapids) – April 13, 1921

CLARK TELLS HOW CON CON WAS KILLED IN IOWA LEGISLATURE

The most dramatic event of the legislative session was the killing of the constitutional convention bill in the house of representatives", said Representative C. F. Clark who has just returned from Des Moines.

"About a month ago, the house by a vote of three to one, passed a bill providing for a constitutional convention. I was one of the few who voted against it because I did not think the convention was necessary, or that it was the desire of the people of Iowa. Two weeks later the house bill came up for consideration in the senate, and a substitute bill was passed, the chief difference between the two bills being that the senate bill called for a non-partisan election of delegates while the house bill provided for their selection on party tickets. The house refused to concur in the senate substitute; the senate insisted, and conference committees were selected.

"The conference committees did not meet until the lunch hour of the closing day of the session. The house conferees were unanimously opposed to a convention and we insisted that the senate must take our bill or nothing, hoping this would result in a deadlock which would prevent the measure passing. The senate conferees at first were equally insistent on their bill, but finally announced that they would accept the house bill rather than see the measure lost. A struggle then ensued in the committee, the house members urging that we agree to disagree, but the senate members would not consent to this, and the report was finally made out, the senate receding from its substitute and adopting the house bill with the single modification of an age qualification of twenty-five years for delegates.

"The report was drawn up and signed by all the committee, and as chairman, I submitted the report to the house at about 4 p. m., the legislative clock however still standing at 11:40 a. m. as the assembly had voted to adjourn at noon. The report was submitted amid the usual confusion and hubbub of a closing day, and I said to the House that if it desired a constitutional convention along the lines of the house bill, it should adopt the report. I was one of a very few who voted "no;" most of the members believing there was no other way out of it, and that they must accept the committee report.

Motion to Reconsider.

"The vote showed up before us on the electric voting board, the speaker's gavel fell, and the only thing remaining was to count and announce the vote. Just then Anderson of Winnebago county rushed over to my seat and asked me whether that meant a constitutional convention. I replied that it certainly did unless someone made a motion to reconsider within the next thirty seconds. Neither he nor I could make the motion as neither of us had voted on the prevailing side, but we agreed on making the fight, and Peters of Dallas county agreed to, and did, make the motion to reconsider. Anderson started the debate while I sent to the law library for some memoranda relating to the legal right of the legislature to defeat the bill and prevent the convention. As Anderson took the floor and announced our purpose to defeat the con con, the confusion immediately subsided, and amidst intense excitement and a silence unusual in the house, the debate proceeded, everyone desiring information regarding the situation and the right of the assembly to take this important step. Information spread over the state house that a fight had been started on the 'con con', and the galleries as well as the floor of the house—the doors having been thrown open for the closing day—were immediately packed to their full capacity, while ten or fifteen senators came over from the other end of the building to watch the proceedings.

"Among those who joined with us in the attack on the bill were Edson of Bunea Vista, chairman of the constitutional convention committee, Powers of Crawford, leader of the democratic minority, Moen of Lyon, Scott of Appanoose, Smith of Clinton, Narey of Dickinson, Lake of Woodbury and others. Among the arguments used was the fact that only about half of the voters voted on this proposition at all, and so while the proposition carried by a very small majority, less than thirty per cent of those who voted for president voted in favor of the convention. It was also claimed, and not denied, that a large percentage of those who voted for the convention did not know what they were voting for. Some thought they were voting for the extra session to revise the code, while many were misled by an eleventh hour letter sent out from Des Moines urging votes for the convention, but without giving any reasons. In fact, the persons responsible for the letter have not yet suggested any reasons for calling the convention, or any amendments that can not be made in the usual way and without a convention. Members reported that they had heard from home, and those who had been home reported that they were unable to find anyone who favored the convention at this time, and that there was now a strong opposition to it all over the state, the people feeling that it was unnecessary and might involve the expenditure of half a million dollars and that it was not advisable, in

in half a dozen states, including two different occasions by the legislature of New Hampshire, and the courts had sustained the right of the legislature to block the convention in this manner.

When the debate started, none of us knew what the result would be. The question had been brought before the house as suddenly as a bolt of lightning from a blue sky, but at the close of the debate the house by a vote of 71 to 17 voted to reconsider and then by a similar vote rejected the report of the committee.

"To prevent any interference with the expressed desire of the house, I then made a motion that the house request the return of the bill from the senate, and that the chief clerk be directed to retain it in his possession until the final adjournment of the session, and that the chief clerk and enrolling clerk be directed not to enroll the bill, and the speaker not to sign it as speaker of the house. This motion was carried by an overwhelming *viva voce* vote, and as the Des Moines papers reported, 'amidst wildest applause and confusion.'

these unsettled times when there are so many strange isms and theories abroad, to rewrite the fundamental laws of the state.

"Those supporting the bill, led by Weaver of Polk, Mayne of Palo Alto, Westervelt of Greene, Forsling of Woodbury, argued that the general assembly was under obligations to listen to the mandate of the people as expressed at the last general election, and that it was a duty imposed on the general assembly by the constitution to provide for this convention, and that it would be a most unusual proceeding to override this mandate.

Action Not Without Precedent.

"In reply we insisted that this mandate was expressed in the same terms as the constitutional requirement that the state should be redistricted senatorially after each census, although this had been ignored by this assembly as it had been by the legislature after every census for the last sixty years. Also that there was nothing in the constitution that required any member of the legislature to vote against his best judgment and conscientious convictions on any proposition. I also called attention to the fact that the action we were proposing to take was not without precedent as similar actions had been taken heretofore by the legislature

"When this request from the house was presented before the senate, an attempt was made to substitute by receding from the senate amendments and accepting the house bill. This was defeated by a vote of thirty-four to fifteen, and the "con con" bill, back again in the hands of the House, was buried forever.

"The only three constitutional amendments suggested during this debate were: an amendment giving women the right to be members of the legislature; another making different provisions for the districting of the state in senatorial districts; and a third providing for collective bargaining by producers. These amendments can now be presented before the general assembly at the coming extra session and at the following session of the 40th G. A., and if adopted, can be submitted to the voters of the state at a general election for their approval without the expense and the danger of unsettling conditions that might result from a constitutional convention. This is a special reason why the women should insist on the holding of an extra session so that their right to become members of the legislature may be established by amendments to the constitution at as early a date as possible.

"The constitution provides that the general assembly at its next session shall provide by law for the election of delegates to the constitu-

tional convention. The action just taken, therefore, disposes of the matter of a constitutional convention for the next ten years, unless the general assembly prior to that time, submits the question of a constitutional convention to a vote of the people. During the four months that have elapsed since the election, the people have begun to realize that there is no pressing demand for the convention, and I believe, on sober second thought, will be glad that the convention is not to be held. The action just taken was unexpected, but the legislature had a clear right to take this action, and I believe the people will approve it. At the election last fall the vote in Linn county was 8,860 for the convention and 9,780 against the convention, and I therefore felt that I was not misrepresenting the sentiment of my constituents and I further believe that if a vote was taken at this time, the proposition would be overwhelmingly defeated.'