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January 16, 2013

THIS WEEK: Iowa Senator James Harlan Becomes U.S. Senator

BACKGROUND: FIFTH IOWA GENERAL ASSEMBLY

The Fifth Iowa General Assembly convened December 4, 1854, and adjourned January 26, 1855, a 54-day session. The Democrats numbered 17 members in the Senate and 31 members in the House. The Whigs held 14 seats in the Senate and 40 seats in the House—a total of 102 members. Iowa's population at the 1850 census was 192,214. Iowa's President of the Senate was Maturin Fisher and the Speaker of the House of Representatives was Rueben Noble. During the Fifth General Assembly, Stephen P. Hempstead finished his term as Governor and James W. Grimes was sworn in as Iowa's third governor.

Iowa Senator James Harlan Becomes U.S. Senator
A Rocky Start to Congress

The Fifth Iowa General Assembly elected Senator James Harlan for United States Senate. Harlan was a member of the Free Soil Party in 1854. The Free Soil Party and the antislavery Whigs and Democrats formed the Republican Party in the mid-1850s.



James Harlan

(b. August 26, 1820 – d. October 5, 1899)

The Iowa Legislature was required to elect United States Senators until 1913. A Joint Convention was called in the House Chamber on December 13, 1854. The President of the Senate presided. The first vote for United States Senator showed that Senator Harlan received only four votes. The second vote on December 13, 1854, showed Harlan with 12 votes. The third vote on December 21, 1854, showed Harlan with 47 votes. The fourth vote, also taken on December 21, listed Harlan at 41 votes. The Joint Convention continued with a fifth vote on December 21, showing Harlan with 45 votes.

On January 5, 1855, with the House and Senate again meeting in a Joint Convention, Senator Harlan was recorded as having received 46 votes on the sixth vote, 47 votes on the seventh vote, and 47 votes on the eighth vote for United States Senator.

Once again, on Saturday, January 6, 1855, the Speaker of the House called the special order to hold a Joint Convention for the purpose of electing a United States Senator. The House received a message that the Senate had adjourned until Monday; however, a number of the members of the Senate who were still at the Capitol entered the chamber of the House of Representatives—without the Senate President.

The Speaker, acting as presiding officer for the Joint Convention, called for a roll of the convention. There were many members that refused to answer or left the chamber during the calling of the roll. Fifty-seven members were counted present and the Speaker announced that there was a quorum and the Joint Convention convened.

This ninth vote for United States Senator showed James Harlan with 52 votes, the majority necessary, and he was declared duly elected to serve in the United States Senate for a term of six years.

Because the Senate had adjourned prior to the convention, a complaint was issued. There was a three-page protest submitted by 28 members of the legislature (senators and representatives) to the House Journal on Tuesday, January 9, 1855, ending with these paragraphs:

Did not a majority of the Senate acting upon that part of the Constitution which authorized them to sit upon their own adjournment decide to adjourn the Senate and temporarily dissolve that body. And did they not disqualify, by their adjournment, the Senate from any action whatever from 10 o'clock on Saturday the 6th, inst., until 10 o'clock on: Monday the 8th, inst. And could the minority of that body convene for any Constitutional business during the hours of adjournment. Could they even meet in their own House and adjourn to a different day or hour from the time fixed by a majority. Can a minority of the Senate during the hours of adjournment convene and do any legal or Constitutional act. If a minority of the Senate can so act, surely the same right would belong to the House of Representative. This doctrine once conceded and clandestine meetings of minority will become the order of the day, and the Constitution a mere rope of sand. Believing as we do that the

proceedings of, last Saturday, in admitting a minority of the members of the Senate to come within the Hall of the House after the Senate had adjourned and dispersed, and receiving such minority as the Senate and proceeding to the election of a United States Senator and Supreme Judge was a palpable and flagrant violation of the Constitution of the United States, and of this State; that it was subversive of the good of this House; that it tends to destroy all respect for law.

We here, now, enter our solemn protest against all of said acts and doings, and respectfully demand that this protest, with our reasons aforesaid, be entered at large upon the Journal of this House.

In January of 1857, the United States Senate Judiciary Committee, having reviewed the proceedings of the Iowa Legislature, recommended that Harlan's seat be declared vacant. The full United States Senate voted with the majority agreeing the seat should be vacated.

Astonishingly, five days later the Iowa Legislature again elected James Harlan as United States Senator. Harlan was re-elected in 1861 and then resigned to serve as Secretary of the Interior under President Andrew Johnson (Harlan was appointed by President Abraham Lincoln shortly before Lincoln's assassination). Harlan was elected again to the United States Senate in 1867.



In 2011, the Iowa Legislature approved a Joint Resolution to remove Senator Harlan's statue, given to the National Statuary Hall in the United States Capitol by the State of Iowa in 1910, and replace it with a statue of Norman Borlaug. The resolution calls for Senator Harlan's statue to be relocated to a "suitable location" for perpetual display at the Iowa State Capitol.