

# The GOLDFINCH

Spring 1976

Iowa City, Iowa

## Government for Iowa

When people live together in a group they want and need rules to live by. These rules are called government. You may have heard a lot about Iowa government on the news. But do you know how government works or how it got started?

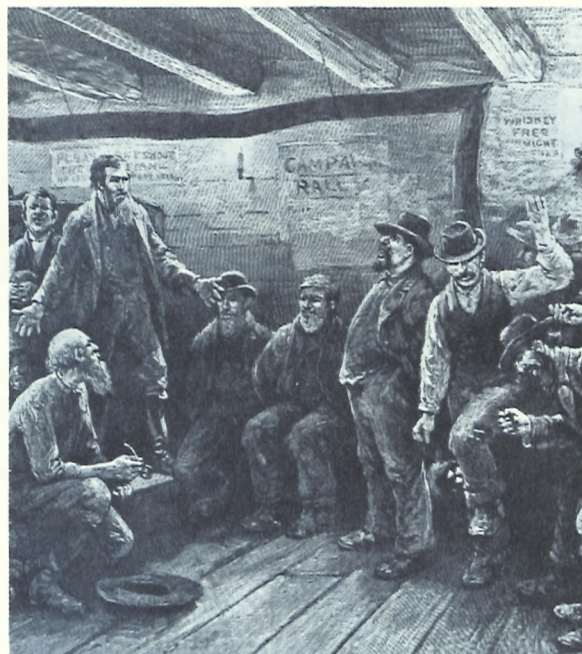
The government in Iowa has not always been as it is today. When Iowa was part of a large land area owned by the United States, government was very simple. Only a few settlers lived here. At first, there were not written laws. This did not mean there was disorder and lawlessness. Most settlers believed there was a need for law. They soon got together and made rules of their own to protect themselves, their rights, and the homes and farms they worked so hard to have. This kind of government worked well enough when there were only a few people living in the area.

But, more and more people came to live on the unsettled land. The United States government knew something must be done to make a better government for the settlers. The United States government had a plan for territorial government, so a territory was created. The President appointed a Governor, Secretary, Judges, and a Marshal. The people of the Territory of Iowa elected representatives for a territorial legislature. They also elected a delegate to the United States Congress. The legislature made laws for the people in the Territory. The delegate traveled to Washington, D.C. and spoke for the Territory in Congress, but could not vote.

By 1844, there were so many people living in the Territory that some believed it would be best for Iowa to become a

state. This meant there would be some changes in government. First, a plan for the new state government was written, and in 1846 Iowa became a state. After that the leaders of the state government were chosen by the people of the state. Iowa's representatives in the United States Congress were given power to vote.

It has been a long time since the first small groups of settlers met to make their rules for living together, but today government in Iowa is here for the same reason it was long ago: when people live together they want and need rules to live by.



*Early settlers often met to decide on laws they needed to protect their rights and property. (Harper's Weekly)*

# The Iowa Constitution

The Constitution of Iowa is the plan we have for our state government. The plan tells how the government should be organized and who has certain duties. Iowa's first constitution was written when we entered the Union as a state in 1846. It was different from the rules of government which had been followed when Iowa was a Territory, and it was different from the constitutions of other states. It was supposed to fit the needs of people in Iowa.

Unfortunately, there were problems with the first constitution of 1846. The people finally decided in 1857 that it would be easier to start over again with a new constitution—so a new plan of government was written at a meeting in the Old Stone Capitol in Iowa City. This new constitution is the one we live by today. It has been amended (changed) 36 times since 1857.

Just as the national government had three separate branches, the 1857 constitution set up three branches of government for Iowa: the legislative, the executive, and the judicial. This meant there was to be a General Assembly elected by the people to make laws, an elected Governor to carry out the laws, and a Supreme Court appointed by the Governor to decide disagreements over what the law really said. The new constitution listed the qualifications for the people in each of these branches of government, and it also described their duties.

## *The General Assembly*

The Constitution of the state set up a plan for government without many laws telling how things were to be run or how people were to act. It was the duty of the General Assembly to make these laws. As the years went by, new laws were needed to take care of new problems. The General Assembly now meets every year to consider what new laws are needed or what old laws should be changed.

The General Assembly is divided into

two separate parts: the House of Representatives and the Senate. The people of the state elect members of the General Assembly. A Representative serves for two years, and a Senator serves for four years. To be eligible for election to the General Assembly a person must be a citizen, have been a resident of the state for at least one year, and live in the district he or she represents. A Representative must be at least 21 years old, and a Senator must be at least 25 years old.

## *The Governor*

The head of state government is the Governor. His responsibility is to carry out the laws passed by the General Assembly—and he must read and sign each law as it comes from the legislature. If he does not like a law, then he may refuse to sign it. This power—called a veto—gives the Governor a lot of responsibility.

The Governor also appoints Supreme Court Justices, heads of government departments, and commissions. He is elected by the people of the state. In order to run for the office of Governor a candidate must be at least 30 years old, a citizen of the United States, and a resident of Iowa for at least two years.

## *The Supreme Court*

This branch of government makes decisions about the law. If there is a question about the meaning of a law, the judges make a final decision.

Members of the Iowa Supreme Court—called Justices—are appointed by the Governor. The appointment must be approved by a majority of the voters at an election. Each Justice serves a term of eight years.





# The General Assembly

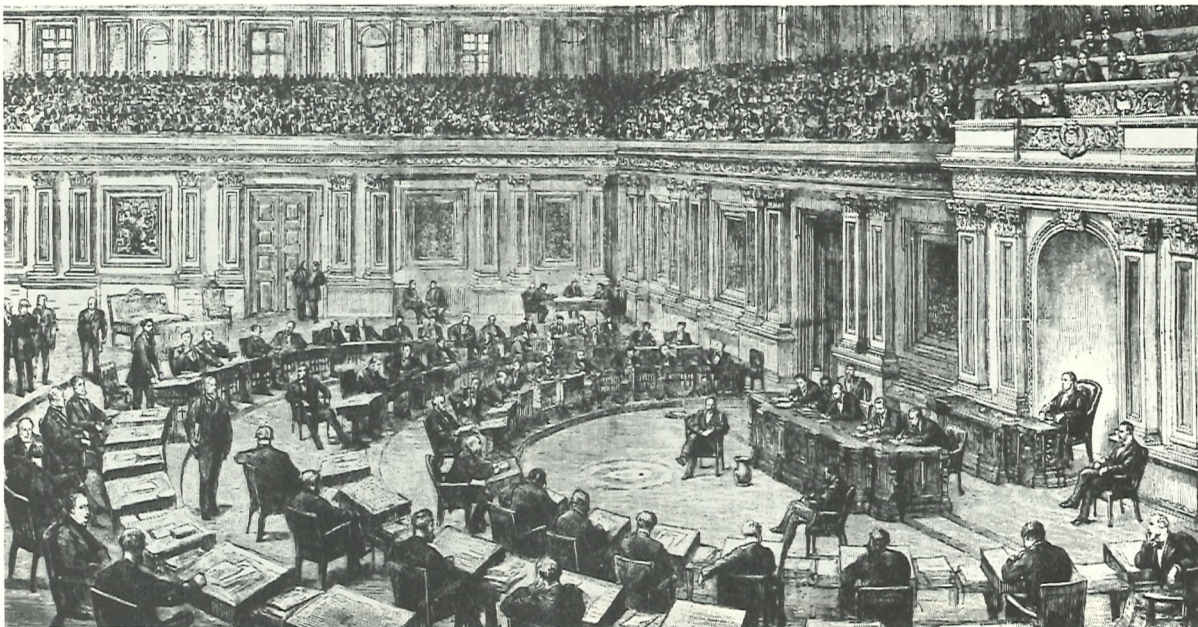
The General Assembly is where important decisions about government are made. Members of the House of Representatives and Senate must think about each new law carefully. At the same time they must keep in mind the wishes of those they represent.

Many of the state's important political leaders have served in the General Assembly. In 1857 when the General Assembly met in Des Moines for the first time, there were two future Governors, two future Lieutenant Governors, a future United States Senator, and many future United States Congressmen among the members of the state legislature. In those days being a member of the General Assembly was a part-time job (as it still is today), and the legislature met only once every two years. As the problems of law-making became more complicated, there was a need to meet more often. In 1969, after Iowa voters changed the state Constitution, the General Assembly began to meet every year, from January to May or June.

In Iowa, all legislators represent an equal number of people. Each member of the House represents 28,250 Iowans. Each Senator represents 56,500 Iowans.

Legislators try to know what the people they represent think about new laws and problems. During the legislative session in Des Moines Representatives read the letters people send. Legislators also travel home on weekends to talk with the people. The hometown newspaper is another source of information. When the legislature is not in session representatives return to their regular jobs at home. While going about their daily work, they learn what the people think about different problems.

During the years since 1846, the legislature has faced such complicated questions as: How old should people be before they can vote? Should women be allowed to vote? Should Iowans be allowed to drink liquor? How old should a person be before he or she can leave school? The legislature also decides how much money Iowans



*Legislators listening to the debate on a bill. (Harper's Weekly)*



must pay in taxes to support their state government and all its services (including public schools). All these issues need careful thought before new laws are made or old laws changed.

When a legislator has an idea for a law, he or she brings it before the other members of the House of Representatives or the Senate in the form of a bill. Before a vote is taken on the bill, the idea must be studied. Most of the study is done by committees. There are so many bills introduced each year in the legislature that committees are needed to sift out the good bills

from the bad. In 1975 alone over 2000 bills were considered by the Iowa General Assembly.

Several things may happen to a bill when it goes to a committee. The bill may be approved and given to the legislature with a recommendation to vote it into law. If the committee thinks a bill would be better with a few changes, the recommendation might be to amend the bill before passage. If the committee does not like a bill no recommendation is made at all—the bill “dies” in committee.



*Members of the Iowa Senate posed for a picture on the steps of the Old Brick Capitol in Des Moines, about 1880.*





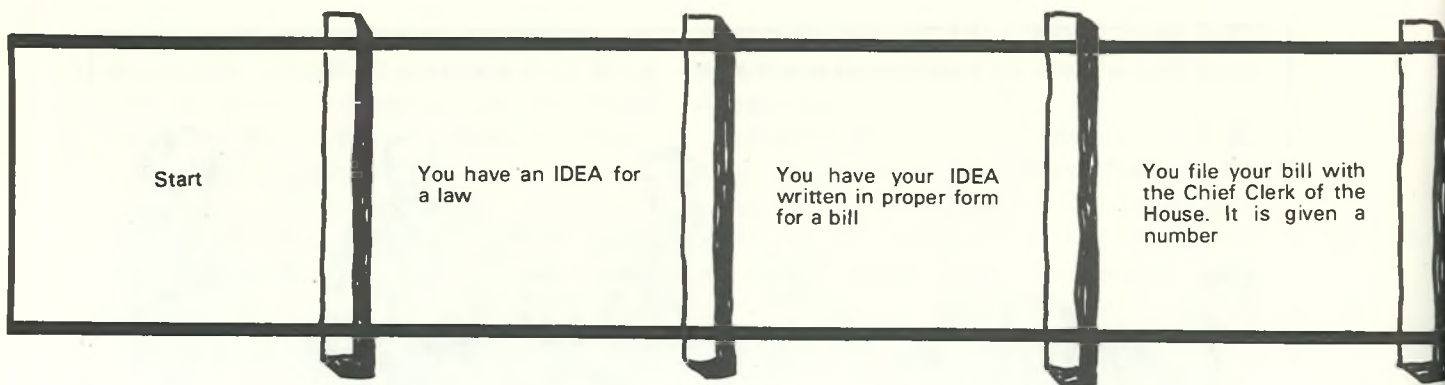
*Legislative committee members discussing a bill sent to them for study. (Harper's Weekly)*

### *Something To Do*

We can learn about our state and how it has changed by looking at the kinds of committees in the legislatures for 1846 and 1975. The names of the committees tell us the kinds of laws the legislature was working with. Compare the two lists. Which committees met both in 1846 and 1975? Can you tell why? Which of the 1846 committees no longer meet? Which committees do not have the same title but probably do similar work? Which committees work on problems today that may have not been problems in 1846?

Standing Committees in the Legislature of the State of Iowa.

1846	1975
Agriculture	Agriculture
Claims	Appropriations
County and Township Organization	Cities and Towns
Elections	Commerce
Engrossed Bills	County Government
Enrolled Bills	Education
Expenditures	Energy
Federal Relations	Human Resources
Incorporations	Judiciary and Law Enforcement
Judiciary	Labor and Industrial Relations
Military Affairs	Natural Resources
New Counties	Rules
Public Buildings	State Government
Roads and Highways	Transportation
Schools	Ways and Means
Ways and Means	



## Legislator

(number of players, 2-4)

If you were a legislator, what laws would you want to write? Perhaps you would write a bill to make bicycle trails all over the state. Or, perhaps you would be more interested in a law about land for state parks, a shorter school year, conservation of energy, or help for people who need work.

Before you play this game, decide what kind of law you would write if you were a legislator. Write your idea on a piece of paper. As you play the game, your bill will go through many steps before it becomes a law.

Bills are started in either the Senate or the House of Representatives. In this game you are a Representative and your bill will start in the House. If you were a Senator, your bill would begin in the Senate.

To Play:

For each turn, move the marker forward one square. Read aloud what the square says. When there are instructions in the square, do what the instructions tell you.

The Colored Squares:

When you land on a colored square roll the die or spin for a number. An ODD number means you must take the side track on your next turn. An EVEN number means you move straight ahead on your next turn.

When your bill is passed you have finished the game.

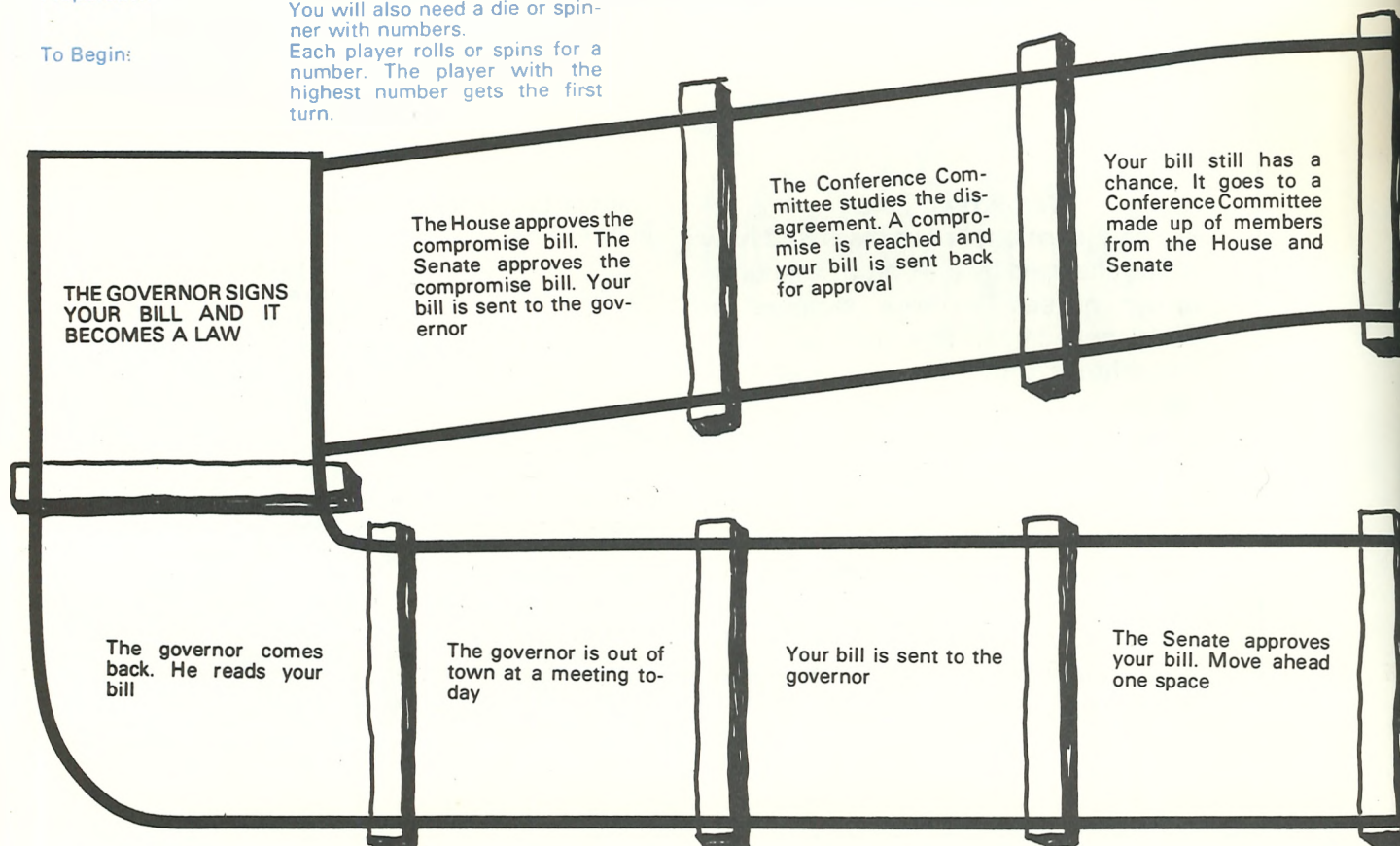
### Rules for Play

Preparation:

Make a marker for each player. You will also need a die or spinner with numbers.

To Begin:

Each player rolls or spins for a number. The player with the highest number gets the first turn.





It is the next day. The number, title, and author of your bill are read to the House. The Speaker refers your bill to a committee

Your bill is being studied in committee

The committee returns your bill with the recommendation that it be passed

Your bill is placed on the calendar and waits for a turn to be debated by the House

Many bills have been sent to this committee. It will take a few days before they can study your bill

Your bill is STILL in committee

You wait for your bill to come up for debate

Your bill is still in committee

There is a long debate about your bill

The day is here! YOUR bill comes up for debate

Your bill comes back to the House. The House does not agree with the change made in the Senate.

The debate continues

A vote is taken. Your bill receives a majority vote and is sent to the Senate

The Senate likes your bill, but thinks it needs one change. Your bill is amended and passed

Your bill is still being debated

Your bill comes up for debate in the Senate

You wait for your bill to come up for debate

Your bill is placed on the Senate calendar

# Governor Larrabee Controls the Railroad

**Background:** The railroad companies were great powers in Iowa when William Larrabee was elected governor in 1885. Shipping charges were very high for some people and low for others. The people of the state demanded that something be done. But, doing something about railroads was not easy. Railroad companies had controlled the votes of lawmakers for many years, and it was the lawmakers who had the power to control the railroads. In this skit you will dramatize the story of some of the first efforts made to control the profits and services of the railroads in Iowa.

## Cast of Characters

**Governor William Larrabee:** Governor of the State of Iowa. A distinguished looking gentleman of great wealth. As a young boy, Larrabee lost the sight in his right eye in a hunting accident.

**Dr. Powell:** Director of the Institution for Mentally Retarded Children at Glenwood, Iowa.

<b>Commissioner One:</b>	} Members of the Railroad Commission
<b>Commissioner Two:</b>	
<b>Commissioner Three:</b>	
<b>Representative One:</b>	} Members of the House of Representatives
<b>Representative Two:</b>	
<b>Representative Three:</b>	
<b>Representative Four:</b>	
<b>Representative Five:</b>	

**James "Ret" Clarkson:** Editor of the *Iowa State Register*, a powerful newspaper in the state. Clarkson is a strong supporter of the railroads.

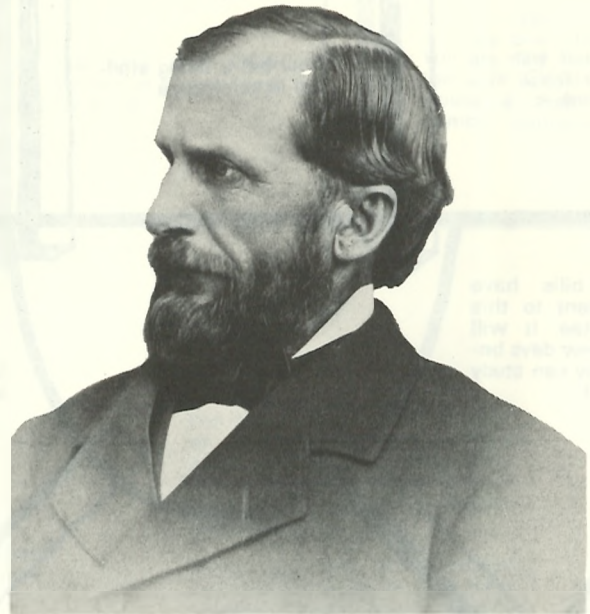
**Representative from Dubuque:** Friend of Editor Clarkson.

**Representative Albert B. Cummins:** A leading young legislator from Des Moines. A fine speaker and future Governor of Iowa.

**Jacob Rich:** A lobbyist (someone who tries to get legislators to vote a certain way). Mr. Rich works for a railroad company.

## Props Needed for the Play

Map of Iowa showing Cleveland in Lucas County, Glenwood, and Council Bluffs.



*William Larrabee, Governor of Iowa, 1886-1890.*

Chairs and tables for legislators.  
Stacks of papers for letters.

## Act I

**Scene One—1886, the Governor's office in the new state capitol building, Des Moines (there is a knock at the door).**

**Larrabee:** Come in, come in.

**Dr. Powell:** You wished to see me, sir?

**Larrabee:** Yes, Dr. Powell, please sit down. I have been going over the financial records of the Institution for Mentally Retarded Children at Glenwood. I cannot understand how you can be using so much money. Do you have an explanation?

**Dr. Powell:** Yes, sir. We are not spending money unwisely. We have had very high bills because of the shipping rates on the coal we use for heat.

**Larrabee:** What are you charged?

**Dr. Powell:** The Chicago, Burlington & Quincy Railroad ships coal to us at Glenwood from Cleveland, Iowa in Lucas County. They charge us \$1.85 per ton. Yet, that same railroad ships coal from Cleveland to Council Bluffs, 30 miles beyond Glenwood, for only \$1.25.

**Larrabee:** Surely there has been a mis-



take. I will check with a friend of mine. He's a superintendent with that railroad. I'm sure we can get this matter settled.

Scene Two—Two weeks later, the Governor's office (the Governor is reading a letter from the railroad company).

*Larrabee:* ...and the C.B. & Q. believes the present Glenwood rates to be fair. As it is now, shipping coal to Glenwood does not bring any profit to the company. Our Council Bluffs rate must be kept lower, because there is competition among several railroads for shipping coal on that route. I feel I must remind you, Governor, that without our railroads to haul the coal, the coal mines in Lucas County would have to close. Our railroad is important and helps the businesses of the state.

Yours truly,  
President,

C.B. & Q. Railroad

(looking up) Yes, it is true. The railroads are important to Iowa. But now we must decide which is more important, the people of Iowa or the private interest of the railroad. It's time to call a meeting of the Board of Railroad Commissioners.

Scene Three—One month later, the commission meeting.

*Larrabee:* If you will look at this map, gentlemen, you can see that the rate is unfair. The coal is shipped from a

place where it is mined here... (points to Cleveland, Lucas County on the map) and is delivered to Glenwood here... (points again) at a charge of \$1.85 per ton. Yet coal shipped from Cleveland to Council Bluffs, a longer distance, costs only \$1.25 per ton.

*Commissioner One:* Yes, Governor, we agree, and have decided to recommend to the C.B. & Q. that they change the coal rates.

*Commissioner Two:* Farmers are having trouble with railroad rates, too. Prices for corn and wheat are down but shipping rates are still up. But, there is nothing we can do.

*Commissioner Three:* We can ask the railroads for fair rates, but we have no power to make the railroad company do as we suggest.

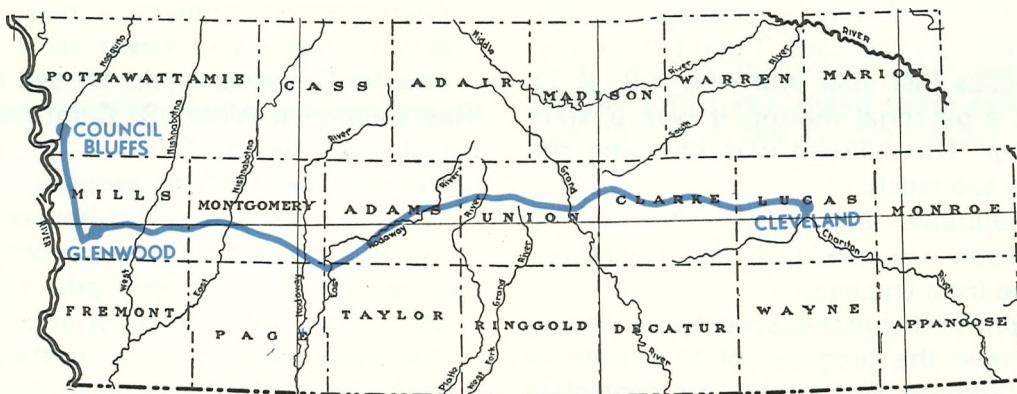
*Larrabee:* We need a law that controls the railroads—until we have that we can do little or nothing. If the people want this law, they will have to elect legislators who will do something about the railroads.

## Act II

1888—Larrabee has been reelected governor.

Scene One—The day after Larrabee's inaugural address—the floor of the House of Representatives (Representatives are talking in small groups before the meeting is called to order).

*Representative One:* That was a great inaugural speech the Governor gave yes-



This map shows the Chicago, Burlington & Quincy Railroad route from the town of Cleveland, Iowa in Lucas County to Glenwood and Council Bluffs.





terday, but not everyone will agree with me.

*Representative Two:* You're right. Not everyone does. Have you seen a copy of the *Register* this morning?

*Representative One:* I have a copy here. Editor Clarkson let the Governor have it didn't he? Called the Governor a radical for what he said.

*Representative Two:* Old Ret even said the Governor had a personal grudge against the railroads. I don't think that business last year with the C.B. & Q. was a personal matter; it was a state matter. The railroad was charging the state too much.

*Representative One:* Look, there's Ret Clarkson now talking to the Representative from Dubuque.

*Clarkson:* I tell you the Governor is wrong! We owe the progress of this state to the railroads. If the rates are controlled by law, the railroads may go broke. Then where will the farmers be?

*Representative from Dubuque:* I agree—but I'm not sure what will happen now. The farmers have won 49 of the House seats in this election. They may be able to pass a railroad law, and if they do we know the Governor will sign it.

*Clarkson:* Keep me informed. We'll have reporters here all the time. I still run the most influential paper in the state, and I'll fight the Governor all the way. People all over the state read what I say. Larrabee will never be a candidate for Governor again, I'll see to that. (Representative Albert B. Cummins joins Legislators One and Two).

*Cummins:* The railroad owners are upset. They don't like the governor taking the lead in railroad reform laws.

*Representative One:* Railroads say they are responsible for most progress in the state. Because of this they think their rates should not be controlled. But I think the time has come for shipping rates to be fair for everyone.



*Representative Two:* They also seem to have forgotten that \$50 million of lowans' money was donated to help them along when they were getting started.

*Cummins:* Let's go to our desks. The speaker is about to call the meeting to order. If we are going to pass the laws the Governor asked for we have a lot of work to do.

Scene Two—Three months later, the floor of the House (Mr. Rich is talking to some Representatives).

*Representative Three:* It has been more than two months since we passed the railroad bill and sent it to the Senate. I wonder if the committee will ever make a compromise.

*Mr. Rich:* You must not continue to support that bill. The railroads cannot lower rates without lowering the pay of the workmen, too. Do you want to be the cause of someone losing wages?

*Representative Three:* No, Mr. Rich. But look at these letters from my county. These farmers want fair railroad rates. Your railroad makes it impossible for them to make money on farm products because the freight charges are so high.

*Representative Four:* I suppose I should still support the railroads, Mr. Rich. I remember that job your company got for my son five years ago. He is a lawyer for the company now. But everywhere the *people* are demanding controls on the railroads.

*Representative Five:* The railroad companies have given me special low shipping rates for years. I'm a grain shipper and I hate to lose my low rates, but I have so many letters from my county favoring the bill it will be hard to vote against it.

*Representative Three:* I didn't go along with that bill against free passes, Mr. Rich. My family does too much traveling for us to give up a free pass. Besides, having a free pass is part of being a legislator.

*Mr. Rich:* Well, keep voting against those laws for control. That's what we like to see.



A free pass issued by the Union Pacific Railroad. Most railroad companies gave free passes to legislators and their families. (Courtesy, Levi Leonard Collection, The University of Iowa Libraries)

*Cummins:* (coming up to the group of men) I have just heard that the railroad bill is finally coming back from the conference committee. The committee has reached a compromise and recommends in favor of the bill. Perhaps we will vote on it today. It isn't quite the law the Governor wanted but I think it is a good one.

Scene Three—Three days later, the Governor's office.

*Larrabee:* It is with great pleasure that I sign this railroad control bill. I am told that the law passed in both the House and Senate without one no vote. With this law there will be fair railroad rates for everyone. Special rates will be illegal. Now the Board of Railroad Commissioners has the power to fine those who disobey their rulings. I pledge that I will make every effort to see that this law is carried out properly.



# The Capitols of Iowa

Many buildings have been used as the meeting place for the legislature. When Iowa was still a part of the Wisconsin Territory the first meeting place was a plain, wooden building at Belmont, Wisconsin. Because Belmont was a poor location, the territorial capital was moved to Burlington, Iowa. There, the legislators held their second meeting in 1837.

At Burlington the legislators rented a church, later called Old Zion, for their meetings. Desks were built for the members and the floor carpeted.

As thousands of settlers streamed westward into Iowa Territory, the place of government also moved westward to a lovely unsettled spot, overlooking the Iowa River. In 1841, the Iowa Territorial legislature met in the new village of Iowa City. A simple frame building served for a meeting place.

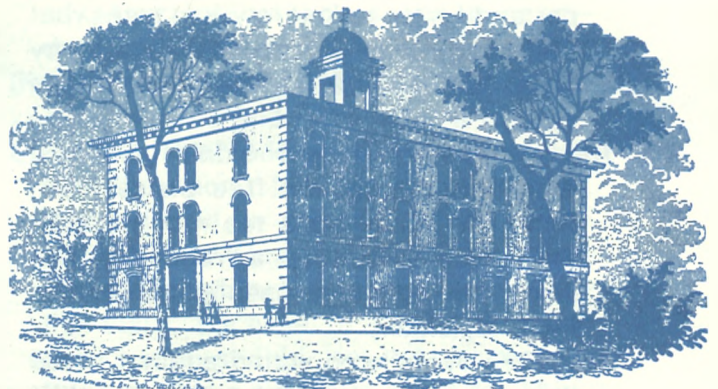
John F. Rague designed the capitol building at Iowa City, and construction began in 1840. Problems with workmen, money, and materials caused work to progress slowly. Although the building was not complete, the Legislative Assembly met in the new building in 1842, and in 1846, the Iowa Constitution was written and ratified in the capitol building, making Iowa a state. The building became a gathering place for celebrations and special events. When the first railroad was completed to Iowa City in 1855 a grand celebration was held. Every window glowed brightly with candles while a supper and gala ball lasted long into the night.

Before the capitol building at Iowa City could be completed, the decision was made to move state government farther west once more. In the 14 years that Iowa City had been the capital, settlers had pushed far into the western part of the state. A more central location was needed. Des Moines was chosen. Close to the center of the state, it was also located on a river that could provide transportation to the Mississippi.

A three-story brick Statehouse was built in Des Moines in 1858. It was planned as a temporary capitol building, but was the home of Iowa's government for 26 years. Nicknamed the Old Brick Capitol, it was destroyed by fire in 1892. Today, the Soldiers and Sailors monument stands on the land formerly occupied by the Old Brick Capitol.

The present day capitol of Iowa was begun in 1871. State loyalty and pride were very important at that time, and an elegant building, such as the State Capitol, was a monument to state pride and government. It was a symbol of the dignity of the state. Iowa's capitol was completed in 1886, during the term of Governor William Larrabee. The cost was more than \$3 million. Work on the building was barely finished when one wing of the building caught fire and was badly damaged. However, the damage was not bad enough to keep the House of Representatives from meeting. They gathered in the middle of the charred chamber, and carried on their business under canvas hung to cover the cracks in the ceiling.

Today, the gold-domed building still serves as the seat of Iowa's government. The General Assembly meets there every year, and many state officials (including the Governor and the Justices of the Supreme Court) work in the building.



*The Old Brick Capitol in Des Moines, 1857.*





*An engraving of the Capitol Building in Des Moines soon after it was completed.*



*The Old Capitol at Iowa City, 1855. (Iowa As It Is In 1855)*



# The Supreme Court

It is the duty of the Supreme Court to decide about the meaning of the law. We have learned that the legislative branch of government makes the laws, and the executive branch carries out those laws. Sometimes, there is confusion about the meaning of a law. When this happens, the judicial branch decides what the law really means.

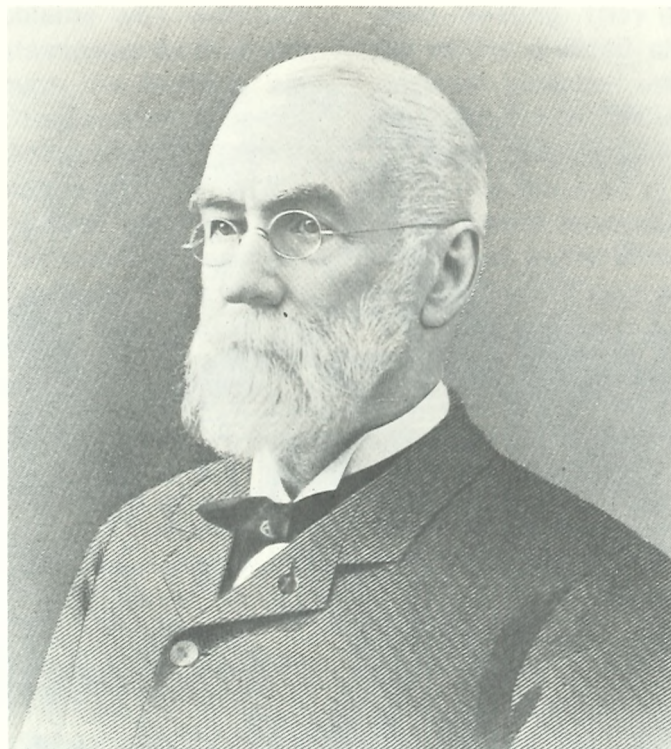
There are many courts in the judicial branch. The Supreme Court is the highest court in the state. Today, there are nine Justices on the Supreme Court. Since Iowa became a state the Supreme Court has made thousands of decisions about the meaning of the law.

In the 1880s there were many Supreme Court decisions about railroad laws. Railroads had made travel faster and easier, but they brought problems too. One of these problems was safety. Animals and people wandered onto the railroad tracks and were sometimes hit. The legislature passed laws to protect people and livestock. The laws said the railroads

must build fences and gates to keep people and livestock off the tracks. Train engineers were told they must watch out for people on the tracks. When there was a question about whether the railroads obeyed these laws, the Supreme Court studied the problem and made a decision.

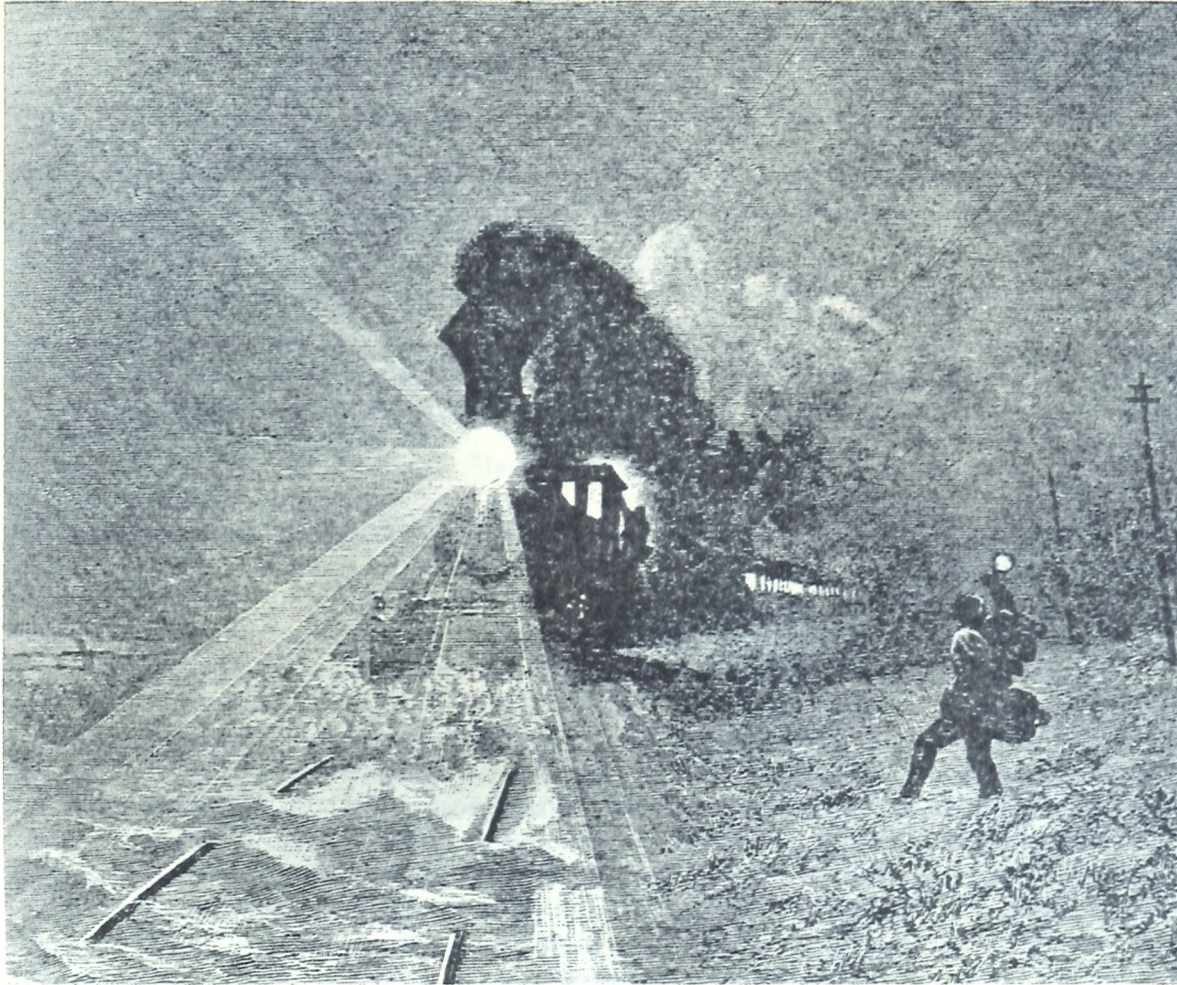
After the Supreme Court makes a decision, a report is made. Here are two Supreme Court reports. They are old decisions made about railroad fencing and safety laws.

*McAllister v. The Burlington & Northwestern Railway Company—1885*  
On the evening of March 6, 1882, Mr. McAllister started to walk from his home in Burlington to the home of his father, a distance of about six miles. Two or three miles from the city the road he traveled on crossed the railroad track. When he reached the crossing, instead of keeping on the road, he walked along the railroad track for one-half or three-quarters of a mile. The road and railroad track ran



*Honorable Joseph R. Reed, Chief Justice of the Iowa Supreme Court, 1885. (The Courts and Legal Profession)*





side by side for most of the way. When he reached a place where the road turned away from the railroad, he tried to leave the track and get back to the road, but the railroad right-of-way was fenced with a barbwire fence which was difficult to pass. So, Mr. McAllister turned around and went back on the railroad track towards Burlington, planning to leave the railroad at the crossing where he had entered the railroad right-of-way. It was after night-fall, and while he walked back towards the crossing, a train, including an engine and five cars running 13 to 15 miles an hour, came down from the north, in the same direction Mr. McAllister was walking and struck and ran over him. He was severely and permanently injured.

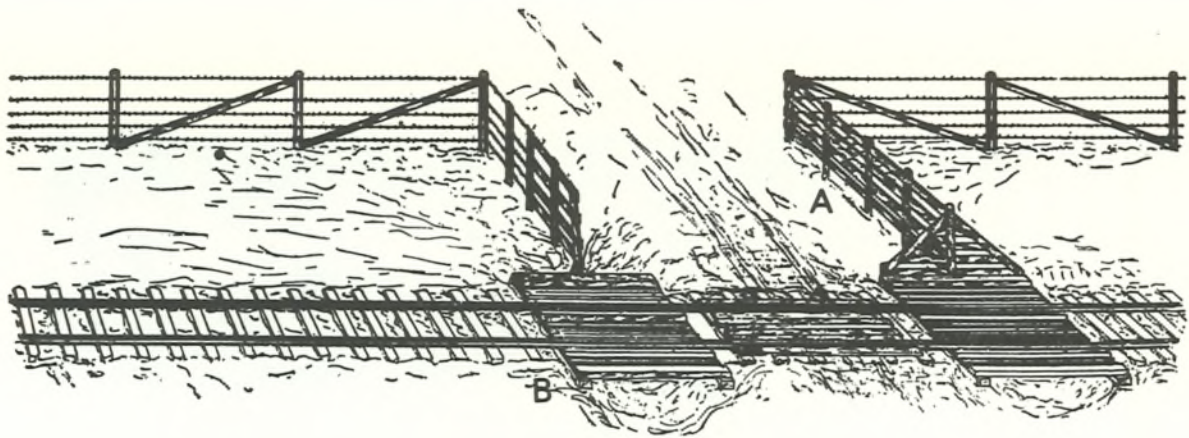
The headlight on the engine was burning and could have been plainly seen for

a distance of some 2,000 feet. The wind was blowing in the direction which Mr. McAllister was traveling. He was in full possession of his sight and hearing and was not insane.

The engineer and other employees of the train did not see Mr. McAllister and did not know of the accident until the next day. Mr. McAllister claims that the engineer should have seen him and avoided injuring him.

The Decision of the Court: When an adult person, in full possession of mind and senses, for his own convenience, walks upon a railroad track, he is guilty of carelessness and has no right to demand that persons operating trains shall be on the lookout for him to save him from injury.





*A fence, gate, and cattle-guard used to keep animals off railroad tracks. When the gate on the right (A) was closed, animals could not get onto the tracks. When the gate was open (as shown here) the narrow wooden strips (B) kept animals from wandering along the tracks.*

*Miller v. The Chicago, Rock Island  
& Pacific Railway Company — 1885*

This is a lawsuit to recover damages for cattle killed by a Chicago, Rock Island & Pacific train.

Mr. Miller owns land on both sides of the track, and it is fenced. There are a farm road crossing, cattle-guards, and gates to prevent livestock from wandering onto the railroad right-of-way. The fence and gates are properly constructed and so are the cattle-guards. One of the gates was left open, and the cattle passed through and on to the track because the fence extending from the main fence to the

track was out of repair. The cattle were killed by a train.

The railroad company claims it is not responsible for repair of the crossing and cattle-guard, because there was no request that the repair be made, and the company is therefore not responsible to pay for the dead cattle.

The Decision of the Court: A railway company is not required to construct farm crossings, gates, fences, and cattle-guards. But where the railroad does build them, it must keep them in repair so that they work properly. The railway company must pay Mr. Miller double the value of his cattle.

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