

The PALIMPSEST

OCTOBER 1949

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THE PURPOSE OF THIS MAGAZINE

THE PALIMPSEST, issued monthly by the State Historical Society of Iowa, is devoted to the dissemination of Iowa History. Supplementing the other publications of this Society, it aims to present the materials of Iowa History in a form that is attractive and a style that is popular in the best sense—to the end that the story of our Commonwealth may be more widely read and cherished.

BENJ. F. SHAMBAUGH

THE MEANING OF PALIMPSEST

In early times a palimpsest was a parchment or other material from which one or more writings had been erased to give room for later records. But the erasures were not always complete; and so it became the fascinating task of scholars not only to translate the later records but also to reconstruct the original writings by deciphering the dim fragments of letters partly erased and partly covered by subsequent texts.

The history of Iowa may be likened to a palimpsest which holds the records of successive generations. To decipher these records of the past, reconstruct them, and tell the stories which they contain is the task of those who write history.

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THE PALIMPSEST

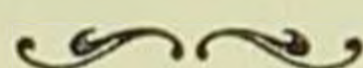
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ISSUED IN OCTOBER 1949

NO. 10

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Government and the Voter

"Americans have rightly felt that there is something gratifying and inspiring in the spectacle of the common people rising to the height of self-government." Ours is a "government of the people, by the people, for the people"—a government which receives its powers from the voters and moves and operates under popular impulses. Because government is ever with us — directing, guiding, shielding, and stimulating our activities, it may be well to note its influence upon our daily lives.

Government is derived from the consent of the governed. In a democracy, elections are essential in making effective the demands of the majority or the plurality, as the case may be. Every citizen of the United States, of the age of twenty-one years, who has been a resident of Iowa for six months, and a resident of a county for sixty days, is entitled to vote.

In Iowa, as elsewhere, elections have become so commonplace that citizens sometimes neglect

the privileges and duties that are theirs on election day. Although Iowans vote in relatively larger numbers than do the citizens of most of the other states, even here many electors do not exercise their voting privileges as they should. In the primary election of 1948, for instance, there were three major party candidates for the office of Governor, and the total vote cast for all candidates was only about 374,000. At the general election in that year, however, each of the two major party candidates received more than 434,000 votes, and the total number of ballots cast was more than 994,000. Thus there were more than twice as many votes cast at the general election as were cast in the primary.

There are elections of many types and for many purposes — national elections, state elections, municipal elections, and school elections. There are elections for the granting of franchises, for the development of community interests, for the issuing of bonds to pay for local improvements, and for many other purposes. But, for the moment, let us consider only those elections in which state officers are elected.

Many of the state officers — the Governor, the Lieutenant Governor, the administrative state officers such as the Treasurer, Auditor, Secretary of State, Secretary of Agriculture, Attorney General, and state and national Representatives, as

well as many county and local officers, are elected for terms of two years. Accordingly, our biennial elections are of state-wide interest and importance.

Primary nominating elections are held throughout Iowa on the first Monday in June in the even-numbered years, and the general elections are held on the first Tuesday after the first Monday in November of the same year. Nominations are made by the voters at the primary elections, which, in reality, may be more important than the general elections. If a complete ticket of good and efficient candidates is selected by each party, then good and efficient men will be named at the general election regardless of which party may win. By the same token, if corrupt or inefficient men are selected at the primary election, the general election can be little more than a choice between two evils.

Names of candidates are placed on the primary ballots by means of petition. A candidate for a state office must obtain, and file with the Secretary of State, the signatures of at least one per cent of the voters of his party in at least ten counties of the state. These signatures must equal not less than one-half of one per cent of the total vote of his party in the state as shown by the last general election. In this situation each political party may have on the ballot, in any primary election, one or more candidates for a given office. In the

○ REPUBLICAN ○ DEMOCRATIC ○ SOCIALIST-LABOR ○ PROHIBITION

FOR PRESIDENT
THOMAS E. DEWEY
of New York

FOR VICE PRESIDENT
EARL WARREN
of California

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FOR COUNTY TREASURER
AMOS W. KELSO

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FOR COUNTY SHERIFF
ALBERT J. (PAT) MURPHY

FOR COUNTY RECORDER
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ROBERT OSMUNDSON

FOR COUNTY CORONER
STEPHEN C. WARE

FOR COUNTY SUPERVISOR
(Term Beginning January, 1949)
EMORY ATTIG

FOR COUNTY SUPERVISOR
(Term Beginning January, 1950)
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FOR JUSTICE OF THE PEACE
(Vote for Two)
BOY LEWIS

FOR CONSTABLE
(Vote for Two)

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FOR VICE PRESIDENT
ALBEN W. BARKLEY
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FOR LIEUTENANT GOVERNOR
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FOR COUNTY CORONER
GEO. D. CALLAHAN

FOR COUNTY SUPERVISOR
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FOR COUNTY SUPERVISOR
(Term Beginning January, 1950)
ROBERT MAHONEY SR.

FOR TOWNSHIP OFFICERS
FOR JUSTICE OF THE PEACE
(Vote for Two)
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W. F. MURPHY

FOR CONSTABLE
(Vote for Two)
PAT GILROY

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EDWARD A. TEICHERT
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FOR VICE PRESIDENT
STEPHEN EMERY
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FOR UNITED STATES SENATOR

FOR GOVERNOR

FOR LIEUTENANT GOVERNOR

FOR SECRETARY OF STATE

FOR AUDITOR OF STATE

FOR TREASURER OF STATE

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FOR ATTORNEY GENERAL

FOR ATTORNEY GENERAL
(To Fill Vacancy)

FOR COMMERCE COMMISSIONER

FOR JUDGES OF THE SUPREME COURT
(Three to Be Elected)

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FOR STATE REPRESENTATIVE FORTY-FIRST DISTRICT

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FOR COUNTY AUDITOR

FOR COUNTY TREASURER

FOR CLERK OF THE DISTRICT COURT

FOR COUNTY SHERIFF

FOR COUNTY RECORDER

FOR COUNTY ATTORNEY

FOR COUNTY CORONER

FOR COUNTY SUPERVISOR
(Term Beginning January, 1949)

FOR COUNTY SUPERVISOR
(Term Beginning January, 1950)

FOR TOWNSHIP OFFICERS
FOR JUSTICE OF THE PEACE
(Vote for Two)

FOR CONSTABLE
(Vote for Two)

FOR PRESIDENT
CLAUDE A. WATSON
of California

FOR VICE PRESIDENT
DALE H. LEARN
of Pennsylvania

FOR UNITED STATES SENATOR
Z. EVERETT KELLUM
of Des Moines, Polk County

FOR GOVERNOR
MARVIN GALLBREATH
of Riceville, Mitchell County

FOR LIEUTENANT GOVERNOR
LLOYD KELLER
of Waterloo, Black Hawk County

FOR SECRETARY OF STATE
E. L. TARR
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FOR AUDITOR OF STATE
L. E. GIFFORD
of Des Moines, Polk County

FOR TREASURER OF STATE
J. ALVIN MITCHELL
of Des Moines, Polk County

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(To Fill Vacancy)

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(Three to Be Elected)

FOR DISTRICT OFFICERS
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FOR STATE SENATOR TWENTY-FIFTH DISTRICT

FOR STATE REPRESENTATIVE FORTY-FIRST DISTRICT

FOR JUDGE OF DISTRICT COURT, EIGHTH DISTRICT

FOR COUNTY OFFICERS
FOR COUNTY AUDITOR

FOR COUNTY TREASURER

FOR CLERK OF THE DISTRICT COURT

FOR COUNTY SHERIFF

FOR COUNTY RECORDER

FOR COUNTY ATTORNEY

FOR COUNTY CORONER

FOR COUNTY SUPERVISOR
(Term Beginning January, 1949)

FOR COUNTY SUPERVISOR
(Term Beginning January, 1950)

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JOHNSON COUNTY BALLOT FOR

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1948 PRESIDENTIAL ELECTION

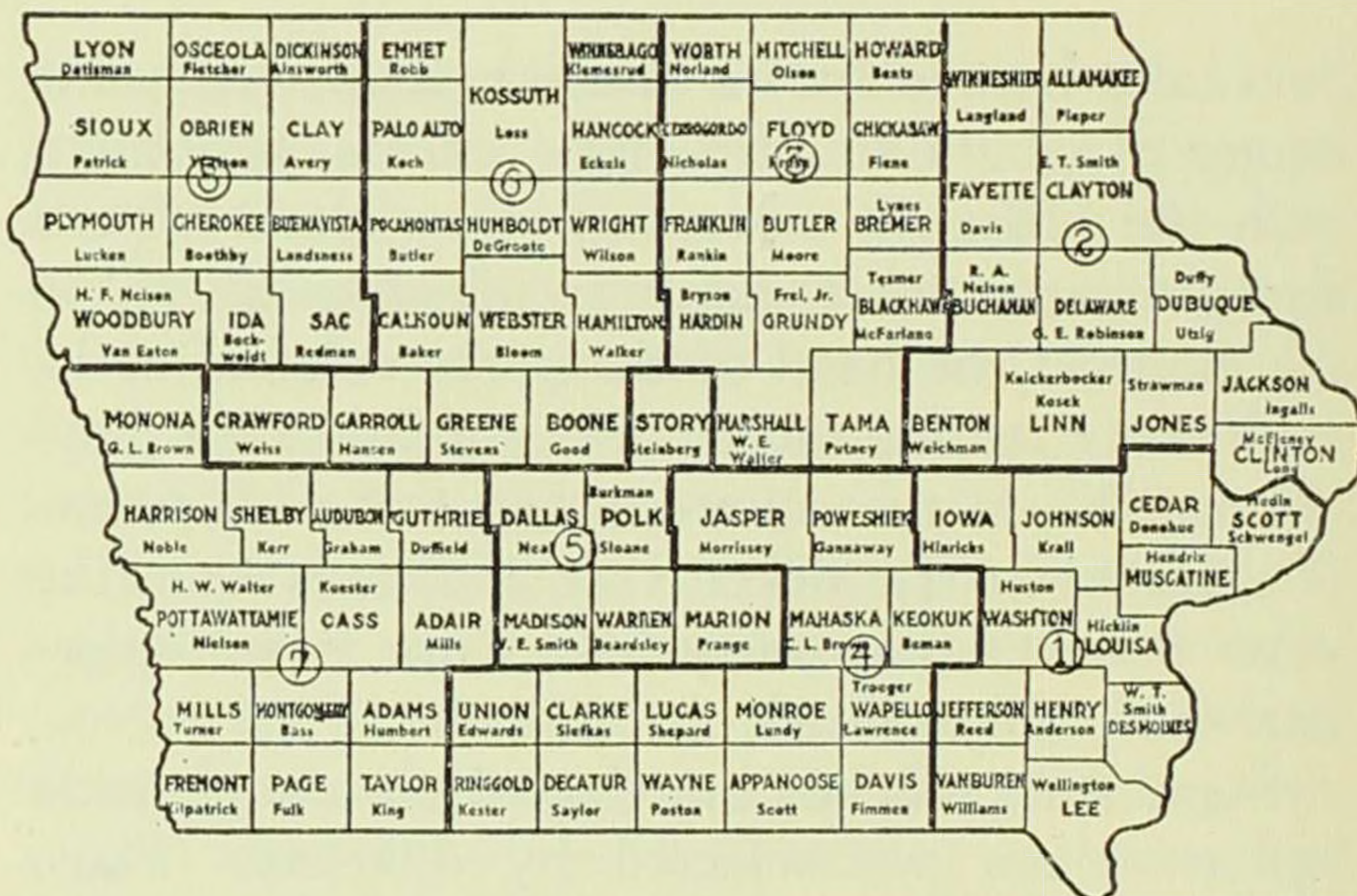
primary election of June, 1948, for instance, three men filed petitions as candidates for the office of Governor of Iowa. Robert D. Blue and William S. Beardsley filed in the Republican primary and Carroll O. Switzer in the Democratic. Mr. Switzer had no opposition in the primary election, therefore he was named as the Democratic party candidate for the office of Governor in the general election of 1948. Since there were two candidates for nomination on the Republican ballot, the purpose of the primary election at this point was to allow the Republican voters to choose one as the party candidate. This contest was won by Mr. Beardsley who thereby became the Republican candidate for the office of Governor at the ensuing general election.

Other candidates for the various offices, including state administrative officials, members of Congress, members of the Iowa General Assembly, and county officers, are nominated at the primary elections in the same manner. For the general election the names of all these nominees are placed on a single ballot, in vertical columns under the party name. In Iowa there are two major political parties—Republican and Democratic. Frequently there are also minor party candidates. Since 1948 was a presidential election year, the party column on the general election ballot was headed by the names of the candidates for President, Vice Presi-

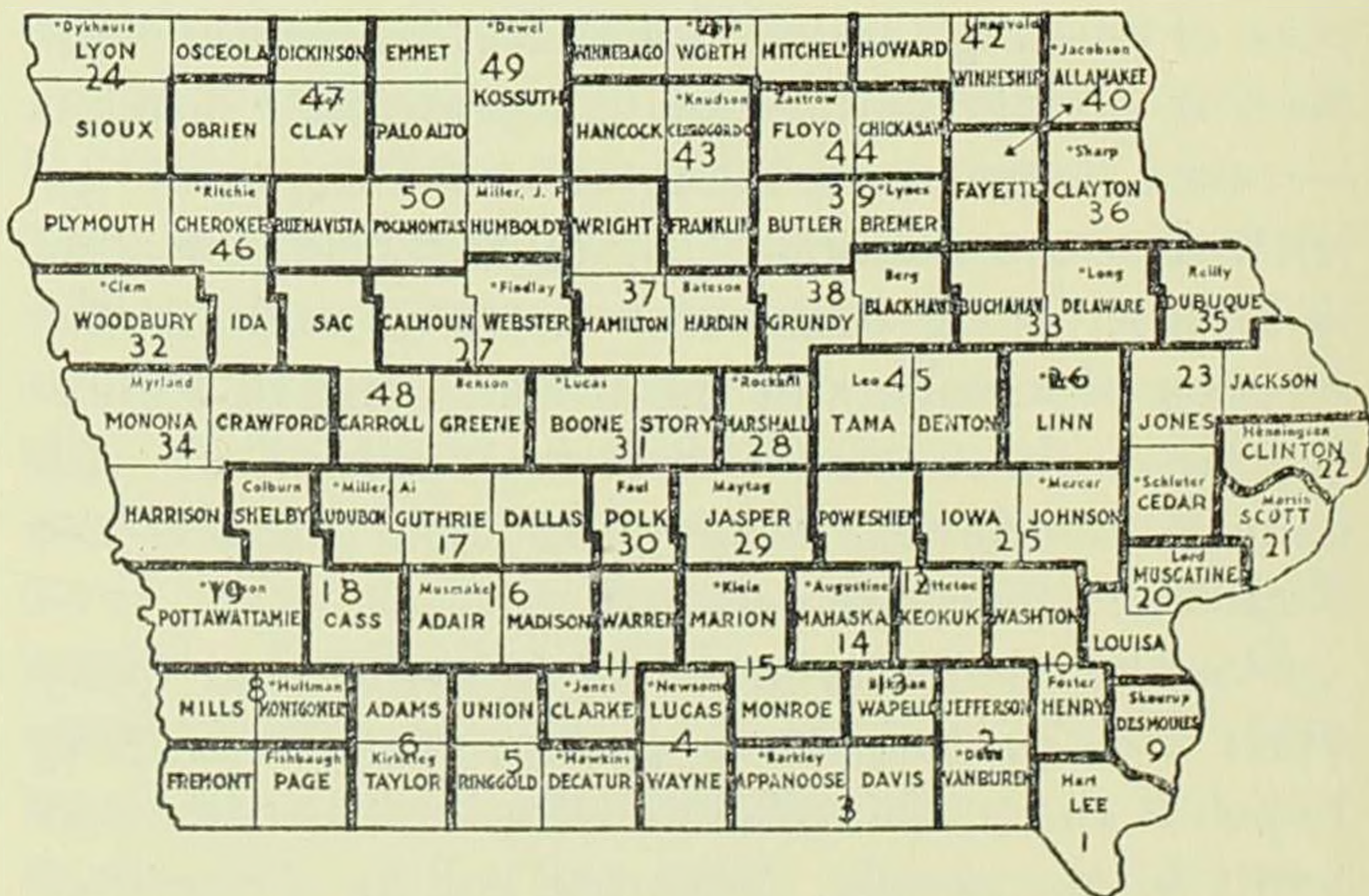
dent, and United States Senator, followed by the names of candidates for state officers, beginning with the office of Governor. One could vote a straight party ticket simply by placing an "X" in the circle at the head of the party column, or he could vote for the individual candidates by placing an "X" in the square in front of each name. A straight party ticket vote indicates that the voter believes that party issues are more important than personalities.

Some state officials are elected on a state-wide ballot; others are selected by districts. Thus, while the Governor, Lieutenant Governor, state administrative officers, and the United States Senators are elected by the state at large, for the purpose of electing United States Representatives the state is divided into eight Congressional districts — one Congressman being elected from each district. For the election of State Senators, the state is divided in 50 senatorial districts, and for the election of members of the Iowa House of Representatives there are 99 districts, conforming with county boundaries, although in some districts two Representatives are selected.

Popular elections are held in order that every voter may participate in government, by helping to select the public officials who shall become servants of the people. Separate ballots are printed for each county and for each city ward, so that



Map Showing the Eight Congressional Districts and the State Representatives from Each County



Map of State Senatorial Districts

voters will receive ballots with the proper names on them. A glance at the maps and sample ballot shown herewith will indicate that a voter in Iowa City would receive a ballot with the names of candidates for state officers, Representative of the First Congressional District, the Twenty-fifth State Senatorial District, and the Forty-first State Representative District. The ballot thus prepared makes voting a very simple matter, but it is an extremely important function of government in a democracy such as ours.

The General Assembly

The members of the General Assembly of Iowa are a representative group. They come from all parts of the state, and have a wide range of occupational and vocational interests. Some of them are men of mature judgment and long service in legislative fields; others are young men with many hopes and high aspirations, but with little experience in public service. A few of the members are women, since the "male" qualification was removed from the Constitution in 1926. The members also typify a variety of social, economic, and political interests.

The General Assembly consists of two houses — the Senate and the House of Representatives. The Senate is composed of 50 members — one member from each of the 50 senatorial districts of the state. To be eligible for election to the State Senate, a person must be a resident of the district in which he is a candidate, and must be at least twenty-five years of age. Senators hold office for a term of four years, about half being elected at each biennial election. Accordingly there is always in the Senate a group of men who have had legislative experience. Senators who are serving in the second session of the term for which they

are elected are sometimes called "holdover senators." There are always Senators, too, who have been re-elected — having already served in two or more sessions of the General Assembly. It is interesting to note here that in the Fifty-third General Assembly, 33 members of the Senate had served in previous sessions, while only 17 members were without legislative experience.

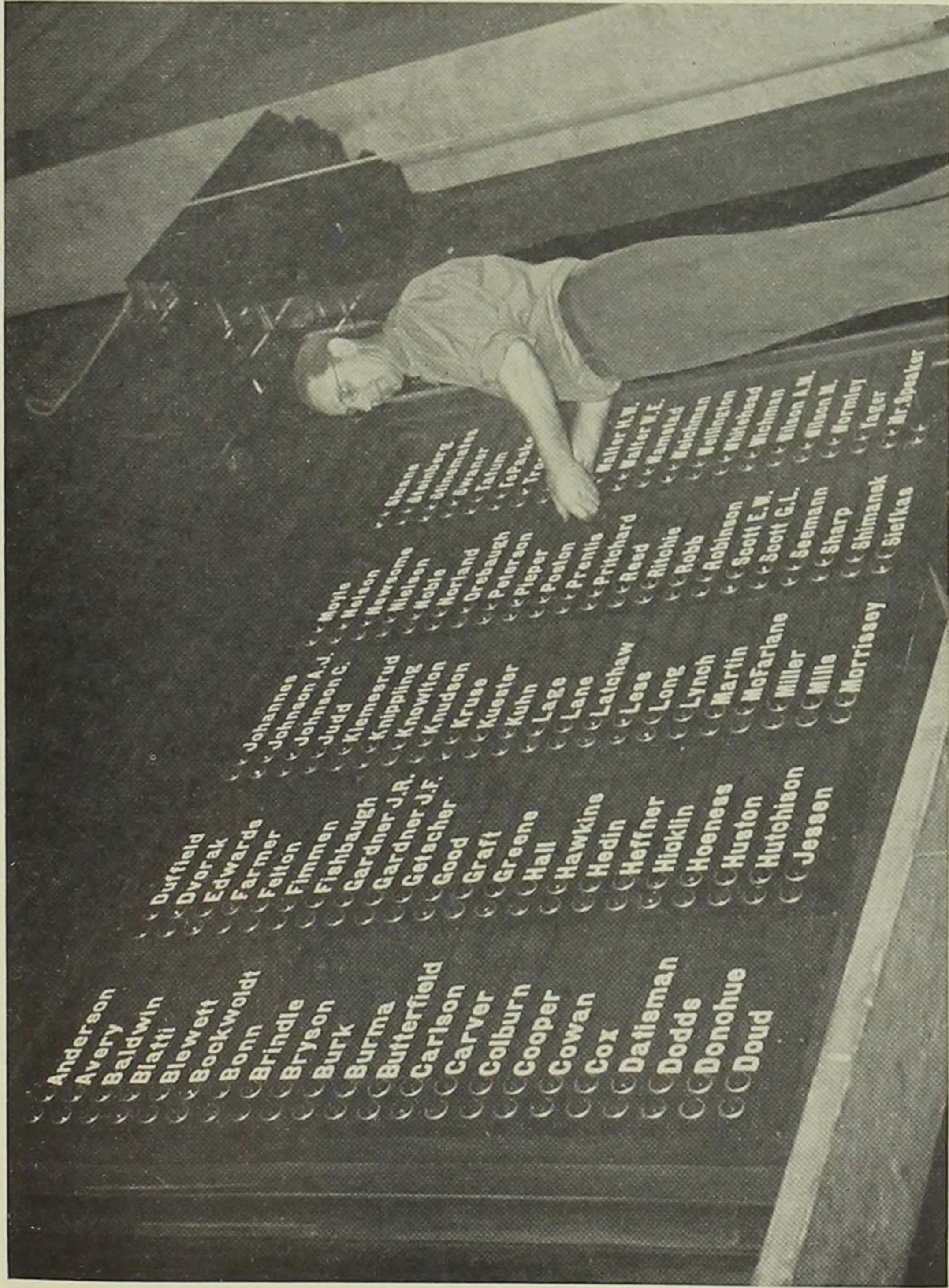
The House of Representatives is composed of 108 members — one member from each of the 99 counties of the state, and an additional member from each of the nine counties having the largest population: Polk, Woodbury, Linn, Scott, Black Hawk, Pottawattamie, Dubuque, Clinton, and Wapello. Members of the House must be at least twenty-one years of age. Their average age, over a period of years, has been found to be a little more than forty-nine years. Members of the House are usually less experienced in legislative matters than are the Senators. Of the 108 members of the House in the Fifty-third General Assembly, about 50 entered upon their duties without previous legislative experience.

In the Fifty-third General Assembly there were 79 Republicans and 29 Democrats in the House. The Senate had an even wider difference, there being 43 Republicans and only 7 Democrats. Although the Democratic members in the Iowa General Assembly are usually in the minority, they

must at all times be given due consideration, for in a particular situation they may hold the balance of power. Moreover, on many issues before the Assembly, party lines are not tightly drawn, and the influence of Democratic members is effective in matters of legislation.

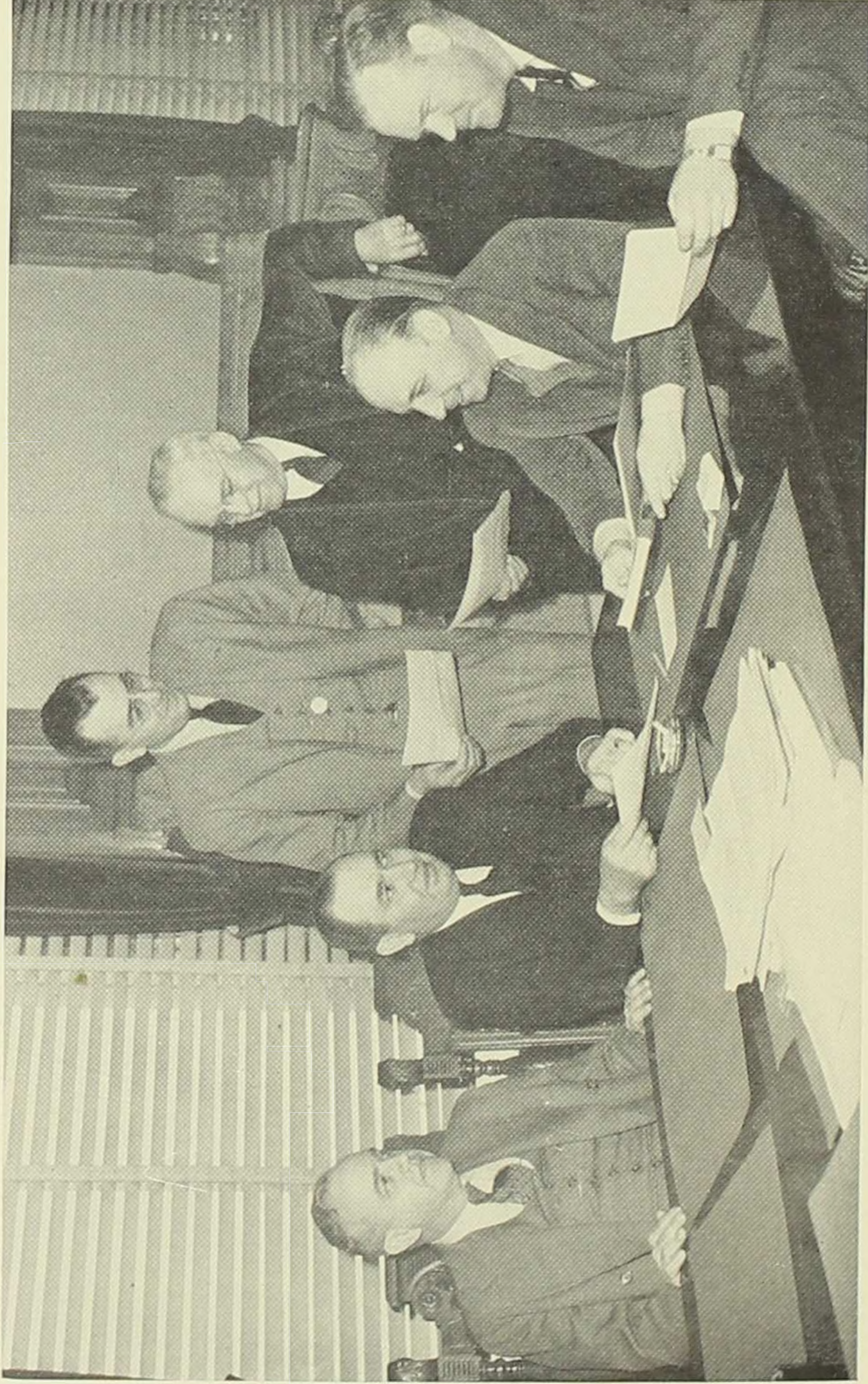
While a wide range of occupational interests is represented by members of the General Assembly, farmers and lawyers usually predominate. In the House of Representatives in the Fifty-third General Assembly there were 53 farmers and 16 lawyers. In the Senate there were 14 farmers and 13 lawyers — more than one-half of the entire body coming from these two groups. The term "farmer," however, is a broad and comprehensive one, seemingly including anyone who owns, operates, manages, or assists in the operation, management, or control of a farm.

The state constitution provides that the Lieutenant Governor shall serve as President of the Senate. He may vote to break a tie upon certain motions, but since he is not a Senator he does not vote on legislative bills. This situation arises from the fact that while one section of the constitution of Iowa provides that "The Lieutenant Governor shall be President of the Senate, but shall only vote when the Senate is equally divided," another section declares that "no bill shall be passed unless by the assent of a majority of all the members



DES MOINES REGISTER PHOTO

ELECTRIC VOTING MACHINE IN HOUSE OF REPRESENTATIVES



DES MOINES REGISTER PHOTO

STATE EXECUTIVE COUNCIL: 1943

Chet B. Akers (Auditor), Wayne M. Ropes (State), Harry Linn (Agriculture), W. G. C. Bagley (Treasurer), Governor Hickenlooper, and William C. Brown (Council Secretary)

elected to each branch of the General Assembly." The first provision permits the Lieutenant Governor to vote in case of a tie, but the second provision renders his vote of no effect in the passage of a law, since a law cannot be passed by a margin of one vote but must receive at least 26 votes in the Senate and 55 votes in the House.

The influence of political parties is quite clearly apparent in the General Assembly. Since Iowa is normally predominantly Republican, the Lieutenant Governor, who is elected on a state-wide ballot, is usually a member of that party. The Speaker of the House is elected by the House from among its own members. Since the House is usually Republican, the Speaker normally will be a member of that party — he having been nominated and elected somewhat as follows.

A few days before the date for the convening of the Assembly, the members-elect hold party caucuses at Des Moines, and each political party nominates candidates for Speaker, although it is generally conceded that the candidate named by the predominate party in the House will eventually be elected. In 1949 the Republican members of the House proposed three candidates — M. F. Hicklin of Louisa County, Fred Schwengel of Scott County, and Gus T. Kuester of Cass County. At the party caucus, Mr. Kuester was nominated and subsequently elected Speaker.

In accordance with the Iowa State Constitution, the General Assembly convenes on the second Monday in January in odd-numbered years. It may also be convened in extraordinary session upon the call of the Governor. Although there is no time limit, a regular session usually continues for about 100 days, and is adjourned *sine die* whenever both houses, by concurrent resolution, conclude that a session has completed its work. The Fifty-third General Assembly convened at Des Moines on January 10, 1949, and continued in session until April 20 — a total period of 101 days. During this time 1,157 legislative measures were introduced. Some 316 of these were enacted into law, amending more than four hundred sections of the *Code of Iowa*.

The question of salaries in legislative halls is frequently discussed. For many years legislators received \$1,000 for the regular session of the General Assembly — or approximately \$10 per day, with twice that sum for the presiding officers. Compensation during an extraordinary session is on a daily basis, and is equal to the daily compensation which the member received in the last regular session. In 1949 the base pay was increased to \$2,000 per member, effective for members of the Fifty-fourth General Assembly in 1951. Salaries for the presiding officers and for services in an extraordinary session were in-

creased on a comparable basis. Under the new law the daily payment for members of the Assembly will be about \$20 and about \$40 per day for the presiding officers.

The problems that come before the General Assembly, and concerning which laws are passed, arise in the local communities. They are questions with which the average citizen is concerned, and deal with cities and towns, corporations, elections, flood control, motor vehicles, salaries, schools, taxation, veterans' affairs, and a variety of other topics. Frequently legislative measures are sponsored by groups of individuals such as members of the Farm Bureau, bankers, tradesmen, mechanics, or teachers. Whether it be an individual, a group of individuals, or an entire community that is interested in new legislation, the method of obtaining it is essentially the same.

If a citizen or group of citizens in Des Moines, for example, are interested in securing legislation relative to a state-wide problem such as liquor control, or an appropriation for a new building at the state capital, they may confer with the Senator or Representative from that district. He in turn may prepare a bill dealing with the subject and present it in the house of which he is a member. The history of a legislative measure may vary widely, depending upon surrounding circumstances. Is the question one of general state-wide

interest or merely a local issue? Are political questions involved? Does the passage of the bill necessitate the expenditure of state funds? Are the individuals, the groups, and the legislators who are sponsoring the measure influential in their communities and throughout the state?

Rules of the General Assembly provide that every bill shall be introduced by one or more members of the House or the Senate, or by a standing or special committee, and shall at once be given its first reading. "Every bill and joint resolution shall have received three several readings previous to its passage"; but no bill or joint resolution shall have its second and third readings on the same day, without a suspension of the rules, except on the last legislative day.

Much of the work of the General Assembly is done by committees and there is a large number in each house. There are, for instance, committees on agriculture, appropriations, cities and towns, claims, conservation, county and township affairs, elections, fish and game, judiciary, labor, liquor control, military affairs, motor vehicles, public health, public utilities, roads and highways, schools, taxation, and ways and means.

Because the General Assembly is composed of persons of varied experience, and because a wide variety of bills come before it, coordination and effective work is difficult at the beginning of the

session. Committees, particularly those not familiar with the work, require a great deal of time for a careful consideration of bills. As a result, the calendar near the close of the session is very crowded. To facilitate the work at this time, a sifting committee is appointed in each house, to which all legislative bills on the calendar are referred, except appropriation measures. Since all committees, including the sifting committee, are appointed by the presiding officer in each house, and since these committees virtually control legislation, the President of the Senate and the Speaker of the House are very influential.

When a bill is introduced into the Senate or the House it is referred to a committee for study and recommendation. It is also given a number and printed so that each member of the General Assembly may have a copy. When a committee reports a bill to the House or Senate, it may recommend that the measure be passed, or it may submit amendments or suggest indefinite postponement. On the other hand, the committee may not report or make any recommendations at all, in which case the measure is usually lost — or as they say, it “dies in the committee.” In general, committee approval of a bill is essential to its passage.

A bill brought to the floor of either house for consideration is freely debated by the members.

The House of Representatives, which is located in the north wing on the second floor of the capitol, is equipped with a modern electric voting and recording machine, and each of the 108 members is supplied with loud-speaking equipment. Votes are recorded by pressing a button on each member's desk, and electric lights on the front wall indicate the votes — a green light signifies an affirmative vote, and a red light indicates a negative vote. At the same time that the vote is recorded a photostatic copy is made to be preserved as a permanent record. In the Senate Chamber, in the south wing of the building, neither a recording machine nor loud speakers are used.

When a measure has been passed by one house, it may be adopted and passed by the other without amendments, it may be amended or rewritten entirely, or it may fail to pass. If a measure is amended or changed in any way, such changes must be concurred in by the house in which the bill originated. In order for a measure to become a law, it must have passed both houses in exactly the same form, by a majority vote of all members elected to each house. It must also be signed by the presiding officer in each house and presented to the Governor for his signature. Under normal procedure the signature of the Governor is required upon all bills that are passed. However, if the Governor holds a bill for more than three days,

Sunday excepted, it becomes a law just as if he had signed it, unless the General Assembly by adjournment prevents the bill's return. Such bills are authenticated by the Secretary of State. In case of adjournment before the Governor has had three days in which to consider a measure, he may have thirty days in which to approve or reject it. If the Governor vetoes a measure, it can be passed over his veto by the approval of two-thirds of all the members of each house. Laws which are passed by the General Assembly become operative on July 4, following the date of enactment, unless the law itself carries a provision for becoming effective upon publication.

Before the General Assembly adjourns, a group of five senators and five representatives is appointed as a Committee on Retrenchment and Reform. This committee, which controls the expenditure of large sums of money, continues to function during the interim between legislative sessions, and is therefore referred to as the Interim Committee.

Laws passed during a session are compiled by the State Printer and published in a volume known as "Session Laws." These are made available to lawyers and other interested citizens throughout the state, so that all may keep abreast of the latest legislation. At irregular intervals the new laws passed by preceding legislative sessions are codified and published in the *Code of Iowa*.

The Executive Department

According to the constitution of Iowa, the "Supreme Executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa." There shall, likewise, be a Lieutenant Governor who shall be elected at the same time, and serve simultaneously with the chief executive. The Governor and Lieutenant Governor, therefore, constitute the chief officers of the executive branch of our state government.

To be eligible for election to the office of Governor of Iowa, one must be a citizen of the United States and a resident of the state of Iowa for a period of two years prior to the date of election, and he must have attained the age of thirty at the time of his election. Candidates for the offices of Governor and Lieutenant Governor are nominated at the primary election in June of the even-numbered years and elected at the general election in November of the same year. They enter upon their duties in January of the following year.

The inaugural is an historic and impressive occasion. Before a joint assembly of the Senate and the House of Representatives, with the House Chamber appropriately decorated for the occa-



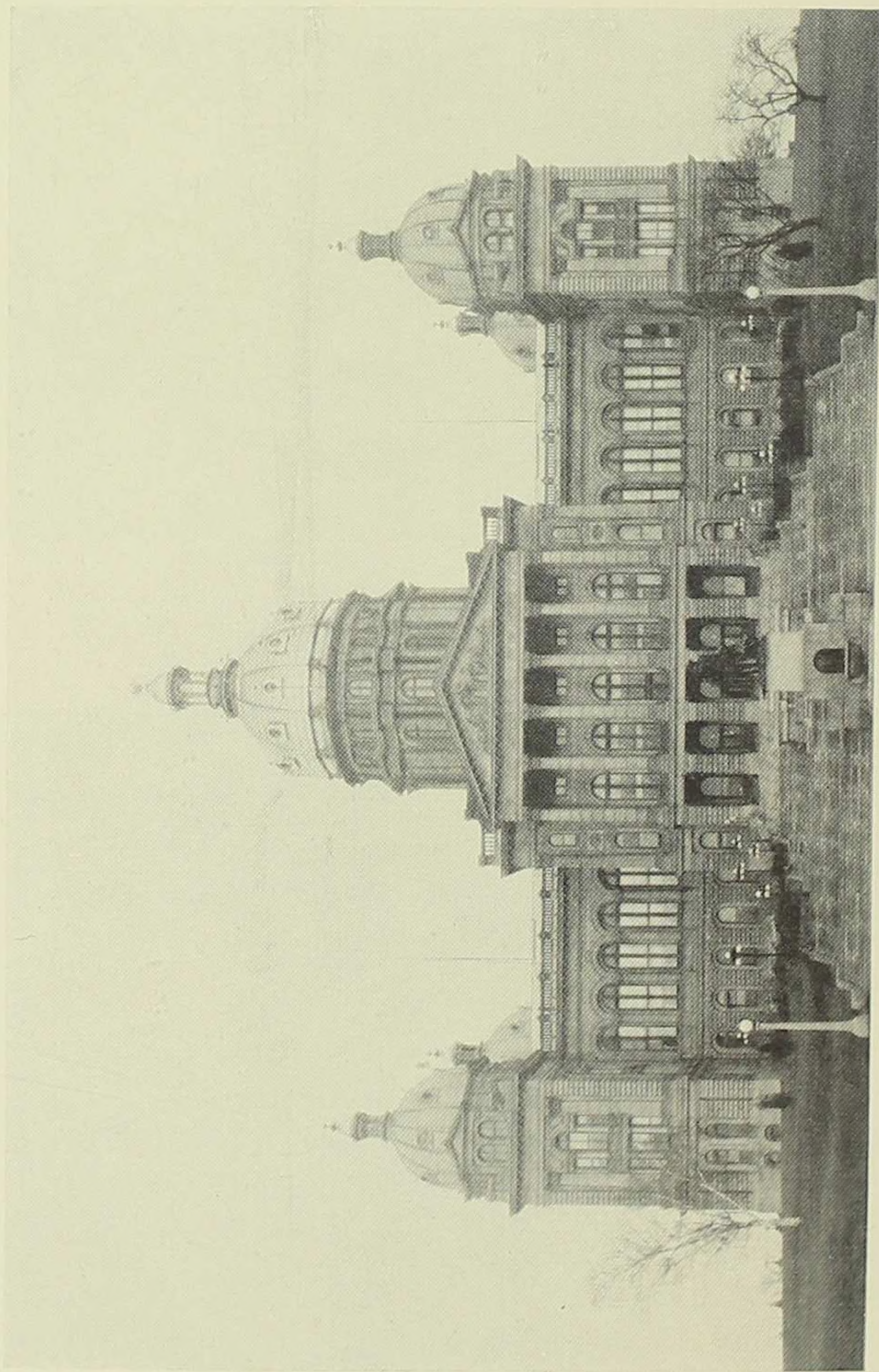
PHOTO COURTESY JOHN HAEFNER

SENATOR MERCER INTRODUCES UNIVERSITY HIGH SCHOOL
STUDENTS TO GOVERNOR WILSON



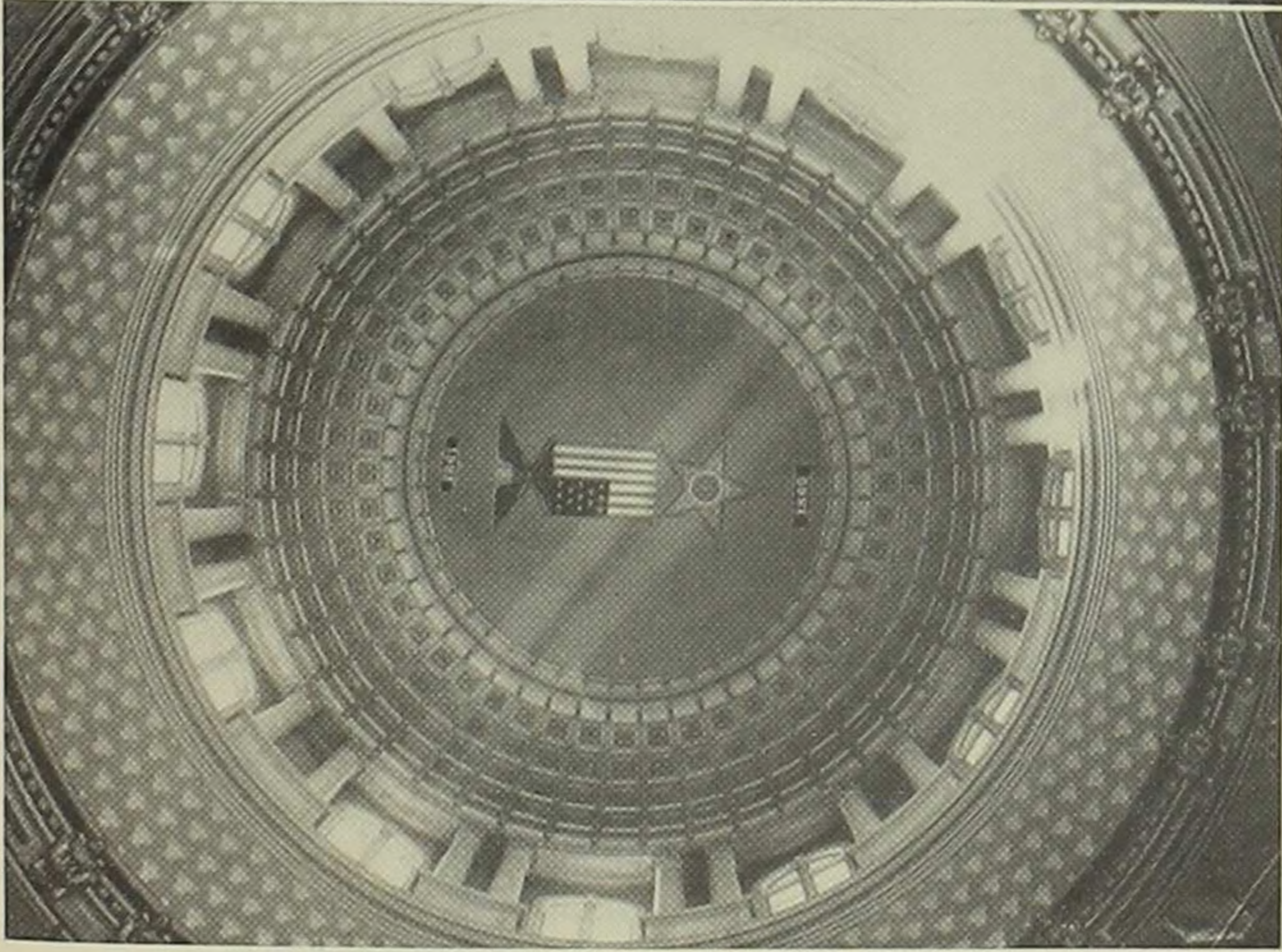
DES MOINES REGISTER PHOTO

GOVERNOR BEARDSLEY GREETES TAMA INDIAN SCHOOL
CHILDREN IN HIS OFFICE

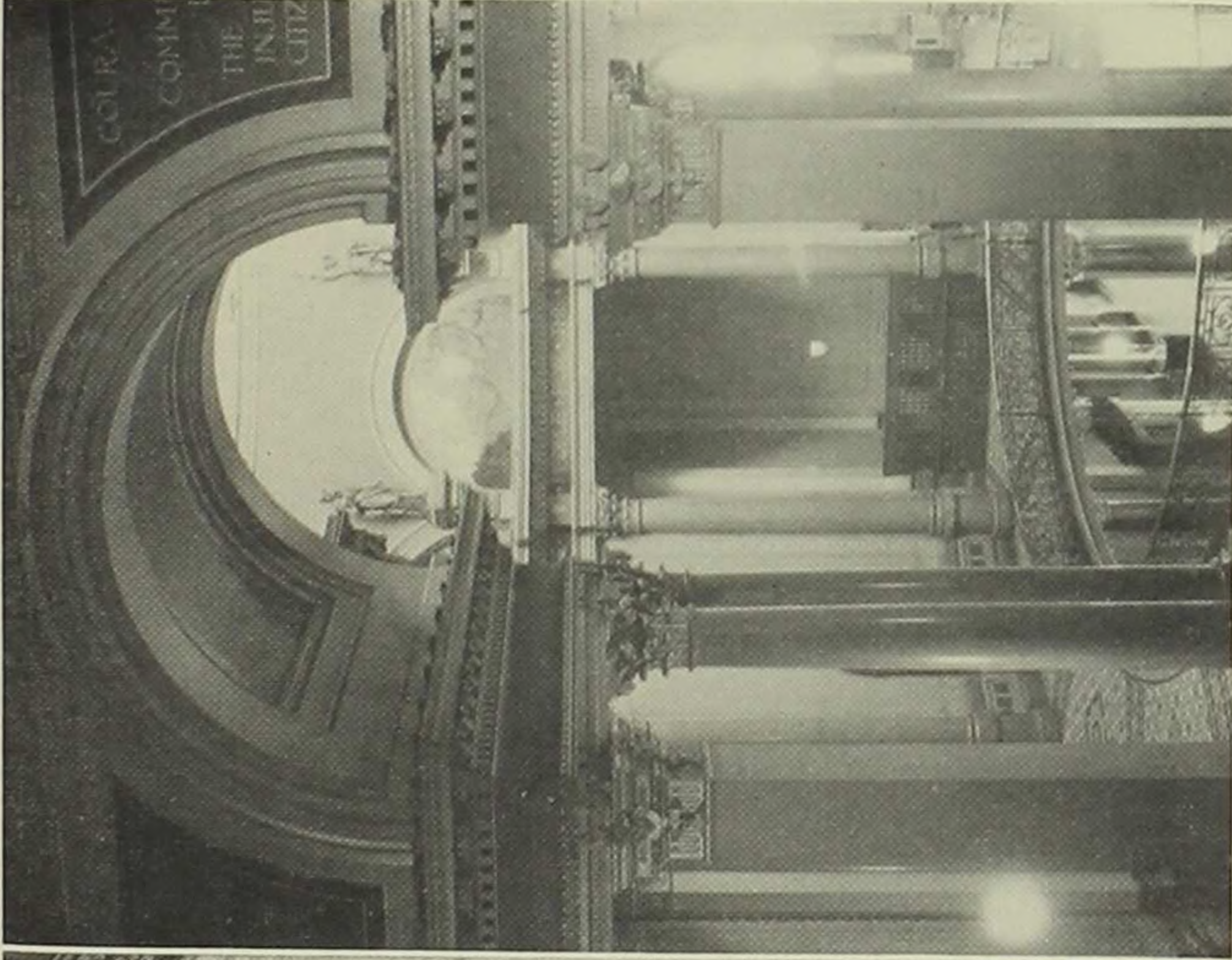


FROM A PHOTOGRAPH BY BITTLE

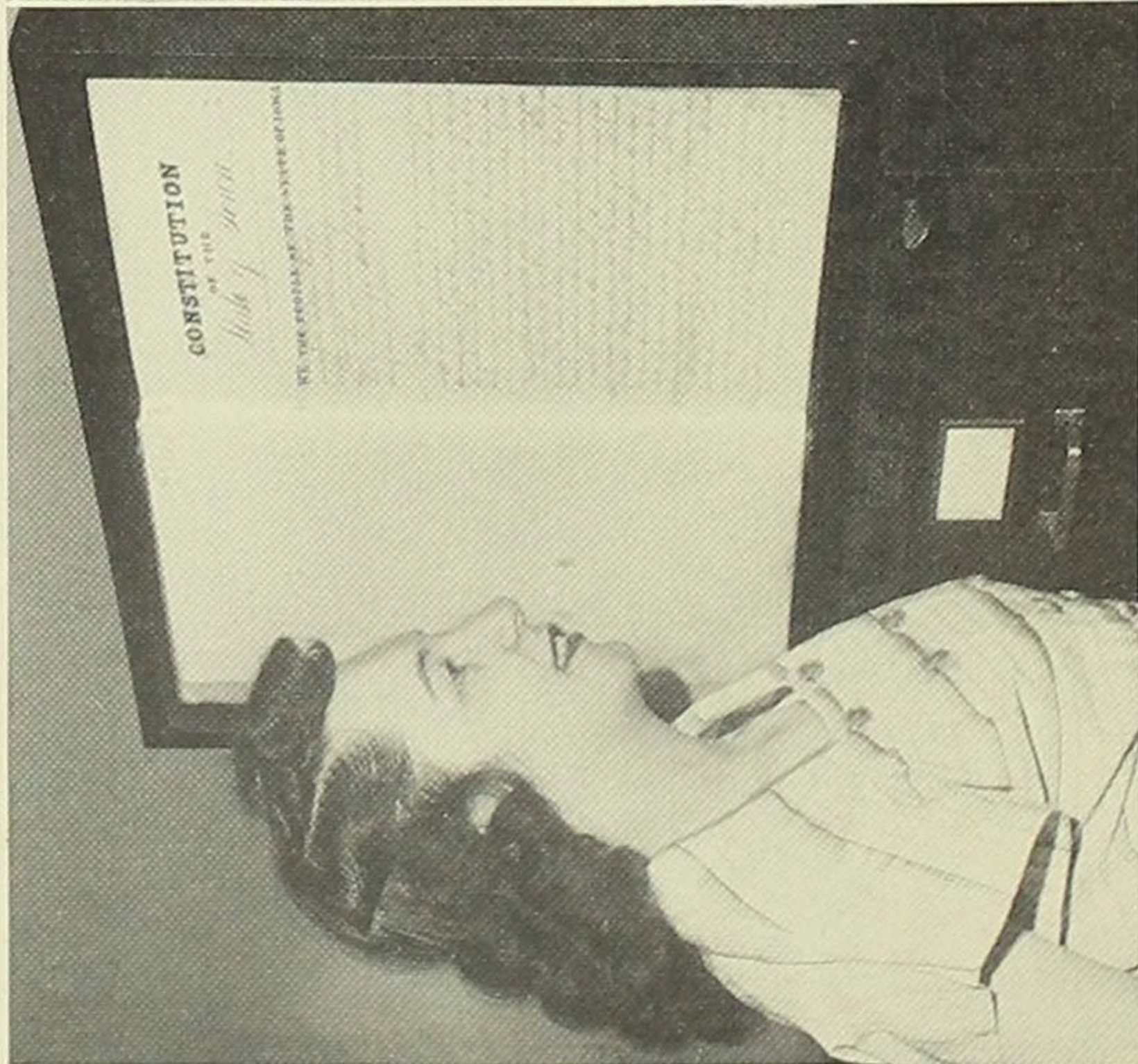
THE STATE CAPITOL AT DES MOINES



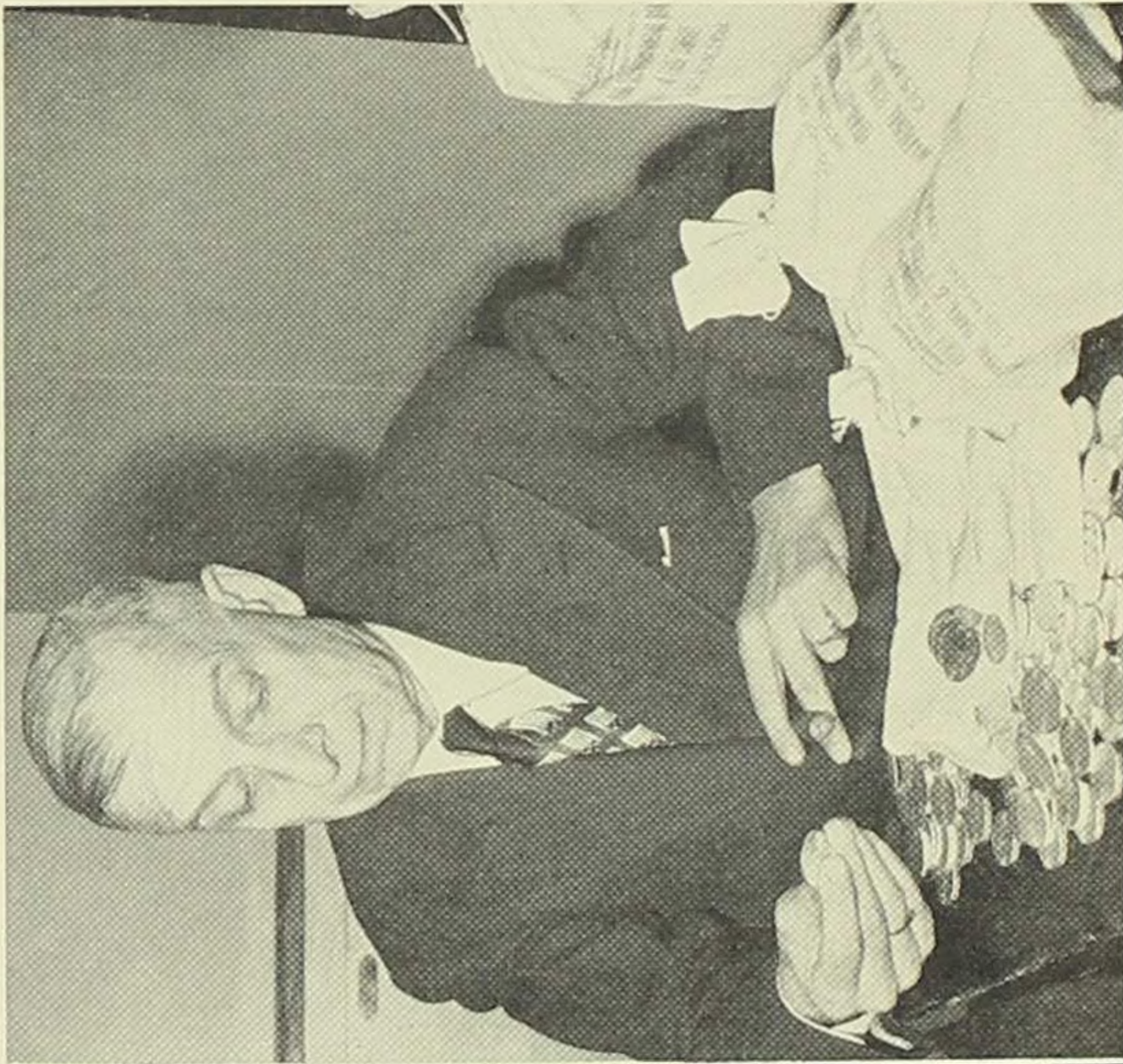
DOME OF STATE CAPITOL WITH G.A.R. EMBLEM



DES MOINES REGISTER PHOTOS
 SECTION OF ROTUNDA OF STATE CAPITOL



STUDYING ORIGINAL IOWA CONSTITUTION IN
OFFICE OF SECRETARY OF STATE



DES MOINES REGISTER PHOTOS
CONG. KARL LE COMPTE EXAMINES IOWA
CENTENNIAL COIN WHICH HE SPONSORED

sion, with the pomp and dignity of state, and with many distinguished guests present, the Governor and Lieutenant Governor are escorted to the rostrum, where the oath of office is administered by a Justice of the Supreme Court of Iowa. Following the installation, the chief executive delivers his inaugural address — his first official act as Governor of the State.

As we witness such a scene our minds go back across the years of Iowa history to note some of the stalwart men who have filled that high office. Among them the names of Lucas, Grimes, Kirkwood, Larrabee, Shaw, and Cummins stand out in bold relief. There are others, too, whose names will long be remembered in the annals of Iowa history.

Thirty-three men have served as Governor of Iowa — three during the territorial period and thirty since Iowa became a state. Five of these men were born in New York, and four in Pennsylvania. Two were born in each of the states of Connecticut, Illinois, Ohio, and Vermont. Eight were born in Iowa and the remaining eight in other states.

Some of the men who have served as chief executives of Iowa have had military experience. Robert Lucas and John Chambers fought in the War of 1812, and Stephen Hempstead served in the Black Hawk War. Three were colonels, two

captains, and one a brigadier general in the Civil War. One was wounded at the Battle of Shiloh. Another was wounded at Blue Mills, taken prisoner at Shiloh, released through an exchange of prisoners, and wounded again at Vicksburg. Two of the Governors of Iowa served in the Spanish-American War, and two are veterans of World War I.

Our first state Governor, Ansel Briggs, was a stagecoach driver. In contrast, Clyde Herring was a dealer in automobiles. Horace Boies was born in a log cabin in New York and came west "with his possessions wrapped in a red bandana handkerchief." Cyrus C. Carpenter came to Iowa as a poor lad and walked from Des Moines to Fort Dodge carrying his worldly goods in a "carpet sack." There were two editors, three farmers, four merchants, and twenty students of the law among them. Two were millers and several were interested in banking. Most of the men were content to earn their livelihood, directly or indirectly, from the soil of Iowa. Governor Francis M. Drake made a fortune by mining gold in California.

Two Governors — John Chambers and James W. Grimes — were Whigs. Seven were Democrats — Robert Lucas, James Clarke, Ansel Briggs, Stephen Hempstead, Horace Boies, Clyde L. Herring, and Nelson G. Kraschel. The remain-

ing twenty-four were members of the Republican party.

Before coming to Iowa several of these men had had legislative experience: one in New York, another in New Hampshire, one in Kentucky, and another in Ohio. Lucas had been Governor of Ohio before he became Governor of Iowa. Four of these men served in the Constitutional Convention of 1844, and twenty-two, at some time in their careers, served in the legislature of Iowa. Nine of them became members of Congress, and two (Kirkwood and Shaw) attained the distinction of serving in Presidents' cabinets. James Clarke became Governor at the age of thirty-three. Horace Boies did not attain that office until he was sixty-two. One of the Governors died at the age of thirty-eight. Fourteen — almost one-half of the whole number — have lived more than the allotted span of three score and ten years, and one attained the ripe old age of ninety-five. Five of the men who have served as Governor of Iowa are still living. All of these men have served faithfully and well in order that Iowa might attain and hold a place of high rank in the sisterhood of states.

A Governor who takes the oath of office must, at that moment, feel a sense of grave responsibility resting upon him. In his inaugural address on January 13, 1949, Governor William S. Beardsley

strongly emphasized this point when he said:

"In taking this solemn oath to support the Constitution of the United States and of the State of Iowa, I am profoundly impressed with the great responsibility reposed in me by the voters of this great state. I am happy to be a citizen of Iowa. I love her farm homes, her beautiful towns, her cities, and most of all her people.

"One has to experience the weight of this obligation to feel the full impact of its significance. To me, it is the assumption of a very real responsibility. In accepting this great honor, I do so with humility and with a high resolve that my every effort shall be devoted to the public welfare. May God give me strength, wisdom and guidance in the performance of my duties as Governor of this great Commonwealth."

Since a Governor is responsible for directing matters of state legislation, his inaugural address usually calls attention to current problems of legislation and makes some suggestions for their solution. Governor Beardsley, for example, touched upon the subjects of taxation, soldiers' bonus, business administration, roads, education, conservation and flood control, labor and conciliation, and human needs.

The duties of the Governor are varied and numerous. They range from his military functions to his political, economic, and social duties. The

constitution provides that the Governor "shall be commander in chief of the militia, the army, and navy" of the state. To be sure, Iowa, as a state, does not have a navy or even an army. This provision was probably copied from a constitution of one of the older maritime states, but it is significant today in that it gives the governor authority to act in all military affairs in which state troops are needed.

But his duties are not primarily military. Indeed, much more of his time is devoted to executive, administrative, and legislative functions. "He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices."

The makers of the Constitution of 1857 were men of wisdom and discretion. They did not assign to elective officers minute and detailed duties that might change with the passing of the seasons. The powers were briefly stated, but they were broad and comprehensive in scope and very general in character. A single sentence in the Constitution of Iowa assigns to the Governor extensive duties and grave responsibilities: "He shall take care that the laws are faithfully executed." The manner in which this may be done is largely a matter of discretion with the Governor himself.

From a constitutional and legalistic standpoint methods are of little consequence, only results are important. Thus a great executive is one who assumes responsibilities on a broad basis, and so coordinates his work through the several departments that effective and efficient management will result throughout the organization.

The Governor of Iowa, as the chief executive of the state, makes many appointments of persons charged with the duty of assisting in proper enforcement and administration of the laws. Thus he appoints the Adjutant General, the Commissioner of Public Safety, the Industrial Commissioner, and the Labor Commissioner. He also appoints the members of the Board of Control, Development Commission, Employment Security Commission, Board of Health, Highway Commission, Liquor Control Commission, Parole Board, Printing Board, River-front Commission, State Conservation Commission, Board of Education, Tax Commission, and Uniform State Law Commission. In addition to these and other appointments, he fills many vacancies.

The Governor is a member of the Executive Council, usually serving as chairman of that group. Although other members of the council are elected in the same manner as the Governor, his presence on the council affords him an opportunity to coordinate and in a measure furnish lead-

ership for all administrative divisions of the state government.

His duties in connection with legislative matters are very important. In his inaugural address and in his biennial message to the General Assembly the Governor suggests and outlines a legislative program. But his interests and responsibilities go much further than that. An important item in matters of legislation is the budget. For the planning of this, the Governor is in a large measure responsible. Not later than February 1st, of the year in which the General Assembly convenes, the Governor is required to "transmit to the legislature a document to be known as a budget, setting forth his financial program for each of the fiscal years of the ensuing biennium." This budget consists of three parts: the "Governor's budget message," "recommended appropriations," and "appropriation bills." Thus the Governor sets the pattern for legislative expenditures, which may be amended and changed at many points, but he never ceases to be responsible, in a measure, for a sound financial policy.

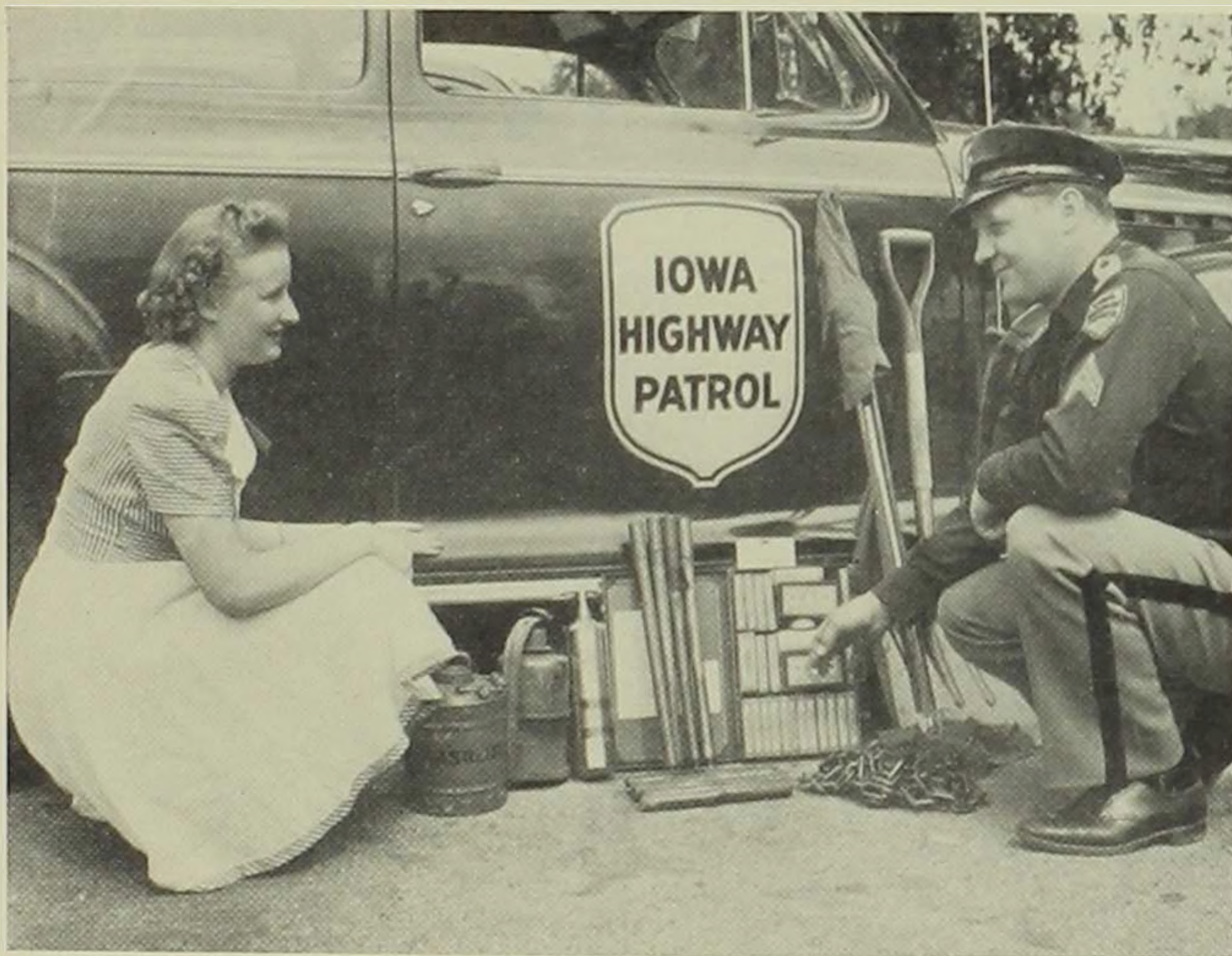
All laws of whatever character, passed by the General Assembly, are submitted to the Governor for his approval and signature. If he approves, he signs the bills and they go into effect. If he disapproves he refuses to sign and the bills can then become operative only if they are passed over his

veto by a two-thirds vote of all members of each house.

The Governor thus wields important legislative influence through the exercise of his veto power. During the nine years of Iowa's territorial history the veto power was exercised 22 times — 15 times by Governor Robert Lucas, 11 times in a single year. In the 103 years since territorial days the veto has been used 104 times. In recent years it was used most frequently by governors John Hammill, George Wilson, and Robert D. Blue. In territorial days the legislative body sometimes passed bills over the Governor's veto, but in recent years executive vetoes have seldom been vigorously contested.

The judiciary in Iowa is a separate and independent branch of the government, relatively free from executive control. But even here the Governor exerts some influence in that he may appoint judges to fill vacancies in the courts of record and in municipal and superior courts.

In the field of state politics the Governor exercises great influence. In a political campaign he is the highest ranking candidate on the state ticket. Usually other aspirants to state offices do not announce their candidacy until the Governor decides whether or not he will again head the state ticket. If the incumbent Governor is not to be a candidate for re-election, other gubernatorial candidates



DES MOINES REGISTER PHOTO

PUBLIC SAFETY COMMISSION
Iowa Highway Patrolman explains his job to fair citizen

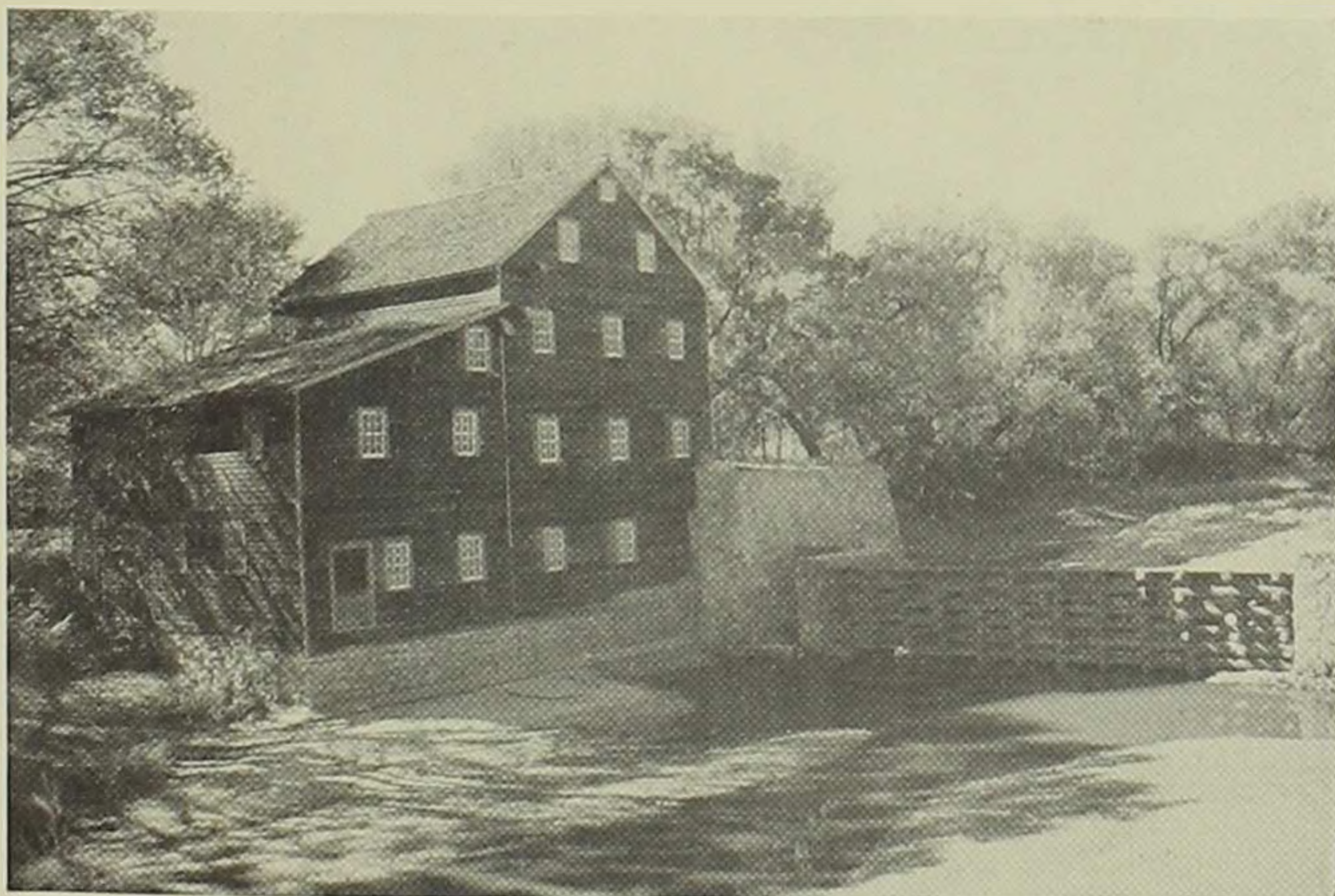


PHOTO BY JOHN E. BRIGGS

STATE CONSERVATION COMMISSION
Reconstructed Pine Creek Mill in Wild Cat Den State Park



IOWA SUPREME COURT: 1949

Back row—H. J. Mantz, W. A. Smith, John E. Mulroney, Chas. F. Wennerstrum, Norman R. Hays

Front row—Oscar Hale, Ralph A. Oliver, T. G. Garfield, William L. Bliss



INTERIM COMMITTEE: 1949

Learning Facts First-Hand at Oakdale Sanitarium

usually announce early. Throughout the campaign, the candidate for Governor is recognized as the party leader, and is much in demand at political meetings throughout the state.

Socially, the Governor of the state plays an important role. The inaugural ball at the State House is a gala occasion. In his spacious home — the Governor's Mansion at 2900 Grand Avenue — the Governor and his wife receive many guests. At his office in the Capitol the Governor is a busy man, but even there he frequently pauses from other duties to receive a delegation of friends or a group of school children who may be visiting the State House. Throughout his term of service, the Governor gives generously of his time in addressing groups of citizens at anniversaries, reunions, and public gatherings of various types in all parts of the state.

Thus, the Governor of Iowa is a man of influence and power — widely recognized for his abilities and for his interest in public affairs. Yet there is a rule of long standing which applies here. He who would be "greatest among us," must be "the servant of all." The Governor of Iowa holds a distinct place as leader in the state, yet in a sense he is a servant of the entire citizenry.

Administrative Officers

Aside from the Governor and Lieutenant Governor there are other elective officials who perform important functions — the Secretary of State, Auditor of State, Treasurer of State, Attorney General, Superintendent of Public Instruction, and Secretary of Agriculture.

The Secretary of State is an elective officer with many important duties to perform. The work of his office is divided into three principal departments — the land office, the division of corporations and trademarks, and the general or custodial office. The state land office maintains the records of the acquisition, annexation, or disposal of land by the state and by incorporated cities and towns. If an individual acquires land from the state, the deed or patent is signed by the Governor and attested with the state seal.

Charters for all Iowa corporations and cooperative associations are issued by the Secretary of State. Foreign corporations doing business in Iowa are required to obtain permits from that officer. Protective registrations of trademarks, labels, and forms of advertising are also obtained there.

The Secretary of State's office is the storehouse of the state's official documents. The original con-

stitution of 1857 is on display in his office. When a law is passed and signed by the Governor, the original document is filed with the Secretary of State. Thus one may find in his office the original measure that was passed in 1847 for the founding of the State University of Iowa. In the passage of such a law the enrolled bill constitutes the legal proof of what the legislative action was in a particular case. This becomes a matter of much interest, and is important documentary evidence if there should be an error in transmitting or printing the law at a later date.

When a legislative act goes into effect by publication, the Secretary of State endorses on the enrolled bill a certificate giving the names and dates of the papers in which it was published. Copies of laws of a general nature which take effect upon publication are sent to the clerk of the district court in each county where they are kept for six months or until the laws are officially published.

All petitions for nomination papers, and all state election returns are filed in the Secretary of State's office. These political statistics provide an indispensable source of information about the voting habits of Iowans.

Many official duties and activities converge in the Secretary of State's office. Historically, it is interesting to note that the Iowa Highway Patrol

System originated and developed under the supervision of the Secretary of State. It was later transferred to the Department of Public Safety.

The Secretary of State is chairman of the Iowa Real Estate Commission, a member of the State Executive Council, the Board of Health, the Printing Board, and the Employment Agency Commission.

The Auditor of State performs the intricate and comprehensive accounting and auditing work of the state. At frequent intervals he makes full settlement between the state and all state officers and departments and all persons receiving or expending state funds, and makes a complete audit of the books, records, and accounts of every executive department of the state. The municipal finance department, the county accounting department, and the fiscal affairs of all political subdivisions are under the management of the State Auditor. All offices of the 99 counties of the state are examined annually. City, township, and school funds may also be audited upon request.

The Auditor submits annual and biennial financial reports, as well as an individual audit report to the Governor. He also serves as a member of the Executive Council, the Printing Board, the Geological Board, the Bonus Board, and the Board of Health.

The Treasurer of State is a constitutional offi-

cer elected at the regular state biennial election. All state revenues are received and disbursed by the treasury department under the direct supervision of the Treasurer. A record is maintained to show the sources of all income, the funds to which such incomes apply, the dates received, and the amounts received. Disbursements are made only upon warrants issued as certified by the State Comptroller. A record is kept of each warrant paid, as well as the date of issuance, date of payment, to whom paid, and against which fund such warrant is drawn.

The Treasurer, with the consent of the Executive Council, may designate banks in Iowa which shall serve as depositories of state funds, and indicate the maximum amount of money that may be deposited in any such bank. Accounts, funds, and records in the treasury department are carefully safeguarded. All accounts are audited daily by the Auditor of State, and examined quarterly under the direction of the Governor.

The Attorney General of the state is elected biennially. He is the attorney and legal adviser for the various state departments. It is his duty to prosecute for or defend the state in all actions and proceedings, civil and criminal, in which the state is a party or is interested, when requested to do so by the Governor, Executive Council, or General Assembly. He may also appear on his own mo-

tion. He must prosecute or defend for the state in all cases in the Supreme Court in which the state is a party or interested. He is given supervisory power over county attorneys and in a general way is responsible for law enforcement throughout the state.

The Attorney General frequently assists the General Assembly in the drafting of important bills. Thus, in 1949, the Attorney General was called upon to draft a soldiers' bonus bill that could be presented to the Fifty-third General Assembly with little delay, and one that would withstand the tests in the courts in litigation that was sure to follow. By virtue of his office, the Attorney General is chairman of the Board of Law Examiners, and is a member of the Printing Board.

The office of Superintendent of Public Instruction was established by the General Assembly in 1864. The Superintendent, elected by the people for a term of four years, has general supervision and control over the public schools of the state, including rural, graded, high schools, and public junior colleges. Courses of study are prepared by this department. The certification of teachers, the inspection of schools, and the distribution of state aid to schools are all functions of this office. Indeed, this department of government is closely affiliated with educational interests throughout the state. The Superintendent of Public Instruction

is President and Executive Officer *ex officio* of the State Board of Educational Examiners and of the State Board of Vocational Education.

The Fortieth General Assembly, in 1923, abolished a number of existing boards and commissions, and consolidated their work under a newly-organized Iowa Department of Agriculture "for the express purpose of promoting and advancing the interests of agriculture." This department, originally established in 1900, was now to be headed by an elected Secretary of Agriculture. Various divisions, such as the dairy and food division, animal husbandry, agricultural statistics, entomology, and the weather division are included in this department. These divisions are under the general supervision of the Secretary of Agriculture, who is also a member of the Executive Council.

In addition to the state elective officials there are many appointive officers, boards, and commissions actively engaged in state administrative work. In this group are the Comptroller, Adjutant General, Board of Control, Board of Education, Board of Parole, Board of Social Welfare, State Fair Board, Printing Board, Department of Public Safety, Banking Department, Bureau of Labor, Tax Commission, Highway Commission, Commissioner of Insurance, Industrial Commission, Conservation Commission, Liquor Control Commission, Employment Security Commission, Mine

Inspectors, Fire Marshal, and a variety of other important officials.

One of the divisions of state government which affords excellent opportunities for the study of history and government is the Department of History and Archives at Des Moines. There one may find a large library of history and genealogy, a famous collection of autographs and photographs, many valuable historical relics, a vast natural history museum, a gallery of portraits of distinguished Iowans, and the public archives consisting of millions of documents and records — a veritable storehouse of Iowa history.

By studying the various departments and divisions of our government, by knowing their functions, their duties, and their powers, we may become better qualified to participate in governmental activities, and thereby become better citizens.

The Judiciary

In a democracy, laws are made by legislative bodies and administered by executive officers, but they sometimes need to be interpreted and applied by courts in the settlement of disputes. In a sense, both the legislative and executive branches of government are held in check by the judicial branch. This does not mean, however, that the power of the judiciary is unlimited. Courts cannot create or give rights; they merely protect rights which exist under the constitution and the laws of the state. The terms of the statutes are general, applying to all alike, and the laws are to be executed impartially. The action of the courts relates to particular disputes involving the meaning of the law as it applies to particular individuals.

According to the Constitution of Iowa, the judicial power of the state is vested in the Supreme Court, the District Courts, and such other inferior courts as the General Assembly may, from time to time, establish. The Supreme Court — the highest court of the state — sits in the State Capitol in Des Moines. It consists of nine justices, each elected for a term of six years, one-third being elected at each biennial election. The senior in point of service is Chief Justice for six months

until each judge has served in that capacity. The Supreme Court appoints a reporter (who is also the Code editor) and a clerk, each for a four-year term. Cases over which it has original jurisdiction may be filed directly in the Supreme Court without first being tried in a lower court. Other cases, over which the Court has appellate jurisdiction, are brought to the Supreme Court only on appeal from the lower courts.

When a case is thus appealed, the material evidence taken in the lower court and the rulings of that court are printed in a regularly prescribed form and submitted to the higher court. The case is then set for hearing and argued by the attorneys. There are no witnesses to be questioned, and no jury present, since the evidence is already before the judges in printed form. The decisions and opinions of the Supreme Court are published in bound volumes called *Iowa Reports*.

The very first case reported in the Supreme Court of the territory of Iowa in 1839 was a case dealing with human rights. Ralph, a slave boy in Missouri, had agreed to pay his master for his freedom, and was permitted to come to Iowa to earn the money. Later he could not pay and was seized at Dubuque and attempts were made to take him back into slavery in Missouri. The Supreme Court of Iowa held that living on Iowa's free soil made him a free man. The facts were

similar to those in the famous Dred Scott case, although the decision of the Iowa Court was exactly the opposite of that of the United States Supreme Court.

Three men — Charles Mason, Joseph Williams, and Thomas S. Wilson — served as Judges of the Territorial Supreme Court. In the 103 years since Iowa became a state 72 men have served on the Supreme Court bench. The average tenure of office has been about 8 years, but some have served much longer. The longest term of service was that of William D. Evans, who served from 1908 until 1934 — a period of 26 years. Joseph M. Beck, Horace E. Deemer, and Scott Ladd each served 23 years, and James H. Rothrock served 20 years.

Iowa is divided into twenty-one judicial districts composed of from one to nine counties, and each district elects from two to six judges. The first district is composed of Lee County alone and has two district judges, the eighth district is composed of two counties — Iowa and Johnson — and has two judges, while the fifteenth district in southwestern Iowa is composed of nine counties and has five judges. There are seventy district judges in Iowa, and one of them presides at each session of the court.

The district court is primarily a court of original jurisdiction, although some cases can be ap-

pealed to it from the lower courts. This court has jurisdiction over civil and criminal cases, cases in equity, and probate and juvenile cases. These may be tried either with or without a jury which decides questions of fact, while the judge decides only questions of law and procedure. If there is no jury, then the judge decides both questions of fact and questions of law. If parties to the suit are not satisfied with the decision of the district court they may appeal their case to the State Supreme Court.

There are other courts and judges — municipal courts, mayor's courts, superior courts, and justice of the peace courts, each with its own jurisdiction and influence upon community life. Thus violation of traffic regulations in a city are usually tried in the municipal or mayor's court. Minor cases involving small collections, cases of eviction, or of assault and battery may be tried in the justice of peace court. Cases tried in these courts may sometimes be appealed to the district court.

Thus government in action consists of many parts. Its three main branches are the legislative, the executive, and the judicial, and each of these branches is closely allied with the desires, activities, and wishes of the common people. Ours is, indeed, a "government of the people, by the people, for the people."

The State Historical Society of Iowa

IOWA CITY IOWA

Established by the Pioneers in 1857

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WILLIAM J. PETERSEN, Superintendent

THE STATE HISTORICAL SOCIETY OF IOWA

Iowa City Iowa