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THE BATTLE FOR BIENNIAL ELECTIONS

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Iowa was only fifty years old when one of its first important reforms affecting our political methods was consummated—that of substituting biennial for annual elections. This was secured through amendment of the constitution of the state, though not obtained save through the experience of a spirited and eventful campaign, as there were injected side issues not to be overlooked in its adoption, when voted upon by the citizens of the state. The rank and file of our people were profoundly of the opinion that there was “too much politics” in Iowa; at least there was no need that the performance be continuous. I was one of those who believed that our commonwealth could easily get along with a less measure of such activity by consolidating it within a period of a few months every two years.

The constitution of this state, excepting amendments, was adopted in 1857. As the fundamental law of a great state, it has served its purpose very well. The state has thrived and prospered with it as the foundation for all statutory law. Notwithstanding its age and apparent efficiency, it does not necessarily follow that the changes

*An article written for publication in THE ANNALS by Senator Titus in February, 1946, in compliance with request of the Editor, in order that the incidents connected with the inception and success of the movement for biennial elections in Iowa might be related by the author of the amendment to the constitution of the state. Senator Titus died at his home in Muscatine, Iowa, April 9, 1947, and would have been ninety-one years old had he lived until May 19th. His unselfish service, both to his state and his home community, as a public official and as a private citizen is worthy of emulation.—Editor.

in its provisions have not improved it, or that others likewise would not result in great good to the citizens of Iowa.

I have lived in Iowa since 1872. Perhaps the fact that I have resided all these years in the second congressional district would be a reason why I should be more deeply impressed with the idea that "we have too much politics," than if I had lived in a less tumultuous part of the state. A campaign in the second district, either state, district or county, always means a strenuous contest. It means the raising of a lot of campaign funds, and more or less disturbance of business—more, I am sure, than is found in other parts of the state. And, particularly in those days, in the section of the state where I live you only finish one campaign, when you are buttonhold at once about the candidates for the next election. If you are known as one who takes an active interest in politics and attends primary elections and caucuses, you are canvassed systematically by each candidate and his friends, and frequently your office or place of business becomes a sort of a common meeting place for your country friends to discuss the various candidates and decide what is best to do. If you are known as a public speaker, you cannot refuse the call of the committee to take the stump and give a large part of your time in "whooping it up" for our candidates. If you hold a government, state, district, county or township office you are expected to attend every political conference that is held, and to make a liberal contribution to the campaign fund, whether you are on the ticket or not.

RELIEF FROM POLITICAL ACTIVITIES DESIRED

With such experiences fresh in mind I had hoped when each succeeding general assembly convened, that a movement would crystalize that would give us relief and rest from politics every other year. When I was chosen to represent the Twentieth senatorial district, comprising

Muscatine and Louisa counties, in the Twenty-seventh and Twenty-eighth General Assemblies, here was my opportunity; and I determined to do what I could to bring about this much desired result.

I was a member of the law firm of Titus and Jackson, formed at Muscatine in 1886, which continued for over sixteen years, when D. V. Jackson was elected to the district judgeship of this district and served very creditably for thirty years. Prior to my nomination, the office of Titus and Jackson was practically the political headquarters for Muscatine county. First, I served two years as county chairman and then Jackson served two years.

After my election to the senate, when I was leaving for Des Moines to take my place in the Twenty-seventh General Assembly, Jackson said to me: "Now, George, you are going to the legislature. See if you cannot do something to change the law, so, like most other states, we may have biennial elections and thereby get rid of this everlasting politics. We work through one campaign, take a bath and start in on the next." My response was that I would see what I could do.

When I reached Des Moines and conferred with the older and long experienced members, they told me at that time something I did not know, that in order to make the change, it was required that the amendment to the state constitution should pass through two general assemblies, and then be voted upon by the people. Everyone with whom I conferred conceded it was very desirable and should be done. I remarked: "Well, let's go at it in this session." I do not remember what senator it was I conferred with who said to me: "Well, you go at it." When I protested that I was a new member, and did not want the distinction of attempting to amend the fundamental law of the state as soon as I was a member of the general assembly, whoever I was talking to said: "That doesn't make a dam bit of difference. Go at it." So, for two or three weeks I spent as much time as I

could spare in the law library at the state capitol, reading the laws governing elections in the forty-seven states, besides Iowa; and to my surprise found there were only eleven states in the Union, including Iowa, that had annual elections.

After a thorough study, I prepared a resolution which I thought would accomplish the purpose and submitted it for examination to Judge Horace E. Deemer, who generally sat at the same table with me at the Savery hotel, and who was then a member of the supreme court of Iowa. In a few days he returned it to me with the remark that he thought I had covered the entire ground. One morning I introduced it as Joint Resolution No. 1 in the senate. To my great surprise it attracted more attention than I expected and brought to me much publicity, which, of course, I must admit was not distasteful to me; but in preparing the resolution I was not seeking publicity. I received a wire from the *Chicago Tribune* asking me to send my photograph, and a great many complimentary letters were received, one from Sen. W. B. Allison and one from Sen. J. P. Dolliver. Practically all the newspapers of the state supported it editorially,

ENCOUNTERED SENATORIAL RIVALRY

This resolution was referred to the committee on constitutional amendments, of which Judge Blanchard of Oskaloosa was the chairman. When the committee was to take up its consideration, Judge Blanchard invited me to appear before the committee with full explanation of my resolution and ready to reply to any questions the members of the committee might ask. I had never introduced a bill and never appeared before a committee, and after listening for some time to their criticisms and questions, I wondered if I had the ability to draft a resolution proposing to amend the constitution, and said to the committee: "Well, now, senators, I think the change should be made to our constitution. I thought I had prepared the resolution so it would accomplish the

purpose. However, I have no personal pride in the matter. You may modify my resolution in any part that may be necessary."

In a few days the committee reported a resolution with the following title: "Substitute for Joint Resolution No. 1, by Blanchard." When I read the substitute, I found that it was almost *identical* with the one I had prepared, and I was somewhat peeved that Judge Blanchard, as chairman, should substitute his name for mine, when he had done practically no investigation and study on the proposition. Judge Blanchard and I were very good friends, and I knew he was a prospective candidate for a judge of the supreme court of Iowa. He walked over to my desk one morning and made this remark: "Senator Titus, it seems to me you have a good deal of *gall* in attempting to amend the fundamental law of the state before you are fairly warm in your seat as senator. I had intended to do that *myself*." My response was that I was entirely ignorant of his intentions and was urged by some of the older members to prepare the resolution, notwithstanding I was a new member, but I did feel somewhat peeved that the committee should substitute his name for mine and present practically the same resolution. I stated that I had some personal pride in the matter now, as so much publicity had been given to me, I said: "I want you to know, Judge, that I am not very happy about the way the committee treated me, but I will probably have a chance to reciprocate or get even with you when you are a candidate for judge of the supreme court." This was in a friendly way, as Judge Blanchard, like myself, did not hesitate to "kid" anybody when he thought he could.

A short time after that I met Governor Shaw's secretary, Major Wm. H. Fleming, in the hall of the capitol, who stopped me and said: "Senator, in your biennial resolution you forget the fact that the rule now is that the retiring judge of the supreme court be chief justice in the last year of his term. Under your resolution, two

justices of the supreme court will retire and you will have to modify that resolution to correct that error." I thanked him very much and said I would give it attention. In a few days in conversation with Senator Blanchard he said to me: "Senator Titus, what do you think of the substitute for Joint Resolution No. 1?" I said: "It is not correct." He asked: "What's wrong with it?" My joking remark was: "I will shoot it full of holes when it is presented for consideration." Thereupon the senator remarked: "Well, we will call another meeting of the committee and have you appear before us." To this I consented.

In the second session with the committee, without disclosing the fact that Major Wm. H. Fleming had reminded me of the error in the resolution, I remarked to the committee that I had lost sight of the fact that under this resolution, if adopted, two judges of the supreme court would retire each biennial year and that the resolution needed modification in that respect. Thereupon Senator Bolter of Logan made the following motion: "Mr. Chairman, I think Senator Titus has given this question more study and consideration than any member of this committee. Therefore, I move that a committee of three be appointed by this chairman to confer with Senator Titus to correct any errors in the resolution and present it for our consideration." The chairman appointed Senator Charles Mullen, Senator Ellison and Senator Finch as that committee. In forming the resolution I provided that the two retiring judges of the supreme court should decide by lot which one should serve as chief justice. The sub-committee reported it to the main committee on constitutional amendments, and in that form it was reported to the senate for passage. The demand for less politics in the state of Iowa seemed to be quite general and the resolution passed almost unanimously by both the senate and house in the Twenty-seventh General Assembly, as well as in the Twenty-eighth.

PROVISIONS DECIDEDLY BENEFICIAL

Now the advantages to be obtained, and since realized, in addition to substantially reducing the high pitch of political fever which had so long afflicted the state, included notably a substantial curtailing of expenditure of funds both public and private, which has been estimated by various officials of the state to be not less than \$500,000 every other year. In this estimate was included the cost of state and county conventions of all parties, the legitimate expenses of elections held the "off year", campaign funds and expenses of individual candidates, to say nothing of the loss sustained because of the disturbance to business. At the time the reform was first urged thirty-three states of the union had biennial elections and only eleven, including Iowa, retained annual elections, and none of the former were willing to resume holding elections every year.

In the neighboring state of Minnesota the working of the biennial system for state and county elections was most favorably demonstrated. During 1899 there were no elections there, save, possibly, in towns or villages; and there was an entire absence of political excitement that year; business progressed uninterrupted, farmers were left alone in their fields harvesting crops undisturbed; instead of leaving them to attend political meetings or conventions, or being interrupted daily by candidates for office over-running the farm in a laudable ambition to secure the farm vote and influence; political discussions were at the minimum, street discussions and corner grocery debates conspicuous by their absence—evidencing the value in that state of the "off-year" vacation from political campaigning. I consulted state and county officials there, and obtained a universal expression: "We don't want any more annual elections; by all means change your election system in Iowa to once in two years, and you will never regret it."

Iowa, usually in the vanguard of progress and enlightenment, was unquestionably behind the times in election methods; but I was agreeably surprised to find the rank

and file of our people ready for the proposed change, and no valid reason urged against it, though opposition developed here and there. Some of it was genuine fear that the proposed change would not be beneficial; while much was purely political in character, and generally understood to be such.

There was complete refutation of the old claim that it took elections every year to cause citizens of the state to continue interest in public affairs; also, that the "off year" election was educational in character, whereas it was usually a campaign of personal abuse with no national issues involved, and no more necessary in Iowa to educate the voters than in the thirty-three other states that have elections only every other year. The sentiment in both the Twenty-seventh and the Twenty-eighth general assemblies was so favorable to the amendment that it was adopted in both sessions with but few votes against it, reflecting accurately the attitude of the voters of the state, who in the 1900 election gave it a majority of over 30,000, having received the largest vote of any constitutional amendment ever submitted to the voters of Iowa.

AMENDMENT DECLARED INVALID

Shortly after its passage in the Twenty-eighth General Assembly my attention was called to the fact that the resolution had not been spread in full upon the house journal. Someone in Washington county attacked its validity and the action was heard before Judge Al Dewey of Washington, father of Federal Judge Chas. A. Dewey, who followed the holding in the prohibition case, that was decided by Judge Hayes of the Seventh Judicial district on the same point. Judge Hayes had been sustained by the supreme court of Iowa.

The failure of the chief clerk of the house of representatives to have the amendment entered in full upon the house journal, the supreme court decided, rendered the amendment invalid. In the last 100 years this same question has arisen in the different states of the union eleven different times, and in all save three the courts

have held that the entering in full in the journal of one branch of the legislative body, and by identifying reference in the other body, is sufficient. Iowa being one of the three states where a contrary decision had been established, our court followed the decision rendered in the famous prohibitory amendment case.

Thus, the expressed will of the people was temporarily defeated by the negligence of two men; first the negligence of the author of the resolution in not seeing that the clerk of the house, as well as the secretary of the senate, performed his full duty; second, the neglect of the clerk of the house in not properly entering the resolution in full in the house journal.

Naturally, this development came as a distinct shock, and of course, was a great disappointment to me; but a greater disappointment came when I was the victim of the envy of two strong politicians of Muscatine county, who managed my defeat in the senatorial convention by four votes in 1900, notwithstanding I was satisfied that it was the general desire that I be returned to the senate to renew that resolution and see that it was properly prepared. What at that time seemed to be the greatest disappointment I had ever had, really proved to be a great blessing, as Judge Jackson was elected to the judicial bench and my business, which was quite successful, needed my personal attention.

However, when the Twenty-ninth General Assembly convened, Senator Harper of Ottumwa wired me that it was the general desire to have the same resolution introduced, and wouldn't I come to Des Moines and assist in drafting it, which I did. Senator Harper had the active co-operation of Senators Garst, Dowell, Smith and Lewis, together with Newberry and Crossley on the committee on constitutional amendments; and in the house Speaker George W. Clarke and committee chairman Robert M. Wright, with Mattes, English, Head and Flenniken were especially helpful. It easily passed the Twenty-ninth and Thirtieth and was voted on in 1904.

POLITICAL MOTIVES CAUSED FIGHT

By the terms of the amendment about one-half of the state officers would have their terms extended one year, and the Thirtieth General Assembly would reconvene as the Thirty-first without re-election of members excepting in case of vacancies. This, with some additional legislation, would accomplish the necessary readjustment of terms of other officers. At this time Albert B. Cummins was governor of the state, supported in a general reform program by a legislature that was called "progressive Republican." It will be remembered that the Republican party in those days was divided into two factions, one known as the "progressive" and the other the "standpat" faction. During the 1900 campaign I had the Press Clipping bureau of Des Moines send me any clippings of comment in relation to the amendment that appeared in any paper in Iowa. As a result of that request, I had about a bushel of clippings, nearly all favorable to the amendment.

L. M. Shaw was governor when the amendment was first voted upon; but later many of the standpat editors and members of the standpat faction remarked to me that while they had previously supported my amendment, they now intended to secure its defeat, for the reason that they did not want Cummins and his progressive legislature to be in power for another year. I believe my friends will admit that I am quite a fighter for principles that I think are correct and I gave a good deal of time to the matter of having this resolution brought to the attention of the voters, (women did not vote then) to indicate to them that the opposition to the amendment was a political matter and not in relation to the merits of the measure.

I prepared a four-page pamphlet giving in brief the reasons why they should vote for it. In this pamphlet I included the letters of Senator Allison and Senator Dolliver. I wrote to the ninety-nine sheriffs in Iowa,

enclosing a copy of this pamphlet and suggested to them if they would send me stamped envelopes addressed to the voters of their county, I would enclose one of the pamphlets and mail them from Muscatine to the voters throughout the state. As a result of this assistance on the part of the county sheriffs, 350,000 circulars advising voters to support the amendment, were sent out to voters in the various counties in the state.

Whenever any of the standpat newspapers formerly favoring the amendment, would advance any argument against the amendment, Mr. Robert Henderson, then editor of the *Council Bluffs Nonpariel*, would publish the arguments of four years before in the same paper that were in favor of the amendment. This plan rather weakened the argument of those newspapers, and made more clear that their objections were political and not otherwise. When the votes were counted in 1904 it showed a majority for the amendment of 23,000 or within 7,000 of the majority in 1900.

ANOTHER COURT TEST

William O. Payne, of Nevada, Story county, thereupon attacked the validity of adoption, and hearing was had before Judge William D. Evans of that district. I employed at my own expense Judge George H. Carr of Des Moines, to assist me in asking for the privilege of intervening in the action before Evans. Payne's action was based on the argument that there were too many parts of the constitution amended by this resolution, and that should not be permitted. I found that the same question had been considered by the supreme court of the state of Wisconsin which held that unless all parts of the constitution that needed amending were included in any proposed resolution to amend the same the action would not be effective, and to hold otherwise would be an admission that such an amendment can only be had by calling a constitutional convention. Ed Addison of Nevada appeared for Payne and Judge Carr and I presented the

matter to Judge Evans, who sustained the amendment and the supreme court of Iowa sustained Judge Evans, and the amendment became the law of Iowa.

The final triumph in the long battle engaged in to obtain adoption of the amendment brought a feeling of profound satisfaction to me. I was sure of the need of the reform from long before the inception of the movement; and I never entertained any selfish motives in connection with it, for there was nothing to me in the whole matter more than to any other citizen; except, perhaps, some little pride in having inaugurated the movement. I have always been proud of my citizenship in Iowa, just as I have loved Muscatine; proud of her ever increasing prominence, politically and commercially. This grand old state is thrilling with the consciousness of growing prosperity and power. The reduction of time devoted to the mechanics of politics, gives opportunity for devoting more attention to educational, social and business pursuits, without detriment to or neglect of its political and official affairs, in all of which I have a continuing interest.

I was confident of the advantages to be obtained to the state through biennial elections, and that has been more than demonstrated—a most gratifying result of the efforts put forth by countless Iowa citizens. It is freely estimated that at least \$12,000,000 is already saved to the state of Iowa, because of the adoption of this amendment, and the saving at the low estimate of \$500,000 every other year will continue through all time.

OFFICIAL HONORS DECLINED

When it was discovered that the standpatters, the opponents of the amendment, had been decidedly beaten, the result was to draw attention to me as a politician, which I now declare was not my intention. In my efforts to defeat the opponents of the amendment whose arguments were entirely political, several different newspapers were kind enough to suggest me as a candidate

for the next governor of Iowa. Indeed, I received a large number of letters urging me to become a candidate. I was offered support from both factions, but some of them indicated they expected me to carry the progressive banner and the others the standpat banner. I did not belong to either faction and had a very prosperous business to look after, that brought returns much better than the salary then paid to our governor.

Therefore, I concluded that I could not afford to accept the nomination for governor; and, moreover, I could not afford to leave my business with full knowledge that my partner, D. V. Jackson, intended to seek the nomination as judge of this district, thus leaving the business with neither member personally giving it the proper attention. Therefore, politely and regretfully I declined all support that was offered to me in that manner. This position I have never regretted.

When the campaign was over, and the amendment was a part of the constitution, the secretary of our company said to me: "Mr. Titus, I believe that biennial election amendment has cost you in time and money at least \$10,000." My response was: "I think you are correct, Mr. Schomberg, but I haven't any regrets. If I am to be remembered when I am gone, I hope one of the high lights will be that, as a citizen of Iowa, I unselfishly prepared and led the fight for a great economic measure."

IOWA CORN YIELD 100 YEARS AGO

A stalk of the Baden corn was brought into our office a few days since, having on it eleven tolerably sized ears. The stalk was about twelve feet in height. It was taken from a field in Van Buren county, which we are assured will yield 150 bushels to the acre. A reference in the advertising columns will inform the public when seed corn, of this description can be procured.—*Davenport Sun*, Dec. 22, 1833.

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