

## Pioneer Lawmakers of Iowa Meet March 19, 1957

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## Pioneer Lawmakers of Iowa Meet

March 19, 1957

By WALTER H. BEAM, Secretary

The morning session of the Thirty-fourth Biennial meeting of the Pioneer Lawmakers Association of Iowa opened in the General Dodge room in the State Department of History in Des Moines at 10 o'clock, Judge Harold E. Davidson of Clarinda, vice-president, presiding. President Frank Shane of Eldon was not present on account of illness and a fire shortly before having burned his office and library.

Several inclement days before the meeting reduced the attendance to some forty-five members. Fortunately all those listed to appear upon the program of the day were present.

Upon assembling the invocation was given by Curator Claude R. Cook, formerly for many years minister in the Iowa Conference of the Methodist Episcopal church.

The Rev. Mr. Cook: Our Heavenly Father we acknowledge Thy blessings and our responsibilities in relation thereto. We wish to thank Thee this morning for the service of these men who have given of their time and their energy and all of their resources to service to make this the great state it has become and a commonwealth of which we are all proud.

We are grateful for men of ability who have served so faithfully and so well to make our place of residence a happy one, a safe one and of which we are proud.

We ask Thy blessing upon our governor, upon the present

legislature and all of the officials of our state and pray for Thy guidance in this session this morning, in the afternoon joint session and all through the rest of our lives, For Christ's sake, Amen.

Mr. DAVIDSON: Gentlemen, it is now my distinct privilege and pleasure to present to you a man whom some of you have not known very long. In fact, I have not known him very long, but it is certainly an honor to have the opportunity to present to you the governor of Iowa, Hon. Herschel Loveless.

Gov. LOVELESS: I have been assigned the very pleasant task of extending a welcome to you. I think it is presumptuous of me to attempt to stand here before you this morning and extend a welcome to you back to your old home. I am sure that welcome has been extended to you many times and will be in the future.

We think a great deal at the present time that we have a lot of problems that are insurmountable, but I think in each session you have faced probably many times the same problems, or less problems have presented themselves and you have solved them pretty well. So I think we need not be too disturbed, because I think in the final analysis this session, as past sessions have, will arrive at some solutions to those things that are current today.

I think, as I look out over your faces, many of you I have known in the past, some I have just met this morning, but each name means something to me. I have the utmost respect for you that have created the laws under which we are operating the State today. I have the utmost respect for your abilities and your interests in the State of Iowa.

So, I can only say to you I wish you the very best throughout the sessions today and would like to extend to each of you personally my very best wishes for continued good health and happiness in the coming years.

Mr. DAVIDSON: I think most of you here know the gentleman who is to respond to the welcoming words

by the governor. He comes from my county and has served in both the house and the senate.

It is a pleasure to present to you the Hon. Earl Fishbaugh of Shenandoah.

Mr. FISHBAUGH: Yesterday I received a letter from the American Bar Association stating that it had caused to be erected at Runnymede in England, a beautiful monument commemorating the Magna Charta which was there signed; and I am going to confess to you that as I read those magic words, Runnymede, 1215, Magna Charta, a thrill went through my entire body because it was there at that time and place that freedom was born.

As I thought about that particular time and place, about that historic occasion, I was almost overcome with emotion, but I read on. The letter said that there would be a very simple inscription upon that shaft and it would read "Freedom Under Law." Freedom under Law! Before my eyes flashed the scene at that far distant time of 1215 in Runnymede. There stood the defiant tyrant, King John, defeated. Around him crowded the victorious barons demanding of him that he sign the Great Charter of all our liberties. On the ground were the dead and broken bodies of all those brave men who had not survived their victory.

Suddenly there came to me again the awesome responsibility that every legislator, every judge, every governor, has to maintain inviolate that precious human liberty which those men and thousands like them who have since died in defense of liberty have granted to us.

And it seems to me, gentlemen, that there is an obligation too, which devolves upon men, members of a body such as this. Because of our training, because of our experience in government, we do have a very keen responsibility to maintain a constant vigilance to see that that most priceless of all heritages, human freedom, is retained inviolate and retain that equal opportunity — equal opportunity, the one thing which makes America the greatest in the world, with its human liberty and republican form of government.

It is in that spirit, Governor Loveless, that I express our thanks for your words of welcome. I am confident we will find much pleasure and much joy meeting old acquaintances today and reminiscing. That will not be the chief cause or the chief reason for our meeting. We all remember the day when we walked to the well of the chamber and took the oath of office and I believe it is with that same sense of dedication we should always vow to protect and preserve this wonderful land which we all love.

Mr. DAVIDSON: Thank you, senator. I would like to say this much more to the governor, that he may be assured that each and every one of us is always available if there is anything we can do to help or assist in the problems I know are great and that he will be confronted with.

At this time it is usually customary to appoint a nominating committee who may retire, if they desire, and I am going to ask Mr. Clarence Knutson of Clear Lake, Mr. Lyle Hall of Eldon and Mr. Emory English of Des Moines to serve in this capacity.

It is not my purpose to reiterate part of my afternoon address here now, nor either to bore you with another address and make you listen to two of them in one day by one man. However, suffice it now to say this: that I think the duties of the congress and of the state legislature throughout the United States this year are particularly serious and definitely important to the future of our country.

This afternoon I am going to talk on the theme of states' rights; that is, "Our Liberties We Prize and Our Rights We Will Maintain," is the subject.

I want to just take you in on this. I think that there are too many people letting our liberties go, as Senator Fishbaugh said, a little at a time without realizing the importance of each step taken. Some day we are going to be consumed by the Federal government and the states are going to be reduced to satellites. I think that it is an important thing to maintain and preserve the two forms of sovereignty of the states and of the federal government and the Constitution provides a place for each.

Also, having had some experience in private practice and experience on the bench, I feel that the judiciary of our country and of our state have a tremendous responsibility to preserve inviolate the liberties and freedoms which, as the Senator so well stated, did originate in Runnymede in 1215 when King John was required to sign Magna Charta. As you all know,

our Constitution was largely framed after that Magna Charta and many of the principles contained therein are in our constitution and they were designed solely and entirely to defeat autocracy and for the purpose of liberty and freedom of the people themselves.

These are cherished things we have inherited and we of this generation should, as I see it, extend every effort to preserve those very things. And we are letting them slip a little at a time, a little at a time, a little at a time. Only a few people seem to be involved at any one time or, perhaps some group, so-called group, minority group achieves some temporary—"benefit"—I'll call it, which in the long run just means disaster. So we as—Well, we're the elder citizens. I think anybody could look at us and know that. But we have a tremendous responsibility to the younger men in the Legislature and in our daily lives and to the men on the city councils, township and county officers, and so forth. We have a lot of influence too, if we will just dedicate ourselves in our later years to trying to preserve these liberties and these opportunities and can do something about it, too.

We are going to have some talks today from some of our former distinguished legislators so I am not going to usurp that field.

I think it will be interesting to hear these other gentlemen, but first, before that comes Mr. Walter Beam, our secretary, who is known to most of you if not all of you. He has been very efficient and he has done a great deal for this association and for the state of Iowa for many, many years. At this time we will have the necrology report from Mr. Beam.

#### NECROLOGY REPORT

Secretary Beam presented the report, reading the list of members who had passed away since the last meeting, together with statement of sessions served by each and first year of service, including the judiciary and state officers:

## DECEASED MEMBERS

| NAME               | COUNTY     | SERVICE  | FIRST YEAR |
|--------------------|------------|--|------------|
| Frank F. Merriam   | Delaware   | R26-26X-27<br>Auditor of State<br>Gov. of California | 1896       |
| Burton E. Sweet    | Bremer     | R28-29<br>Congress 1915-1925                         | 1900       |
| William G. Jones   | Mahaska    | R28-29 S30-31-32<br>32X                              | 1900       |
| C. N. Jepson       | Woodbury   | R30-31   | 1904       |
| L. D. Teter        | Marion     | R30-31-32-32X<br>45-45X-46                           | 1904       |
| Geo. E. Grier      | Poweshiek  | R32-32X-33   | 1907       |
| S. H. Bauman       | Van Buren  | R32-32X-33-34-35-36                                  | 1907       |
| Leslie E. Francis  | Dickinson  | S33-34-35-36   | 1909       |
| William F. Stipe   | Page       | R34-35   | 1911       |
| Ralph Sherman      | Poweshiek  | R34-35   | 1911       |
| Joseph Kelso       | Jackson    | R35-36   | 1913       |
| Fred W. Eversmeyer | Muscatine  | S36-37   | 1915       |
| H. P. Nicholson    | Winneshiek | R36-37   | 1915       |
| H. Guy Roberts     | Ringgold   | R36-37 S41-42-42X                                    | 1915       |
| J. H. Darrah       | Franklin   | R36-37   | 1915       |
| Ed L. Newton       | Cass       | R37-38   | 1917       |
| Julius A. Nelson   | Cass       | S38-39-40-40X-41                                     | 1919       |
| George B. Perkins  | Sac        | R38-39 S40-40X-41                                    | 1919       |
| C. R. Buffington   | Mills      | R39-40-40X-41  | 1921       |
| Ray O. Garber      | Adair      | R39-40-40X   | 1921       |
| H. H. Schulte      | Worth      | R39-40-40X-41  | 1921       |
| Fred McCulloch     | Iowa       | R39  | 1921       |
| E. A. Grimwood     | Jones      | R39-40-40X-41- 42-<br>42X                            | 1921       |
| Elmore A. Elliott  | Polk       | R41-42-42X-43-45-<br>45X-46                          | 1925       |
| Geo. M. Clearman   | Johnson    | S41-42-42X-43-44                                     | 1925       |
| John M. Bixler     | Adams      | R41-42-42X-43  | 1925       |
| Harry F. Copeland  | Dallas     | R42-42X-46-46X-47                                    | 1927       |
| James L. McIlrath  | Poweshiek  | R41  | 1925       |
| E. O. Ellsworth    | Hardin     | R43-44-45-45X-46                                     | 1929       |
| Ed Rawlings        | Monona     | 43-44-45-45X   | 1929       |
| Frank G. Snyder    | Hamilton   | R44-45-45X   | 1931       |
| C. M. Langland     | Winneshiek | R44-51-52-53-54                                      | 1931       |
| Otto Fuelling      | Clayton    | R45-45X-46-46X-47                                    | 1933       |
| E. B. Porter       | Delaware   | R45-45X  | 1931       |
| Andrew Stewart     | Calhoun    | R45-45X-46   | 1933       |
| Elmer A. Johnson   | Linn       | R45-45X-48-49  | 1933       |
| J. H. Thiessen     | Clinton    | R44-45-45X-46  | 1931       |
| John W. Moore      | Woodbury   | R46-46X-47   | 1935       |
| Thos. Hendrickson  | Adams      | R46-46X-47   | 1935       |

PIONEER LAWMAKERS OF IOWA

| NAME               | COUNTY   | SERVICE                | FIRST YEAR |
|--------------------|----------|------------------------|------------|
| Claus Randall      | Worth    | R47-48-49              | 1937       |
| Chris Reese        | Marshall | S45-45X-46             | 1933       |
| Ernest R. Moore    | Linn     | R32-32X-33-34          | 1907       |
|                    |          | Lt. Governor 1917-1921 |            |
| Nelson G. Kraschel | Shelby   | Lt. Governor           | 1933       |
|                    |          | 45-45X-46              |            |
|                    |          | Governor 1937-1939     |            |

OTHER THAN LEGISLATIVE

|                     |               |                           |      |
|---------------------|---------------|---------------------------|------|
| Fred P. Woodruff    | Marion        | Railroad<br>Commissioner  | 1921 |
| Orville S. Franklin | Polk          | Judge<br>District Court   | 1916 |
| O. J. Henderson     | Hamilton      | Judge<br>District Court   | 1928 |
| Chaucer G. Lee      | Story         | Judge<br>District Court   | 1907 |
| Robert L. McCord    | Sac           | Judge<br>District Court   | 1924 |
| Paul Wm. Richards   | Montgomery    | Judge<br>Supreme Court    | 1934 |
| Charles Roe         | Pottawattamie | Judge<br>District Court   | 1938 |
| Orville D. Wheeler  |               | Judge<br>District Court   | 1900 |
| Chas. R. Fischer    | Monona        | Insurance<br>Commissioner | 1939 |

Upon direction of Vice-president Davidson the secretary read messages from a number of members who had written of their inability to be at the meeting and sent greetings and well wishes to those in attendance, recalling in some instances personal experiences in sessions of the past, wishing all present happy enjoyment of their reunion and enjoyment of the program of the day.

The remainder of the morning program was devoted to addresses and reminiscences by members led by former Senators Ed R. Hicklin of Louisa county, and J. O. Shaff of Clinton county, former Speaker of the House, John H. Mitchell of Webster county and former Senator and Lieutenant Governor Kenneth A. Evans of Mills county, others likewise adding to the enjoyment of this popular portion of the day's program.



## SENATOR HICKLIN SPEAKS

Mr. DAVIDSON: Now comes the interesting part of this morning's session or, at least I have found it so in years gone by, and that is reminiscing by former members and the first gentleman who is listed here this morning is a man whom I have known many, many years. In fact, we were college kids together. I know his sister and brother. And of course he came out of the law school and entered the practice of law down in eastern Iowa. He served honorably and well in the senate of this state. I think he is loved and respected by everyone who knows him. I am very, very honored to present to you my very, very good friend, Ed Hicklin of Wapello.

Mr. HICKLIN: Mr. President, thank you very much for that gracious introduction and it certainly is a pleasure for me to be here and be among the living, not be included either in the list of correspondence or the list of decedents that has been read by our Secretary.

I guess I'm sort of free-wheeling today because my subject is reminiscing, and before I go any further I want to tell a story that I heard in the senate. In an executive session, I understand that all bans are lifted and this was the most humorous thing ever happened during my career in the legislature. Dan Turner, as you know, had been elected governor and Tom Way had been his campaign manager, and so Dan wanted, properly, to recognize his campaign manager and to reward him for all of his services and he sent up Way's name as a member of the state highway commission. So, we went into executive session.

Well, there were some anti-Turner forces and some anti-Way forces in the senate at that time and so things got a little sticky. I think you know that kind of session, executive session. I remember one of the members from northwestern Iowa had taken a hostile position against Mr. Way so he got up and he said "Will the senator,"—whoever it was, whoever was sponsoring him, "Will he yield?" He said, "I yield to the senator." He said, "Let's see," he said, "This gentleman, now," he said, "as I understand it he's 78 years of age?" "Yes, that's right, senator." And he says, "As I understand it, he will be how old, now? Will he be 82 when he has finished, when he has fulfilled his term of office?" "That's right, senator." A senator from the back of the room, Joe Frailey, got up and spoke. "Mr. President," he said,

"I rise to a point of inquiry. I want to ask a question." "State your question, senator." He said, "Are we considering this man for appointment to the highway commission or are we considering him as a breeder?"

I wanted to tell that story because I think it the high spot in humor of my brief legislative history and I didn't want to sit down without having remembered it. I must say that I am very gratified to be on here first because when the program expires if I have some unsaid remarks, I suppose I will be given time to say them.

I wanted to refer, for history's sake, to the 45th extra assembly which took place in November of 1933 and ran into March or April, 1934. The reason I like to think of that session is because it bears so many similarities to the session that is now going on. These great former compatriots of mine are groaning over there because they have Democrats to sit with and, my heavens, in our day in the House of Representatives there were 76 Democrats and, I think, 30 or 32 Republicans. In the senate, of course, we had 50 members. We had 24 Democrats and we had 24 Republicans and we had two of what in the old days we would have called mug-wumps. That, of course, was a guy with his mug on one side and his wump on the other. They don't call them that any more. They call them left handed pitchers. They put them in baseball against left handed batters. Mickey Mantle is either a left or right handed batter and these fellows could bat from either side, and did.

I hate to take the name of Nels Kraschel in vain, the gentleman who died so recently and who was such an honorable gentleman, but I remember when we organized this session of the Legislature we started picking officers. The Republicans put up George Wilson as their candidate for president pro tem. The Democrats put up Harold Irwin. These two left-handed pitchers voted for each other and they did that for six ballots, fixed it good. So Nels broke the tie by voting for the Democrats and from there on politics was practically forgotten for the rest of the session and we worked very harmoniously together.

The reason why I think that worked in that 45th Extra Session was because we were just like a pair of upper and lower teeth. When you get them first, they don't mesh well together, but we got the edges ground down pretty well. As a result, I think the 45th Extra session not only went into history as the longest session that has ever been held in the legislature but probably as the session which accomplished the most difficult and new and untried fields in legislation.

Just, for instance, let me recount three of the things that they did.

They enacted the income tax, the sales tax and the corporate tax, which was an absolutely new field and they did that after long battles. They enacted the alcoholic liquor control system which is still working very well in the state despite the rumors that you hear. And the third thing that they did which was outstanding and which, of course, we all bless ourselves for, the Frailey-Kimberly old-age pension law which went into effect and became a part of the permanent statutes of the State of Iowa.

Now, there were a great many other laws which were enacted and a great many that we defeated. I can remember that with the help—this is all right I think now, John, to tell about. The Democrats, with the prayers of the Democratic Party which came from Washington, D. C., had a "must vote" piece of legislation. That was the NRA or "Black Eagle" bill and you fellows of course had 73 members in the house. All you could do was pass it; but in the senate I can remember distinguished man after distinguished man coming to me and saying, "Ed, I hope to God you will find some way to beat this bill. We've got to vote for it." Well, we ground away. That was one other way the upper teeth meshed with the lower teeth and we ground them down on some things and passed some pretty good legislation.

Now, we have this similarity existing today I think over here on the hill. These fellows are bothered right now by taxation and bothered in a minor way by this liquor question. I don't think they need to be concerned too deeply with the liquor question, but I think probably taxation is a deep one.

One of the reasons I brought this book along today, I know of course I could do a lot of free lying, but I know very well there are a lot of fellows here that were there, so I have to bring the record. I can't improvise that well. I see Senator Stanley is here and he will remember the happenings surrounding the adoption of our three-point tax law which has stayed with us all these years. Incidentally, he will remember one of the reasons it was passed was because the sales tax was enacted for three years. That was one of the provisions of the first law.

I desire to vindicate myself. On page 979 of the senate journal is not only the vote but an explanation of the vote by Senator Roy Stevens in which he said: "While we think Senate File 272 was a much fairer bill, when the substance of it was defeated, in my mind I had no other choice and

I expected to vote for House File 1, rather than have tax revision entirely fail in the session."

In my next paragraph I said: "In my opinion, the classified transaction tax—that is, Senate File 272—is the most perfect piece of tax legislation that has yet been attempted by any state legislature and I predict that when the people of this state become advised of what it can do it will some day be adopted."

Now, here is what I am leading up to. In this same senate journal, at Page 979, quite a few of us joined together and we tried to get this senate file I have just mentioned substituted in place of the three-point tax bill. I tried my best to find that old bill. I finally located it in here. We tried to substitute it and it went in the journal. I think every printed copy of that bill is missing.

I predict if this legislature would take the time to consider and spend the time we did working on Senate File 272, they could yet repeal the three-point tax bill, including the income tax, the sales tax and the corporation tax and could enact a classified transaction tax upon all the transactions in the state of Iowa and could relieve the financial situation. They could not only appropriate the money that is needed for the institutions of the state, but they could follow up the programs that have been laid out and they would have plenty of money to spare.

What I would like to see done, and what I would like to suggest to the members and, of course, they're the ones that should be here, not we old gaffers listening to each other, but these fellows over there in the house and senate now should be over here getting these words of wisdom from us, if they would listen to us. If they would make their appropriations, pass their bills and go home and would ask their governor to call them into special session on November 6, 1957, so they could devote a full session to the enactment of tax legislation, I think they would do a good job and they would do the job such as we did then. They would do it in the light of modern day expediency and necessity rather than in the light of the circumstances under which we labored.

You see, we wrote out a bill and we didn't know what it would do. I see there are men in here who remember that bill. A number of them voted for it. They were afraid of it. Afraid of it because they didn't know how far it would go. I think we have the facilities now in our modern day state tax commission to find out what that bill would raise in the state of Iowa. If they would work it out, I think they would uncover resources that have been otherwise here-

tofore untaxed and they would spread the tax burden of the state of Iowa and at the same time they could still meet and solve the vast problems and meet the demands of the state of Iowa each session.

#### SENATOR SHAFF'S ADDRESS

Mr. DAVIDSON: Next is another former distinguished member of our state senate, a member some years ago and he has the distinct honor of having a son now serving in the senate of this state. He comes also from the eastern part of our state and I am very proud and glad to present to you J. O. Shaff of Clinton county:

Mr. SHAFF: I am a little old to give any advice here because I remember back when I was an active member and then nobody seemed to want to listen to any of the oldsters. Beyond that, I have kind of got a little mellow, I guess, not so sure about anything any more. Times change.

I would like to reminisce a little bit on some of the funny things that happened. I was fairly young when I was first in the senate and by chance I happened to get to be chairman of the highways committee and I suppose I thought perhaps I was rather cocky anyway. The senator from Muscatine, Senator Buser, one time criticized me rather sharply and I thought he was a little off the beam on a road bill and I so told him. I didn't use very elegant language in telling him so, and this was on the floor of the senate. I walked down with my old friends, Burt Stoddard and Gus Bergman and I think possibly Charlie Deutcher and we got down part way. Burt Stoddard said, "Well, senator, you sure told old Bouska off today." And I started to kind of puff up. "But," he says, "Don't do it again."

It was a lesson that was very well taken, because later on in that session in a very close vote, or relatively close vote on one of the highway bills another senator took occasion to try to get under my hide, and make me fly off the handle. He proceeded to do so. I answered him, or tried to, with the greatest urbanity. When the roll call was taken I almost fell off the chair. He voted for the bill. So, I think it always pays to make a friend, especially with your fellow members. They may be right and you may be wrong. That sometimes happens, too.

I had many other odd experiences from time to time. I remember attending one state convention and the speaker, Nate Kendall I believe, was keynote speaker at that convention, and he brought the house down when he got up and

said, more or less as altruism in politics, "of all my mother's sons, I love myself the best," and he was nominated. It went over in fine shape.

I remember one other funny incident. It was when Governor Kendall was going out of office and Governor Hammill was just coming in and I had stopped to pay my respects to Governor Kendall and also to congratulate Governor Hammill. Governor Kendall was rather deaf in one ear and he—I go into this in a little detail, because during his last year as governor, the bill had passed a change in one of the bills covering the state educational board—or, the state medical board, and we had a candidate from Clinton who wanted to be a member of it.

So, a delegation had gone out to see Governor Kendall and he had promised them that he would appoint this Dr. Sugg and they hadn't said anything to me about it. That was quite all right with me, but I asked one of the members of the committee if they had any written confirmation of that appointment. No, but he had told them he was going to appoint Dr. Sugg. I said, "if it is all right with you, I will just drop Governor Kendall a line and tell him I am glad he is going to appoint Dr. Sugg." So I did, and I had a letter back very promptly saying he was very glad I approved of his selection.

The matter went along and in the fall some of the boys got hold of me and said, "Say, do you know what we have been hearing?" They said, "The governor isn't going to appoint Dr. Sugg after all. He is going to appoint a fellow from up around Sioux City." And so I said I hadn't heard anything about it. I said I would drop the governor a line if they would like to have me. I said he had written me he was going to appoint Dr. Sugg. They had no memorandum of it except just his word.

Well, the result of it was that of course the governor acknowledged the fact he had agreed to appoint Dr. Sugg and of course he withdrew the other gentleman's appointment and when I met with Governor Hammill and Governor Kendall as Governor Kendall was about to retire he motioned me over and he said, "Do you remember that appointment?" I said, "Yes." And he said, "You know, I clean forgot I promised that appointment to Dr. Sugg and," he said, "I had to write to this fellow and ask him to withdraw the appointment and, do you know," he said, "he wouldn't do it." He says, "I had to do it for him," and he laughed about that. That is no reflection whatever on the governor. I think most of us who have had considerable experience in politics know

it is wise to have a written confirmation on most anything. People forget.

As I look back, I suppose that most of us who have served in the legislature would very likely have some very particular reason for doing so. We enjoyed it. It cost us a lot, I think. I know it did with me and I think it does with most of us who are members of the legislature and yet the chance of attempting to do the best you can and the sense of accomplishment that usually follows these attempts make it very much worthwhile. I consider the time that I spent in the house and in the senate among the happier events in my life. I made so many friends.

I have always enjoyed meeting people, especially people who are worthwhile. That doesn't mean they have to be members of the legislature or wealthy or noted, but all kinds of people are interesting to me and always have been; and your legislative experience gives you the opportunity to make so many different contacts. I think as I reflect on the time that I was in the legislature, I am sure I will always look back on it as one of the most pleasant experiences that I have ever had.

I haven't anything more to say here. I have enjoyed meeting with you gentlemen. I intend to be over at the session this afternoon and hear what is said. I've been very much interested in the talks that have been made here.

#### GENERAL MITCHELL SPEAKS

Mr. DAVIDSON: Now, the next gentleman is a man quite well known to me. I have known him over a period of years. He has the distinct honor, gentlemen, of being the man who defeated me in the fall of 1936 for the office of attorney general of Iowa. Naturally, I know him and I regard him highly. I shall say that since that time he has appeared in my court in very important litigation. He acquitted himself very, very well, with honor and trust. I suspect perhaps from what Senator Hicklin has said, he may have been speaker of the house in that session which was referred to by the senator, and it is with great pleasure I present to you at this time John Mitchell of Fort Dodge.

Mr. MITCHELL: I want to confine my remarks to some reminiscing about things that occurred in the house. I was not the speaker in that 45th session. I got to be speaker of the house in the 46th when we had that influx of Democrats that

Ed Hicklin was talking about. When I came down here in the 45th, I think those that were here at that time will agree with me that we had some of the most stunning experiences that ever happened to a legislature. Up in northern Iowa we were having a lot of trouble with farm mortgage foreclosures and I came down here somewhat dedicated to the idea that we should do something about them and we did. It was entirely new legislation in the United States, harassing to some people; and now it has become somewhat accepted.

I never will forget the debates that we had on the farm mortgage moratorium as long as I live. I will never forget a member of the legislature that you members of the house remember very well, whose name was read here today, he has left us, Elmer Johnson of Cedar Rapids. Of course, to Elmer this farm mortgage moratorium was just outright not only unconstitutional, but it was in opposition to everything that we in America stood for.

Nobody ever maintained a position more firmly than Elmer Johnson did and I never will forget him. He would come in when we were debating it. Elmer would come into the session with some cases. Always from ALR. That seemed to be his favorite source of authority. He would come in there with those cases and he would get up and read them and point out to us how unconstitutional farm mortgage moratorium was and stand up there and shake his finger and tell us what an awful thing this farm mortgage moratorium was. He defended that position ably.

It was in opposition, to some extent, to the position I was taking and we debated it on the floor. He never wavered for a minute in the position that he took. He was interrupted constantly by people, other members of the legislature, getting up and sort of making fun of these cases he was reading but, of course, Elmer never gave up.

Afterwards, we became very good friends and, as you know, Elmer was one of the real fine lawyers of this state. I will always look back with much pleasure to the time that I was able to spend with him.

I don't think in reminiscing we can go over too many members of the house, because in so doing, I am very apt to leave out people that should be remembered. I would like to call your attention to the fact, if you haven't thought of it, that from the 45th and 46th General Assemblies came six governors of Iowa. I don't suppose that could be said of any other two sessions of the legislature, not succeeding sessions. Nels Kraschel, whom Ed Hicklin referred to, who



was buried yesterday and certainly this occasion today can be a memorial to him. George Wilson, who was in the senate at that time. Bourke Hickenlooper, who came to the house when I was speaker. Bob Blue, who was in that session, the late Governor Beardsley, and Leo Elthon. Six members became governors of Iowa. It seems to me that probably their records there, the record that they made in the assembly and the friends they made there probably played no small part in their later becoming governor of the state.

I would like to mention just a few people maybe you will get a little pleasure out of remembering. I couldn't go back there again without remembering Gus Alesch. As you said, there is a typical example of freedom under the law. As an immigrant he came to this country. He went into public offices, was a very successful businessman, finally came to the legislature. He was a controversial figure. I certainly couldn't agree with him very often, but I certainly never wavered any in the respect I had for him and he really was a man.

I don't know how many of you remember a representative by the name of Lee Aldrich. Some of you do. Lee came from Wright county and he sat down in the front and he was a real Jeffersonian Democrat. His whole life was tied up with that of Thomas Jefferson. He didn't take part very often in any debate on the floor, but whenever he did he was right back to Thomas Jefferson in the first minute that he was talking.

And he had a little legalizing act that was going to permit the highway commission to build an extension of a primary road into Belmond, where Lee lived. That was his real high light.

Lee got up to speak on this legalizing act. We were trying to get to other business and Lee wanted to make his speech going back to Tom Jefferson and he started out talking and finally somebody interrupted and asked him to yield for a question. Of course, he bowed and said he would. "Do you want this bill to pass?" "I sure do. It is a very important bill to my county." He said, "Well, if I were you, I would sit down and we will probably pass it. If you go on talking, you will probably talk yourself out of your legalizing act."

You all remember J. P. Gallagher and those petitions we heard from him over on his side of the assembly. Gus Kuester, who came to the assembly at that time and went on and became a distinguished member, speaker of the house

in two different sessions. Arch McFarlane, who is always with us and has continued to be in the legislature since that time. If you remember when I was speaker, he sat over to my right and we got into such difficulty there because we had a new chief clerk and Arch came over there and I don't know how many times he made that trip from his seat down to the desk to try to help us out of some situation we were in. There must have been a path worn from his seat down to the speaker's rostrum. I will never forget the help he gave me when I was speaker.

Remember Lookingbill? He was a man who always was coming to me when I was speaker of the house asking if he could be excused because he had a funeral. It seems to me I never knew of anyone asking to be excused so many times for funerals.

Remember J. Wilbur Dole, scientist from down at Fairfield, whose real major piece of legislation was to get the goldfinch declared the state bird of Iowa? Really a fine man. I remember him, a very mild-mannered man who had a great interest in nature.

I wouldn't want to pass this opportunity of saying something about Dave McCreery, because I thought during the time there was a rather heavy Democratic majority it seemed that Dave kind of called signals for his followers and he would always rise up just before we were ready to vote and say, "Now, Mr. Speaker, I rise to a point of information. Now, if you vote Aye on this bill it means you are going to do thus and so and if you vote No, it means that this is true." He would repeat it, on almost every vote he got up so it would be clearly understood which way Dave thought they should vote.

I remember Representative Mooty, whose son is now speaker of the house. It is rather unusual, it seems there are a number of father and son combinations over in the house now, sons of fathers who served in the legislature. I remember Mr. Mooty very well, one of the finest gentlemen that I ever knew.

I remember Don Burington, who probably was one of the youngest members who ever came to the legislature, unless it was you, Earl. He served in the legislature and has gone on to a distinguished career in the law in the northern part of the state.

After I was in the legislature, I did run for attorney general. I didn't have so much trouble beating Harold, but I had an awful time getting the nomination. I didn't get 35 per cent of the vote and the contest went to the convention.

I missed it by a very fractional 1 per cent in that primary election. When I ran for attorney general, the biggest help I got was from members of the legislature in both parties. Now, my Republican friends couldn't help me very much by voting for me. They helped me when I went into their communities by telling me people I ought to see. I will never forget that help.

As Senator Shaff said, I never will forget the friends I made in the legislature. I don't think you make friends like that very often. You share those experiences and they stay with you, it seems to me, the rest of your life. I think of all the experiences I have had in the practice of law since and holding some other offices, I never enjoyed anything like I did the two sessions I spent in the Iowa house of representatives. I am grateful to the people of my county that they gave me the opportunity to be here and to make so many friends; and I am very happy that I have had the opportunity to appear on this program today and to be here and meet with all of you, my friends.

#### GOV. EVANS RELATES INCIDENTS

Mr. DAVIDSON: Listening to my friend, John, I recall an incident that involved Gus Alesch. I was not in the legislature then, of course, but I happened to be in the lobby of the Fort Des Moines hotel one evening about 6 o'clock. It seems as if this liquor situation was quite prominent in the legislature and Tobe Diamond up at Sheldon and Gus Alesch got into an argument right in the lobby of the hotel and both of them, as you know, don't speak in whispers. They were getting pretty close up together and Alesch was opposed to this liquor thing and Tobe Diamond was for it. They got close to each other, pointing their fingers at each other. Tobe Diamond says, "Gus, you don't need to spit in my face," and Gus said, "I would rather use a spittoon any time."

You think you had something in convention, John! I had a convention in '36, too. Had a fellow by the name of Bob Shaw who was quite formidable in Iowa, quite a campaigner as you know.

We have another distinguished gentleman from western Iowa; I think you are all acquainted with him and know him. He has served both in the senate and as

lieutenant governor of Iowa. I am very proud to present to you Kenneth A. Evans of Emerson, Mills county.

Mr. EVANS: I see that my class of the 47th General Assembly who are now Pioneer Lawmakers are pretty well represented here today. I am very happy to see them, as well as some of you who were in the assembly prior to that time. I think that every person who serves more than one session in the Iowa assembly can look back and perhaps pick out some one session that stands out over the rest. That is true in my own case, my first session. Not so much because I was a novice but because we had a session that operated under some very unusual conditions.

We had a state house, with the exception of a few, that were all Democrats. We had a house that was equally divided, 54-54. Some of you members of that session recall how you maneuvered to get the speaker, but the Republicans finally lost; over in the senate, we had the Democratic presiding officers, but it just happened we had a majority of Republicans. So we took an unusual step and decided to have a committee on committees. We pointed out it was done in congress and it had been done, I think, when Arch McFarlane was presiding, as I remember it. So we organized the senate and selected our own committees. Well, over in the house the battle went on for a number of days. Finally the tie was broken and we settled down to business.

We had orators like Ed Breen, Max Geske, Lant Doran, William Beardsley and many others. I sometimes used to think when I would reappraise that session that the Democrats had the edge in oratory, but we had those three votes. There were many interesting things happened in that session. First of all, let me say we passed some rather ponderous legislation. The social security act had been previously passed in a special session, but the session apparently wasn't legal because some of the members taking their places in the senate had been appointed rather than elected so we had to re-enact that.

We passed the homestead exemption act which was signed and enacted into law. We had to re-write and pass the conservation laws because they had been declared unconstitutional. Then we completely re-wrote the motor vehicle laws. Had a bill which comprised 193 pages, as I remember it. Strange as it may seem, they are still re-writing all those laws.

I recall several of the members of the senate who sometimes provided us with considerable entertainment. There

was one in particular, Dan Mason. I suppose some of you remember Dan Mason. Well, one day, the session was underway maybe 30 days or so. The then secretary of state, Mrs. Miller, passed away and on that particular day, of course, the state house was in mourning. However, both houses did meet. I always remember the minister who gave the invocation. I timed him 18 minutes. He gave about a seven minute eulogy on Mrs. Miller, paid her very fine compliments and so forth. Then he asked blessings on each of the state officers, the governor, lieutenant governor, went on down the line and at the end of 18 minutes finally asked blessings on the legislature and Dan Mason was standing over at his desk, glasses on his nose, shuffling papers and just the minute the prayer ended and before the members started to sit down, Dan looked over at me, over the glasses on the end of his nose, and said, "Senator, he never said a damn word for the taxpayers."

Shortly after the session was underway, one of our members from Lee county, Senator Driscoll, passed away so the good people down in Lee county got together and selected a senator. For some reason he didn't get the notification as soon as he should have, but through a little assistance from the Democratic lieutenant governor, why, it was brought to our attention and he was brought to Des Moines in time to get in so he got that little extra bonus of \$250. The day he arrived there was quite a gallery full. There was a bill up pertaining to the Farm Bureau. I think that bill we used to have every so often about taking county tax money away from the Farm Bureau.

As I recall, the senator walked in just about the time we started answering roll calls on this bill. He hadn't had an opportunity to be informed on the bill, what it contained, but he skipped in answering the roll call and someone invoked Rule 8. His name was called again. He still didn't answer. His name was called again and again. Finally he got down behind a pile of books on his desk, thought perhaps he wouldn't be seen or that it would be thought that he was gone.

Finally, he voted; I don't know which way he voted, it makes no difference. Later on he explained it. He heard somebody calling out Rule 8 and he thought all the time they were saying too late. He brought a new innovation into the senate at that time. He was in the cheese business and so he treated the senate one day during the noon session to a very tasty cheese lunch. It was held in executive session. I think perhaps we did have the press boys, per-

haps the governor came in the back door also. At any rate, we didn't do it on state time, did it on our own lunch time. That became a regular custom as long as he was in the cheese business. I think perhaps that was the most wonderful session I served in.

The next session, that was the 48th general assembly, was rather far reaching. The control of the house had changed hands to Republican and of course they came in and wanted a program. One was to re-organize. Well, we re-organized. I was on one of the committees. Also in that session the senate passed a resolution calling on the governor to remove the board of control members. There was quite a battle over that. I think that was the session that changed the railroad commission to the commerce commission. Those sessions all ran over one hundred days.

Then in my third session we passed the first "farm to market" road program. It was kind of a puny affair, but it was the basis of the method for distributing road funds to the farm to market system that is in effect to this day.

In my fourth session, I had the honor of being chairman of appropriations. I don't think that any appropriations chairman had it easier. I had a wonderful bunch of fellows to work with. They took their work seriously. We were in a war. Capital improvement was out. They could ask for it, but all we could do would be to earmark some funds for future use with surpluses building up. At that time I think I was the only appropriations chairman to get all of the major bills passed at least once by the senate before the spring recess. I don't think that has ever been done since. I know it was never done before.

I came back as presiding officer of the senate and everything was different. I was looking at everything backwards, but with a little practice and some cooperation from the members of the senate, it isn't hard to get into the swing of it. Once you are there, things just kind of coast along. During the sessions that I was honored with the privilege of presiding over the senate we started earmarking funds for certain capital improvements. I think in the 51st general assembly we earmarked the first money for the state office building. In the 52nd, we found that with the rising costs of construction and so forth that it would be necessary to add to that, so we earmarked some more money and then in the 53rd Assembly we finally had the funds grouped to proceed with that building. Also in the 53rd the assembly finally took pity on the governor and appropriated funds to provide a suitable residence for him during his term of office.

I think like the rest that perhaps the pleasantest period of my life was the time I served in the Iowa senate. Serving as presiding officer was a nice honor, but actually a member of the senate is considerably freer than the presiding officer. But I will say this, that I couldn't ask for finer treatment from any group of men than I received from the members of the senate during those years I was presiding officer.

Mr. DAVIDSON: I think we all know that the president of this association two years ago was Arch McFarlane who has served longer in the legislature of Iowa than any other man, living or dead. He expected to be here this morning, but, as you know, he recently was confined to the hospital with an illness and I guess from what I learned from Walter this morning he didn't feel that he should exert himself to the extent of coming over here this morning. But I know we all wish him well and that he will regain his former good health.

#### HONORED GOV. KRASCHEL

Mr. HICKLIN: I would like to move that a committee be named by the president to send an appropriate message of sympathy to Mrs. Kraschel. His death and services falling so near on this date, it seems to me that, as General Mitchell has said, it would be no more than very fitting today to recognize his distinguished service.

The motion was unanimously adopted, and Messrs. Hicklin, Mitchell and Fishbaugh named as a committee to prepare a resolution in due form and forward the same to Mrs. Kraschel.

Mr. DAVIDSON: I think it is a very fitting tribute and I thank you for making the motion. Now, are there any other remarks at this time? Colonel Stanley, I think you at least about tie for being dean of this group. Is there anything you would like to say?

#### COL. STANLEY ON EMPLOYMENT AID

Col. STANLEY: We should not adjourn this meeting until we give some serious thought to the opening remarks of our present presiding officer. Our liberties we should cherish.

For 20 years now I have been connected with a state agency that is working under and with and a part of a federal-state adventure. The points made by the chairman in respect to considering our liberties is something that we should look into.

The congress of the United States in 1935 passed the Federal Social Security law which included a provision of 3 per cent on employers of 8 or more. The congress did not create an unemployment insurance law. Why? I have my reason for thinking that they did not do so because they feared that the supreme court of the United States would hold it unconstitutional. But they did provide that if the state should pass an unemployment insurance law then the state could collect 90 per cent of that tax.

Now, the point I want to make and leave with you is this: From that day on, down here, we have been running to Washington to do everything.

And, we are drifting slowly and have been all of this time toward relying on Uncle Sam to do everything for us. Are we selling our birthright for a mess of pottage? I think that is one of the things brought out by our chairman we should give thought and consideration to as citizens of this state. As I see it in this one agency I am in, there is a growing tendency everywhere; let Uncle Sam do it, it doesn't cost anything.

I am very much interested in the talks, particularly some points that my friend, Ed, brought out with respect to the three-point tax bill. It so happened I was on the committee of three of the senate to meet with the committee of three of the house because we had passed different bills and we had quite a time with that. Our good friend, Senator Paterson, couldn't take any sales tax at all; it had to be income tax. John Valentine, who was chairman of our subcommittee, was working all the time. We held this up, had meeting after meeting and this bill was held up until John Valentine told us he had votes enough in the senate to pass it and then it went right through. Certain obstacles got out of the way mighty quick.

Very happy to be here and see the gang. Hope we can get together again. It has been fine to be with you at this meeting.

#### GEN. COSSON RECALLS LEADERS

Mr. DAVIDSON: It is 15 minutes to lunch time. We have a little bit more time. Is there anyone else who would like to be heard here? General Cosson?

Gen. Cosson: I would like to say just a word or two about



some of the radical changes. First, back in the 33rd General Assembly we had Senator Francis and Senator J. A. Smith, men like that. The legislation which came along about that time was a thing similar to what you would expect when we were led nationally by the great Theodore Roosevelt. Now, I will come on down to the days when people were conservative and when they did give some thought to George Washington and his Farewell Address, keep your own nose clean and let the other fellow keep his clean, but treat everybody properly.

Of course, times have changed. And we certainly, I think all of us believe in a United Nations. The League of Nations failed because Britain and some of them wouldn't support it. But again you get another radical change. I thought of it, I guess, because of one of our senators. He was a senator while I was attorney general—Guy Gillette. The bill came up in the senate, the cash and carry defense bill. The bill provided for cash and carry. That any foreign country could buy munitions of war, but not on time. Under international law there wasn't anything that was illegal about it under the law of nations, provided that they came over here and put the money on the barrel head. And do you gentlemen remember that that bill passed exactly by one vote and our senator, from Cherokee I guess he was, was to speak. I was writing him letters because I knew him and he said he knew how he felt about it. He was coming down, going to speak at the Fort Des Moines to the Rotary Club. That bill was up and it passed by one vote. Guy was then traveling.

Now, I call your attention to the radical change when we not only had refused as we did with Republican Spain under international law to even sell them munitions of war, sell them or any other country that was wrongfully attacked. But now, we come to the point where we seek to subsidize the whole world and where we contribute vast sums to our enemies like four billion dollars. I think nearly half to Franco-Spain.

Now, the solution, it seems to me to all of this is to get back to the fundamental principles of Washington and Jefferson and Abraham Lincoln and Theodore Roosevelt and the great Elihu Root, who was Secretary of State, as applied to the conditions as they are today, for we can't go on subsidizing the whole world. The point I want to make in conclusion is that we get back to fundamental principles, but in the light of conditions as they are today. Nobody thinks we can live in the past. We could lead the world. We could

have a great army, navy and air force and we would treat all nations on the merits of the particular act instead of lining up in blocks thinking that by military alliances and by money we can subsidize and control the world.

So I just say, let's get back to fundamental principles and the principles that have guided our forefathers in the light of conditions as they are today and do those things that are necessary but don't try to buy the friendship of anybody and don't think that we can scare a country that occupies a fifth or sixth of the world's geography and another country that has a third of the world's population almost. We can't fight half of the world and carry the other half on our backs.

#### 1957-59 OFFICERS ELECTED

The committee on nomination of officers of the association to serve for the biennial period of 1957-59, recommended by report of its chairman, Lyle W. Hall, the following nominations:

For President—Judge Harold E. Davidson, Clarinda

For Vice-president—Ray Yenter, Des Moines

For Secretary—Walter H. Beam, Martensdale

For Assistant Secretary—David A. Dancer, Lamoni

For Vice-presidents by districts

First—Stanley L. Hart, Keokuk

Second—William Becker, Elkader

Third—E. P. Donohue, New Hampton

Fourth—Frank M. Beatty, Sigourney

Fifth—Clyde E. Doolittle, Des Moines

Sixth—Robert D. Blue, Eagle Grove

Seventh—R. G. Moore, Dunlap

Eighth—Gustave Alesch, Marcus

For Executive Committee: Harold E. Davidson, Clarinda; Arch W. McFarlane, Waterloo; Emory H. English, Des Moines; Ray Yenter, Des Moines; Lloyd Thurston, Osceola; L. H. Doran, Boone; Walter H. Beam, Martensdale.

The nominations were confirmed by the unanimous election of the persons named for the positions stated.

Mr. DAVIDSON: Thank you for this honor. I don't know whether it is deserved, first and, second, I am acting in capacity of president during this period because of the illness of our president, Senator Shane. However, I am interested in the group and in the organization. I feel that much good can come to it. I feel meetings of this kind are important. We certainly have gained some information here today from each

other, as well as from what has been said and we should carry on. If there is anything we can do to increase our attendance, I think that should be attempted. I will give it consideration during the next biennium so that at the next session it may be possible to secure a larger representation at our meeting.

The meeting adjourned until the hour of the joint session with the houses of the general assembly.

#### AFTERNOON JOINT CONVENTION

Members of the Pioneer Lawmakers association were invited guests at a joint convention of the Fifty-seventh General Assembly which convened at 2 p.m. in the chamber of the Iowa House of Representatives, with Lieutenant Governor William H. Nicholas presiding. Vice-president Davidson was escorted to the speaker's desk and seated beside the lieutenant governor who extended his personal welcome to the Pioneer Lawmakers and offered the following remarks:

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, former senator from Pottawattamie county,

who is going to substitute for Senator Arch W. McFarlane on this occasion today.

Senator Watson assumed the direction of the convention and presented Sen. George E. O'Malley of Polk county, who welcomed the Pioneer Lawmakers, on behalf of the senate, speaking as follows:

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 with the following remarks:

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 Judge Harold E. Davidson of Page county, president of the Pioneer Lawmakers Association, who addressed the joint convention as follows:

#### THE STATE'S LIBERTIES AND RIGHTS

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 situations.

## 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 are those of 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 un-

constitutional 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.

#### OUR FEDERALIZED NATIONAL GUARD

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.

#### FEDERAL SPENDING A DANGER

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 state 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 remains. 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."

The joint convention then was dissolved on motion of Representative Milroy of Benton county duly carried.

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### Belated Indian Demands

Succeeding generations of individuals often develop pangs of regret on account of lost opportunities. It is a human trait. Frequently there is desire to enforce fancied rights so long allowed to sleep undisturbed that possibility of securing desired results is balked by lapse of time and expiration date of legal recovery.

Now come 193 members of the Wisconsin Winnebago Indian tribe who have signed a petition asking the federal government to reimburse them for the rental and sale of Turkey river reservation in northeastern Iowa once known as the "neutral ground" ceded to the tribe in 1832. John J. Davis, 80, Winnebago Indian living at Bangor, Wisconsin, is one of the claimants.

In 1862, the Winnebagoes were moved to a 20-mile-square area near McGregor from a reservation near Chicago, Illinois. The Iowa reservation was at the juncture of the Turkey river and the Mississippi. It was rich bottomland, filled with timber and heavily populated by wild game.

The Indians later were moved and ceded the land back to the Federal government, but claim the United States promised to pay them certain timber rentals which are "unpaid since 1912." Davis thinks each tribesman now should be entitled to about \$30,000. A hearing on the matter was had last April in Washington, D. C., but a decision is not expected for a year.

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