

# ANNALS OF IOWA

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## EDITORIAL DEPARTMENT

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### THE IOWA STATE BANNER

Iowa is a sovereign state of the federal union. Iowa is a commonwealth with a republican form of government closely united with others in the great American Republic. Iowa has a state banner that is an emblem of the fine spirit of the people of Iowa and a symbol of the unity of the Nation. The design has been officially adopted and its use authorized wherever a distinctive state banner may be fittingly displayed.

The desire for a state banner arose in the era of profound peace just preceding the World war. The women of the Iowa Society Daughters of the American Revolution became interested and a committee was appointed to consider the subject. About this time, certain definite steps were taken by the then curator of the State Historical department, looking to the adoption of a design. Legislative action was taken early in 1913 by authorizing a commission to prepare and propose a design for a state banner. Out of this there eventually came the legal authorization for the design and use of the Iowa banner.

Although first steps were taken by the Thirty-fifth General Assembly, it was the Thirty-ninth General Assembly that passed the act for the state banner, and it was approved March 29, 1921. This act,<sup>1</sup> which is now embodied in the Code of Iowa, is as follows:

Section 1. That the banner designed by the Iowa Society of the Daughters of the American Revolution and presented to the State of Iowa, which banner consists of three vertical stripes of blue, white and red, the blue stripe being nearest the staff and the white stripe being in the center, and upon the central white stripe being depicted a spreading eagle bearing in its beak blue streamers on which is inscribed, in white letters, the state motto, "Our liberties we prize and our rights we will maintain" and with the

<sup>1</sup>Chap. 78, Acts of the Thirty-ninth General Assembly.

word "Iowa" in red letters below such streamers, as such design now appears on the banner in the office of the governor of the State of Iowa, be and the same is hereby adopted as a distinctive state banner, for use on all occasions where a distinctive state symbol in the way of a banner may be fittingly displayed.

Sec. 2. That such design may be used as a distinctive state banner and may as such be displayed on all proper occasions where the State is officially represented as distinct from other states, either at home or abroad, or wherever it may be proper to distinguish the citizens of Iowa from the citizens of other states, such display in all cases to be subservient to and along with the national emblem and, when displayed with the latter, to be placed beneath the Stars and Stripes.

When the Iowa banner was adopted many other states had already adopted flags or banners; but the movement at first encountered spirited opposition in Iowa from intense loyalty to the stars and stripes.

The first official step was taken by the Thirty-fifth General Assembly by adoption of a concurrent resolution<sup>2</sup> which had been prepared by Edgar R. Harlan, curator, and was introduced by Sen. Frederic Larrabee, from Webster county, on April 15, 1913. It was promptly adopted and, under the sponsorship of Repr. H. C. Ring, of Linn county, it passed the House. That resolution was as follows:

Whereas, our state has no flag known as the official flag of Iowa;

Resolved, by the Senate, the House concurring, that the Governor, the Adjutant General, and the Curator of the Historical department, be and they are hereby created a commission to inquire into and report to the Thirty-sixth General Assembly upon the expediency of the adoption of an official state flag and upon the appropriateness of the design therefor if they approve the same.

That commission, consisting of Gov. George W. Clarke, Adjt. Gen. Guy A. Logan and Curator Edgar R. Harlan, entered into correspondence with reference to what had been done elsewhere and consulted freely with the flag committee of the D. A. R., and particularly with Mrs. Lue B. Prentiss, of that committee, and Mrs. Dixie Cornell Gebhardt, of Knoxville, who was active in the promo-

<sup>2</sup>Senate Journal, Thirty-fifth General Assembly, p. 2280, April 15, 1913.

tion of the movement. Consultation also was had with Mrs. Harold R. Howell, of Des Moines, under whom, as state regent for the D. A. R., the preliminary work had been done; with Mrs. R. J. Johnston, of Humboldt, as state regent, Mrs. Caroline Ogilvie and others.

The flag commission, thus authorized by the state, soon discovered that there was not agreement among the people as to the propriety of Iowa having a state flag or banner. Opposition arose from persons who had recollection that only a generation or two ago, a group of states gathered about their state flags and claimed the right to separate from the union, with paramount loyalty to their states. Besides, even if the banner was proper, the task of deciding upon the design was very difficult. So the Thirty-sixth General Assembly continued the commission for further study and examination.

About that time the World war started and it seemed certain the United States would be involved. Military interests became more prominent. Iowa regiments of the National guard were being made ready for whatever might happen. The advocates of a state flag became active. Many argued that when the Iowa soldiers went oversea they should have something to indicate that they were from Iowa. The D. A. R. promoted a contest for a design. Many suggestions were made.

The state flag commission reported<sup>3</sup> to the Thirty-seventh General Assembly on March 24, 1917, as follows:

The undersigned; a commission created for the purpose of inquiring into the expediency of the selection and adoption of an official flag or colors for the state of Iowa, respectfully report:

From the remotest antiquity there has been in use, first in war then in the pursuits of peace, such emblems to be borne aloft as would indicate the presence or symbolize the power, of sovereignty. As sovereign power subdivided or delegated its rights and privileges, it granted also the right or privilege to display colors. Thus the colors of sovereign kings, and after of sovereign countries, were devised and their use determined.

Symbolizing British sovereignty there had by right floated above the people of the American colonies the royal standard of England. When that flag came down there was an honest difference of

<sup>3</sup>House Journal, Thirty-seventh General Assembly, p. 1234, March 24, 1917.

opinion whether the sovereignty which it symbolized passed to the confederation of the thirteen colonies as a unit, or to the thirteen individual colonies. Through the era of the confederation, and through that of the constitution up to the close of the Civil war, this confusion remained. Out of the situation grew recognition of double sovereignty—that of the nation itself as a unit, and that of the individual states.

Which of the two was the dominant sovereign remained a question on the part of many until it was answered at Appomattox. Today all doubt has vanished as to the superior powers of the general government and as to those of the individual states being inferior. The emblems of these sovereignties are respectively symbolized on the part of the United States of America by the Stars and Stripes, and on the part of the individual states by such state flags as they have adopted.

During the era preceding the Civil war, states which held for federal supremacy were slow to adopt state flags. The mind of the patriot instinctively resents the appearance of colors or symbols of sovereignty displayed so as to divide the attention and, by inference, the devotion, of the beholder. In the acrimony of the Civil war the appearance of state flags displayed in inferior relation to that of the Stars and Stripes was bitterly resented. Even today, it is bad form for the colors of a state to be officially displayed except in association with, and in inferior relation to the Stars and Stripes.

However, none who are now concerned with the functions of the government of the nation or of the states mistake the meaning of the respective symbols of sovereignty. In many instances, and particularly in the pursuit of modern military science with the separate states, and of state with state, colors designating federal from state units or organizations, and those of state from state, are indispensable, whereas in the interchange of polite formalities the appropriate emblems and devices are of great benefit.

It appears, therefore, that there is a positive, tangible requirement of an official Iowa state flag; that such a symbol of the sovereignty of Iowa should be brought into existence by the adoption of suitable laws, and the creation of rules and regulations that would establish and require the use of a state flag in connection with the Stars and Stripes; that the device and symbolism of a state flag should be drawn from the sources of pure history and art, and should harmonize in all essentials of meaning, form, color and use with the symbolism, use and beauty of the Stars and Stripes.

To which end your commission, unprepared in talent and training, respectfully recommend the creation of a new commission to be composed of a member renowned for his attainment in history, a second for this attainment in law, a third for his attainment in

art, and two others for distinguished service all in Iowa, to be appointed by the governor of the state. The sole duty of this commission should be to study, report and recommend to the general assembly a design, statute, rules and regulations for an official Iowa state flag.

The commission was authorized to continue its search for a state flag. Wm. L. Harding had become governor and took an active interest. Iowa men were getting ready for action. The war was coming closer and military matters were of increasing interest. The state had not adopted a state flag; but this did not daunt the women of the D. A. R. and they went right ahead with their plans. A design was adopted by their flag committee, and funds were secured by popular subscription for the making of samples. A design was approved substantially like that which finally was given legal recognition.

One of these banners was made for the first Iowa regiment to go overseas. Somewhere in France, in an old chateau, the first of the banners was presented to the 168th Iowa regiment, which was a part of the Rainbow division, on New Years day, 1918, and was received by Col. E. R. Bennett, who commanded that regiment in the march toward Berlin.

Later that year the D. A. R. at a state meeting, formally adopted the design, and directed the flag committee to urge upon the state flag commission its acceptance.

When the Iowa soldiers returned from France they were greeted and welcomed in the grand parade up Broadway by hundreds of little flags that were distinctively the banners of Iowa. A flag maker obtained a concession for making these banners and the profits of many sales went to good purposes. The Sons of the American Revolution and other patriotic organizations joined in this helpful work.

The flag committee and the flag commission got together and reached an agreement as to the design; and in accordance therewith a bill was introduced in the Thirty-eighth General Assembly and strongly urged in the Senate.<sup>4</sup> The Iowa soldiers were coming back from France. Some of them had resented the idea of a state

flag. When the bill came up for passage, a state senator read a letter from his son, written from a camp in France, saying:

"I hold that one flag is enough for American soldiers, and that the Stars and Stripes is sufficient for all purposes."

That sentiment prevailed; the bill was defeated and the matter was abandoned. But the women of the D. A. R., seconded by a goodly group of others, persisted and carried on a campaign to educate Iowa people to the real purpose of the Iowa banner and to an understanding that it was not in any sense to supersede the national emblem.

When the bill was proposed in the Thirty-ninth General Assembly, it was found that a different attitude had developed. The banner unofficially had been displayed on many occasions. It was generally admired and approved. The bill was passed and on March 29, 1921, Gov. N. E. Kendall signed the act and it went into the Code of Iowa.<sup>7</sup>

Mrs. Dixie Gebhardt, of Knoxville, while she was regent of the state D. A. R., published her idea of the meaning of the banner:

Iowa wants a state banner. Iowa needs a banner symbolic of our commonwealth, and which reflects the teachings of the Stars and Stripes. Iowa's banner should embrace the history of its domain from its occupation by the Indians, discovery by the French, its purchase from Napoleon by Jefferson, up to its admission into the galaxy of states, down to the present time, all represented in a design so simple the school child can recognize its symbolism, and the "spirits of those passed beyond" would know it meant Iowa.

With these thoughts in mind, is chosen the white unwritten page of history. It suggests Iowa in its virgin beauty of unbroken wilderness, riotous flowers, unfettered nature, the original American unmolested enjoying its beauty—who, expressing his love for the rolling, rich prairies, christened it Iowa, meaning "beautiful land." Upon the center of this fair page in the brilliant crimson color so admired by the American Indian, we paint the letters which spell Iowa.

<sup>7</sup>Bill by Sen. Joseph R. Fralix, of Lee county; lost in Senate, 14 to 20, February 17, 1919, Senate Journal Thirty-eighth General Assembly, p. 569.

<sup>8</sup>Bill in Senate, by Sen. Charles Olson, of Boone county, passed 42 to 3, Senate Journal, p. 1122; in House by Rep. W. S. Criswell, of Boone county, passed 28 to 4, House Journal, p. 878; approved by Gov. N. E. Kendall, March 29, 1921.

In 1673 this Iowa was discovered by the French traders and became French territory. When in 1803 it was purchased by the United States, the flag of France was the tri-color banner—our own national colors reversed. France had painted these colors upon Iowa's page of history, and they are so arranged in the design of Iowa's proposed banner, since the French flag was the first banner to float over the "beautiful land."

We next study the great seal of Iowa for inspiration in working out a design for the emblem, and select therefrom the soaring eagle, our national bird, bearing in its beak flying streamers on which in letters of white is painted Iowa's state motto, "Our liberties we prize and our rights we will maintain." This is placed upon the white portion of the field of the proposed Iowa banner.

Does this finished design reflect Iowa's history—of the past, of the present? Does this proposed little banner suggest Iowa's story? Does it tell it simply, does it make it more clear, more dear? Is the proposed Iowa design too small an arc of the circle of events as pictured in Iowa's history? Can the morrow add to its glory more than living up to its wondrous past?

Long ago the scruples that had delayed adoption of a state banner were pushed into the background. The state not only legalized the banner and its design, but caused to be made and displayed many of them; and everyone soon came to agreement that the banner is not only appropriate and attractive but has a real place in all public affairs.

The motto on the Iowa banner is that which appears on the state seal which was adopted by the First General Assembly.

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## THE IOWA SUPREME COURT

The portraits and biographical sketches of twenty-four additional former justices of the Iowa Supreme Court appearing in this number of *THE ANNALS OF IOWA* comprise most of those serving on the bench who were better known to recent generations of Iowa people. Also, among those likewise of more recent service, presented in the October 1944 issue, were Justices Deemer, Ladd, Waterman, Sherwin and McClain, all of the latter having ascended to the supreme bench near the end of the century, while those appearing herein assumed the high

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