

# Under The Golden Dome

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# **Under The Golden Dome**

## **the Story of Iowa's State Capitol and what goes on Inside**

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*We, the people  
of the State of Iowa, grateful  
to the Supreme Being for the  
blessings hitherto enjoyed,  
and feeling our dependence  
on Him for a continuation  
of those blessings, do  
ordain and establish a free  
and independent government  
by the name of the  
State of Iowa*

Preamble to the  
Constitution of the State of Iowa  
Adopted August 3, 1857





***“All political power is inherent in people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.”***

Article One, Section One  
Bill of Rights  
Iowa Constitution

## The 29th State

The early history of Iowa, like that of her sister states in the East, was one shaped by the struggle for conquest in the New World.

Fernando de Sota was credited with the first “ownership” of Iowa when he discovered the Mississippi River in 1541 and claimed all of the land drained by the river and its tributaries for the Spanish Empire. Early explorations by the Spanish soon waned, but were rekindled over a century later by the French.

Iowa’s first contact with the French was recorded in 1673 when Father Jacques Marquette and Louis Joliet sailed from the Wisconsin River into the Mississippi River where they sighted the bluffs of McGregor, Iowa. They continued to travel southward on the great river and a few days later became the first white men to set foot on Iowa soil. Historians argue as to the exact landing, but popular opinion, as recorded by Marquette, is that it was at the mouth of the Des Moines River. Modern thought set the landing at the mouth of the Iowa River near Toolesboro in Louisa County. Marquette and Joliet made contact with the Illinois Indians in the first recorded meeting by Iowa citizenry with the outside world. Then in 1682, LaSalle found the mouth of the Mississippi and claimed the river and its valley (including Iowa) for France, giving it the name of Louisiana, for the French king, Louis XIV.

The eighteenth century was a period of successive wars in Europe which greatly weakened the powers of the French, English and Spanish. In turn, these Europeans found it increasingly difficult to retain possession of land in the New World while fighting on the homefront. The importance of the wars to Iowans was that they included the struggle for possession of the Louisiana Territory of



which Iowa was a part. During this period, the Louisiana Territory was ceded to the Spanish who maintained control until 1800 when the territory returned to French possession. While Iowa was under Spanish control, Julien Dubuque received a land grant and set up lead mining operations on the western side of the Mississippi River near the city that bears his name.

During the American Revolution the newly formed United States government took advantage of the turmoil to obtain control of the Northwest. The acquisition finally led to negotiation with the French for the Louisiana Purchase in 1803.

The years following the Louisiana Purchase were marked by mass immigration to and exploration of the recently acquired land in the West. Paramount in this exploration was the expedition of the Missouri River by Lewis and Clark, who in 1804 supplied the first official information concerning Iowa's western border. Iowans commemorated this event by honoring Sergeant Charles Floyd, a member of the expedition. He died on Iowa soil and was originally buried near Sioux City at the juncture of the Missouri River with a small river which was named for him -- the Floyd River.

Following Lewis and Clark, Zebulon Pike investigated the eastern border of Iowa in 1805. His accounts included recommendations for army forts to be located near the present day city of Burlington.

In the year 1812, the Territory of Orleans was admitted to the Union as the state of Louisiana. The remaining land of the Louisiana Purchase was then named the Missouri Territory, until 1820 when Missouri became a state. Iowa then became an orphan lacking a governmental parentage. While Iowa was in this state of limbo, the United States, through the Black Hawk Purchase of 1832, received a strip of the eastern border of Iowa. This acquisition initiated the migration of settlers across the Mississippi River. Although settlement was prohibited until the land was surveyed and set up for sale by United States land offices, the laws of the time allowed a person to choose a land site which, if the person improved it, the person could purchase when it came up for sale.

Subsequent concern over a lack of governmental control prompted the passage in 1834 of legislation to admit the remnant of the old Missouri Territory, which included Iowa and Wisconsin, into the Michigan Territory in 1834. Then the Black Hawk Purchase was divided into two counties, Dubuque and Des Moines.

In 1835, Lieutenant Colonel Stephen Watts Kearney and his assistant, Albert M. Lea, were ordered to find a site for a permanent fort at the junction of the Des Moines and Raccoon Rivers. Their journey was recorded by Lea who officially affixed the name of Iowa to the land.

When Michigan's admittance to the Union seemed imminent in 1836, its territory was further divided into the Wisconsin Territory, and Burlington was named the second temporary capital. Finally Iowa became a territory of its own in 1838 and Burlington remained its capital until 1841 when the capital was moved to Iowa City.

The admission of Iowa to the Union involved disputes over the State's northern boundary and the possibility of an over-burdened economy due to the loss of federal funds allotted to a territorial



*Old Capitol, Iowa City.*

government. Opposition over the northern boundary proposed by Congress led to the rejection by Iowa citizens of planned admittance in 1844 and 1845. Finally Iowans accepted the boundary proposal of Congressman Stephen Douglas of Illinois and Iowa was admitted as the 29th state in the Union on December 28, 1846.

The 1850s marked a period of constitutional reconstruction in Iowa and of growing dissension over the slavery issue in the nation.

In 1857, the constitution of Iowa was revised into the form that has survived as the basis for the present governmental structure of the State. Thirty-six members of the constitutional convention met in Iowa City that year. Prominent participants were Rufus L. B. Clarke, William Penn Clarke and Jonathan C. Hall, attorneys from Mount Pleasant, Iowa City and Burlington, respectively. Included in the document then drafted was a provision moving the state capital from Iowa City to its present site in Des Moines. In return, Iowa City received a state university. The old capital building still stands and a portion of it restored to its appearance at the time it was the capitol. Also contained in the constitution was the first authority for the creation of banks in Iowa; such authorization had been rejected in the constitution of 1846. In the absence of a national currency, Iowa had been flooded by paper from other states which was depreciating in value. Gold and silver were being hoarded to pay taxes or buy government land. The new constitutional provision allowed formation of privately-owned state banks and chartered branches.





*Old Brick Capitol, Des Moines.*

Although free from slavery as a result of the Missouri Compromise of 1820, Iowans boldly denounced human bondage and aided in the skirmishes which eventually led the Nation to civil war. Tabor in the southwest corner of Iowa served as training ground for anti-slavery proponents going into the battles of "Bleeding Kansas"; it also served as a refuge for their return. One of the first underground railroads in the State sent escaped slaves to their freedom northward via Tabor to the cities of Earlham, Des Moines, Grinnell and Iowa City. Clinton and Muscatine served as popular crossing points on the Mississippi.

Much has been written concerning Iowa's involvement in the Civil War (1861 - 1865). More than 13,000 of her sons gave their lives to the cause of freedom. Iowa, in fact, volunteered more men in proportion to its population than any other state in the Union.

One of the most important events involving Iowans in the 1870s was the organization of a secret society called the "Patrons of Husbandry" or "The Grange". This society was created to help farmers fight railroads charging exorbitant prices to import and export goods. The Iowa Grange became powerful. Iowa accounted for 100,000 of the society's 1,000,000 members--more than from any other state. In 1874, then, the Iowa Grange influenced passage of legislation (popularly known as the "Granger Law") which fixed a maximum freight rate for railroads in the State.

The 1880 census reported that Iowa's rural population had stopped growing. This was an indication of future growth of the cities, although no great metropolitan center could be singled out then. In the 1890s Iowans experienced the rise of the Populist or People's Party.

Iowa was swept into the twentieth century by a wave of national progressivism. There was widespread feeling that government intervention could protect the people and laws could be formulated for the common man. Early results of this progressive era in Iowa

included a pure food law, a dairy products standards law and a pure drugs bill. Also of great significance to Iowans was an act to allow for a direct primary, which enabled the people to nominate county and state officers (except judges) and national legislators.

Progress included industrial and agricultural as well as governmental advances. By 1905 14 out of 17 of the State's largest industrial cities were established. The turn of the century saw gasoline-powered machines replacing manpower and horsepower. Aided by the idea of John Froelich of Clayton County, who in 1892 succeeded in operating a gasoline engine attached to a farm implement, engineers produced the first "gas traction engine" or tractor in 1902.

New mechanical inventions coupled with existent farming techniques greatly increased potential for production. This potential was so great that when the United States entered World War I, in 1917, it was a tenet of patriotism that one should produce as much food as possible to feed our allies. One of the first three Americans to die in World War I was Iowa's first casualty, Merle Hay of Glidden. The State had over 113,000 persons serving in the U.S. Army, Navy and Marine Corps.

"Food will win the war" also became a popular slogan of the time, and farmers were granted loans and price supports as incentives for the purchase of more land and more production. Unfortunately, this productivity resulted in massive surpluses of grain. Then when the subsidies were removed in 1920, the bottom dropped out of the farm

*The Capitol in Winter*





economy. Credit was over-extended, foreign countries were unable to pay war debts, and many farmers ended up losing their land through mortgage foreclosures. In short, Iowa experienced a great depression several years before the actual market crash in 1929.

Herbert Hoover of West Branch, the only native Iowan to become president, sought to help the farmer from 1929 to 1933. The Agricultural Marketing Act of 1929 created a Farm Board which bought and stored grain at peak prices and sold back commodities at slow intervals to keep the market from being glutted. President Hoover also initiated the Reconstruction Finance Corporation and the Hoover Moratorium on International Payments to stimulate overseas buying.

The continuation of the desperate economic situation, however, led Iowa voters to help elect Franklin Delano Roosevelt and his New Deal in 1932. Iowans were aided further in their economic plight by both the state and federal government.

On the local level, two events helped the sagging economy. In January of 1933, a moratorium was set in which no further foreclosure of property in default could be claimed until March 1, 1935. Although no legal basis existed for the moratorium, the approval of the people was to be as "powerful as the law itself." Legislation enacted by the 1933 General Assembly placed banks under the state superintendent of banking until they could liquidate assets to pay depositors, be consolidated with another bank, or be liquidated and sold. It was reported that under this act Iowa depositors lost only 8.75 per cent of their total deposits (\$9,479,676 out of \$214,599,413). These acts eased the burden of the 1930s, and United States' entrance into World War II in 1941 again stimulated agricultural growth. Iowa had 141,358 persons serving in the Army and Marine Corps alone by the end of 1944. Aloysius Schmitt of Dubuque was the first chaplain to lose his life in World War II during the bombing of Pearl Harbor on December 7, 1941.

Recent Iowa history reflects dramatic changes. One of these is industrial growth in the major cities and the accompanying population shift. In 1956, for the first time, census graphs showed the rising urban line bisecting with the descending rural line, a phenomenon which had occurred on national graphs as early as 1920. Iowa also now has plants of more than 130 of the top 500 companies as industrial residents.

Through the 1960s until 1972 there was a continuing debate over reapportionment of the General Assembly. The debate was generated largely by a 1964 United States Supreme Court decision, in the case of **Reynolds v Sims**, which established the doctrine of "one man, one vote". The court required legislative districts to represent as closely as possible an equal number of people.

School reorganization, always controversial, has made substantial changes in Iowa. Reorganization had reduced the 12,611 former school districts to 452 by 1972.

Iowa has been and continues to be a leader in agricultural production. This fact, coupled with increasing industrial development opening up more economic opportunities, makes Iowa truly "a place to grow."

*Statehouse from the south showing the Soldiers' and Sailors' Monument*





***“ . . . Our first prayer beneath this high dome is, that here the moral and political foundations of this imperial state may be so deeply and wisely laid that remote generations shall recall and celebrate the wisdom and virtues of their ancestors who in the Nineteenth Century erected and occupied this solid mansion of the state.”***

**Rep. John Kasson  
Dedication of the  
Iowa State Capitol  
January 17, 1884**

## **The Golden Dome**

Permanent settlement began in Iowa in 1833. Iowa was attached to the Michigan Territory for purposes of government in 1834, and was included as part of the newly-created Wisconsin Territory in 1836.

The first session of the Wisconsin Territorial Legislature was held in Belmont, Wisconsin, in 1836.

Belmont was a small village with only a few houses and inadequate facilities for the Legislature. One legislator, Major Jerome Smith, proposed to build a suitable building to accommodate the Territorial Legislature if the capital were moved to Burlington.

Accordingly, an act was passed relocating the seat of government, and the second session of the Wisconsin Territorial Legislature convened in Burlington on the first Monday of November, 1837. Its sessions were held in a two-story frame building erected as promised by Major Smith. The building was destroyed by fire during that session, and afterwards the Legislature met in Burlington's Old Zion Church.

On November 6, 1837, a convention of delegates from the west side of the Mississippi River met to petition the United States Congress to create a new Iowa Territory west of the Mississippi River.

Subsequently, in June of 1838, Congress passed a bill dividing the Wisconsin Territory and establishing the Territory of Iowa. The Territorial Legislature was composed of Senate -- called the Legislative Council -- of 13 members and a House of 26 members. The Governor, appointed by the President of the United States, was authorized to designate a time and place for the Legislature to meet. Robert Lucas, the first Territorial Governor, selected Burlington as the first capital of the Iowa Territory.

As the Territory's population grew, there were demands for moving the capital to a central location. In 1839, Governor Lucas approved an act of the Second Legislative Assembly of the Iowa Territory providing that the capital be located in Johnson County. While the new Capitol was being constructed in Iowa City, the seat of government remained in Burlington.

In 1841, it was determined that the new Capitol would not be finished in time for the Fourth Legislative Assembly. Nonetheless, the Assembly adopted a resolution allowing for a meeting in Iowa City on December 6, 1841, if "Other sufficient buildings shall be furnished for the accommodation of the Legislative Assembly, rent free."

The citizens of Iowa City were enthusiastic. Walter Butler, one of the most public-spirited inhabitants of Iowa City, erected a two-story frame structure for legislative use. He did so with the understanding that the town would reimburse him for any loss due to the temporary occupancy by the Legislature.

Since the "Butler Capitol" was far from adequate, however, efforts were made to move the Capitol to Mount Pleasant, Davenport, Burlington, and Fort Madison. But these efforts were unsuccessful, and the Fifth Legislative Assembly again met in the "Butler Capitol." During that session, Mr. Butler presented a bill for rental of the building since he had not been paid by the citizens of Iowa City. While Mr. Butler was paid \$325 for services to the government, the rental bill never was paid.

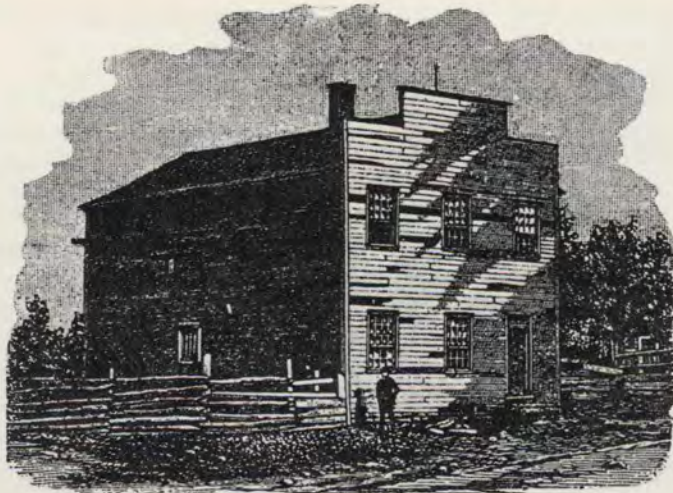
The Sixth, Seventh, and Eighth Legislative Assemblies met in the new Iowa City Capitol, later to be called the "Old Stone Capitol." The Constitution of 1846, adopted when Iowa became a State, contained a provision that Iowa City "shall be the seat of Government of the State of Iowa until removed by law." Iowa City was the seat of Iowa's government for 16 years, during which time 14 sessions of the Legislature and three Constitutional Conventions met.

The Constitution and laws did not require the executive offices to be moved to the Capitol. Consequently, the Governors remained in Burlington except during the legislative session. This situation continued even after the capital was changed to Des Moines. Not until 1864 was an act passed requiring the Governor to maintain the executive offices in the Capitol in Des Moines.

The stream of settlers to Iowa gradually pushed the frontier west and with this westward movement came a continuing demand that the capital be located in central Iowa.

In February of 1847, the First General Assembly passed an act appointing three commissioners to examine the State for a permanent site for the seat of government. Their charge was that the site be "as





*Territorial Capitol in Belmont, Wisconsin.*



*Old Zion Church, Burlington.*

near the geographical center . . . and be consistent with the interest of the state, generally."

In late September, the commissioners selected a site in Jasper County described as "a point unrivaled in natural beauty . . . in the most beautiful and fertile section of Iowa," and named it Monroe City. It was located 25 miles east of Des Moines and two miles southeast of Prairie City. A rush of land speculators, including two of the commissioners, quickly purchased 415 lots in Monroe City.

During a special legislative session in January of 1848, unsuccessful attempts were made to repeal the law on relocation of the capital. In the Second General Assembly further efforts were made to cancel the selection of Monroe City. Legislation finally was passed to refund all money paid to land purchasers, except the two commissioners.

The site was declared vacated and the question of a capital location was open again. During the Third General Assembly strong campaigns were conducted to establish the capital at Pella, Oskaloosa, and Fort Des Moines.

Efforts continued in the Fourth General Assembly to establish the capital at a new location. The promise was made that a move to Fort Des Moines would be without cost to the State. Other towns promised free locations and additional attractions if selected for the capital. These offers, notwithstanding, the Fourth General Assembly failed to take any positive action.

When the Fifth General Assembly met in 1854 and 1855, it was apparent that the moving of the capital could not be postponed much longer since between 1847 and 1854 the population increased by 191,375.

The western and northwestern parts of the State were growing rapidly, and people in the eastern part of the State had become reconciled to a capital in a central location. Iowans seemed to agree that Fort Des Moines was the logical place for the future capital since it was "strategically situated on the largest waterway in Iowa, and at a point approximately in the center of the commonwealth."

A difficult struggle ensued in the General Assembly regarding adoption of an act authorizing the move to Des Moines. The fight involved many charges of excessive lobbying, among them that "oyster suppers" were being used by the people of Fort Des Moines to influence the choice.

The law ultimately enacted for the transfer to Des Moines required that the commissioners who were to select the site should "secure enough land for the Capitol and other necessary buildings without charge to the State and all other grants and donations within their power." In the meantime, the General Assembly and the executive branch were to retain their locations at Iowa City.

In deciding on a site of the Capitol, the commissioners were under tremendous pressure from both sides of the Des Moines River. A donation of 20 acres of land was offered in what is now West Des Moines. At least one commissioner was interested financially in the sale of lots on the east side of the river, a fact which may have been determinative in the selection of the east side.

Willson Alexander Scott, Harrison Lyon, and others donated approximately 17 acres of land for the Capitol site. In 1894, and again





*Capitol under construction, 1880.*

in 1913, portions of the original grant were sold by the State.

To fulfill the requirement of the law for a suitable building without cost to the State, a Capitol Building Commission was organized. It was composed of Des Moines citizens.

During the summer of 1856, work started on a three-story structure on the lots where the Soldiers' and Sailors' Monument now is located. The work was done with private funds on private land and with the understanding that the structure would be leased to the State for one dollar per year. As the work progressed, security money to complete the building became increasingly difficult. Initial financing had been by the citizens of east Des Moines since the efforts to secure money from the west side did not produce results.

With the coming of autumn, hard times made the work of the Capitol Building Commission still more difficult. Willson Alexander Scott and his east Des Moines friends felt their triumph of establishing the Capitol site had been a hollow victory. Finally, east-side businessmen secured \$35,000 from the State School Fund, at an interest rate of 10%. Hence, the Capitol in Des Moines, built in haste and as cheaply as possible, moved to completion.

This new Statehouse, later called the "Old Brick Capitol", was built of brick. Its foundation and window sills were of stone and its roof of tin. The building was 100 feet by 56 feet into the air. On the third floor were the halls for the General Assembly, with a Senate Chamber 32 feet by 53 feet and a House Chamber 48 feet by 58 feet.

The Constitutional Convention of 1857 irrevocably settled the dispute on the location of the capital by adopting the "compromise of 1847" which provided for the capital in Des Moines and the state university in Iowa City.

On October 19, 1857, Governor James W. Grimes officially declared

"the Capitol of the State of Iowa to be established under the constitution and laws of the state of Des Moines, in Polk County." While the Capitol still was unfinished, state officials began moving the contents of their offices to Des Moines.

Their move was no ordinary undertaking. There were neither railroads nor public highways, but only dimly outlined dirt trails over the prairies. Teamsters and contractors were not anxious to join the task. Finally the citizens of Des Moines sent men and teams to assist in the removal.

During a snowy November in 1857, several loads of furniture were hauled across the State in ox-drawn wagons. For four days Iowa had a "capital on wheels." At one point during a raging blizzard, the state Treasurer's heavy safe, laden with gold and silver, was marooned in an open prairie near Four Mile Creek in Polk County. It was recovered several days later and dragged into Des Moines on a bobsled, to the relief and delight of everyone -- especially the state employees who were owed a month's back salary.

The Old Brick Capitol was completed in time for the General Assembly to meet in 1858. But the trouble connected with its financing persisted. Divided public sentiment in Des Moines, resulting from the Capitol's location on the east side of the river, prevented fulfillment of the city's pledge to "provide a state capitol without cost to the state."

Unable to meet financial obligations, the Capitol Building Commission was forced to petition the Seventh General Assembly to purchase the building. Not until 1864, however, did the Tenth General Assembly finally agree to buy the Statehouse.

Willson Alexander Scott was ruined financially by his investments in the new Capitol and the depression of 1857. He left Iowa and started west to Pikes Peak in search of gold to rebuild his fortune. On his way he became ill and died and never learned that the Iowa General Assembly finally acted favorably on the settlement of the financial problems of the Old Brick Capitol. His body was returned to Des Moines, and his grave is located on the southeast part of the statehouse grounds.

Occupied in October 1857, the Old Brick Capitol remained the home of Iowa's state offices and the General Assembly for 26 years. Sixteen sessions of the Legislature were convened under its tin roof.

When the present Capitol was completed, the Old Brick Capitol was vacated. It proved difficult to sell or lease, and it was allowed to fall into disrepair. In 1892, the Custodian of Public Buildings and Property reported to Governor Horace Boies that the building was in a dilapidated and dangerous condition. He recommended its removal from the area.

During this same period, the Grand Army of the Republic was lobbying for the erection of a monument in honor of the soldiers and sailors who served in the Civil War. On April 7, 1892, the Twenty-fourth General Assembly donated the site of the Old Brick Capitol to the Grand Army of the Republic as a location for a monument.

While plans were being made for the Soldiers' and Sailors' Monument, the Old Brick Capitol caught fire on September 1, 1892. Lack of adequate water pressure made it impossible to save wood portions of the building. The roof and third story were entirely



destroyed by the fire, and the remainder of the building was ruined by water.

The Soldiers' and Sailors' Monument was completed in 1894, at a cost of \$150,000. It replaced the charred remains of the Old Brick Capitol in the minds of all Iowans.

The first legislation for the construction of a permanent Statehouse was enacted on April 3, 1868, after three months of effort and ten years following occupation of the Old Brick Capitol. On that date the House of Representatives concurred in Senate amendments to a bill authorizing the Census Board to advertise for plans and specifications for a State Capitol. The legislation stipulated that the edifice be "built of the most fit and durable material, and to be constructed fireproof."

This dream for Iowa's future came only three years after the Civil War had torn apart the Nation, and left the new State of Iowa in financial distress. The state itself was only 22 years old, and the city of Des Moines had a population of less than ten thousand.

Final legislative approval was given on April 8, 1870 to an act creating a Board of Commissioners to select a plan costing \$1,500,000 and authorizing construction of a building. State records give the names of many leaders who took part in the battle for a new Statehouse. Two men whose efforts should be remembered by all Iowans are John A. Kasson and Robert S. Finkbine, who overcame tremendous obstacles to give to future generations our "Golden Dome."

Kasson, an early political leader, had served as Congressman, as assistant United States postmaster general, and as a foreign diplomat. While abroad, he was delegated to lead the fight for a permanent Statehouse. During debate Representative Kasson said:

*A state, like an individual, should present a decent exterior to the world -- a grand building with noble lines and elegant architecture would be an inspiration and a stabilizing influence.*

The plans for a new Capitol Building met with determined resistance from many legislators. Opposition came from legislators who feared that the cost would interfere with local institutional appropriations; from railroad interests other than the Rock Island who wanted the State Capitol on their lines; from legislators who wanted the building in their districts; and from those who were always conservative in money matters.

Many amendments to the legislation were proposed. One in particular would have amended the title to read: "A bill for an Act to deplete the State Treasury." At one time the bill came within one vote of being defeated.

Representative Kasson's thoroughness is exemplified by the story about a certain representative who did not appear at the Statehouse on the day the final vote was to be taken. Fearing foul play and knowing the Representative's habits, Kasson called a friend, Father Brazil, and asked him to search for the missing legislator. Father Brazil found the Representative on the bank of the Raccoon River, "sleeping off" a hangover induced by the bill's opponents. Father Brazil brought the wayfaring legislator back to the Assembly and

remained with him while he cast the deciding vote for the new Capitol Building.

As passed, the bill established a Board of Commissioners, composed of the governor, two members from each congressional district, and two members at-large. Further, the bill required that Iowa stone should be used whenever possible.

During the first two years many troubles beset the politically motivated commission, and there was much dissatisfaction with its lack of progress. The chief problem was the stone used in the foundation. Unfortunately, the commissioners had chosen for the foundation poorly-quarried stone from Rock Creek in Van Buren County. Quarried late in fall, the stone was put in the walls full of moisture or "quarry sap." In cold weather, it cracked and was ruined.

In 1872, the Legislature passed another state capitol bill. It provided for a new, bipartisan board of commissioners with only four members and the governor. Each commissioner's salary was to be \$5 per day, not to exceed \$30 a month. Moreover, the commissioners were given an annual appropriation of \$125,000 for the new building.

The new commission immediately removed the defective foundation, at a cost of \$52,000. It reported: "The cost would soon be forgotten, but a defective foundation would ever remain a source of regret and would prove to be unsafe for a foundation of a massive structure designed to endure a thousand years."

The second of the two major names connected with the new Statehouse was that of Robert S. Finkbine. The Iowa Citian became the superintendent of construction, at an annual salary of \$3,000, including expenses.

A builder and contractor, Finkbine soon demonstrated his skill and ability. Questions regarding his skill and lack of experience with such large buildings were dissipated by his practical knowledge and solution of problems. Peter Dey, a commissioner, described Finkbine:

*He proved to be a rough, unhewn block, out of his inner consciousness he evolved the quality that made him master of every situation in which he was placed. He was not an artist, but could create in marble, wood or metal a model submitted to him.*

Typical of Finkbine's construction technique was a winding dirt ramp from ground to the dome. It served as a road for mule drivers required to move the large building stones to the top of the building. The superintendent of construction also devised a series of air ducts, still in use for the transfer of heat and air to the Legislative Chambers and to other parts of the building.

When the defective foundation was removed in 1873, the Fourteenth General Assembly directed removal of the names of the original commission from the cornerstone. Only the word "Iowa" and the date "1873" were cut on the stone which today can be found at the southeast corner of the Statehouse. The cornerstone contains forty articles and has been called "Iowa's most neglected library." Included in these articles are a United States flag, a copy of the Declaration of Independence, a copy of the Holy Bible, and \$40.50 worth of gold, silver, copper and nickel coins. The cornerstone also stores a record of premiums awarded at the eighteenth Iowa State Fair; a pamphlet







discussing the merits of Iowa building stone; the autographs of state officials; a book entitled "Laws and Instructions Relating to the Duties of County Surveyor"; astronomical calculations for 1871 and 1872; a map showing the extent of the Chicago fire; and a membership list of the Monroe Cornet Band.

Shortly after the new commission began work, it was determined that the design by architects Cochrane and Piqueard could not be built for the \$1,500,000 legislative allocation. Consequently, there were recommendations that the domes be omitted, that the marble columns be replaced with cast iron, and that the basement be eliminated.

The commission, however, sought more money from the Legislature, and was given an additional \$375,000 in 1874 and 1876. By this time the Statehouse project had gained popularity. Additional appropriations were granted to complete the building and to decorate it in accordance with the vision of the architects and commissioners.

During these years, architect Bell, who took over upon the death of Piqueard in 1879, determined that the original dome was out of proportion to the rest of the building. Hence the dome was redesigned to simulate the Invalides in Paris.

Heated discussion developed as to whether the dome should be gilded. Finkbine opposed gilding because he felt it would be in bad taste. But he was overruled successively by Governors Gear and Sherman. The dome was gilded at a cost of \$3,500. The dome was regilded in 1927, at a cost of \$16,500, and in 1965, at a cost of \$79,938.

Although Governor Buren Sherman's office was unfinished, the legislative chambers and most of the upper floor were completed in time for use in 1884. As arrangements were made to vacate the temporary Statehouse, members of the General Assembly expressed themselves:

*Noble people of Iowa -- have borne so patiently the taxation that has resulted in a structure so magnificent -- so inspiring -- and so grand -- and that stands as a monument to their liberality, intelligence, and enterprise.*

The Capitol was dedicated on January 17, 1884. Appropriately, John Kasson delivered the dedication address:

*Our first prayer beneath this high dome is, that here the moral and political foundations of this imperial state may be so deeply and so wisely laid that remote generations shall recall and celebrate the wisdom and the virtues of their ancestors who in the Nineteenth Century erected and occupied this solid mansion of the state.*

*It is for us all a source of profound gratification that from the day when the present commissioners assumed control with their accomplished Superintendent of Construction, the legislative bodies have never withdrawn from them their confidence. Not one act of speculation or spoliation, not one coin wasted or vainly spent has defaced the bright record of their administration. It shall be a part of the legacy we leave our children that all these vast and durable walls have been laid in the cement of honesty, and built by the rule of fidelity. More proud of this legend are we than of all these classic columns and brilliant domes which please the eye and gratify the taste.*



*Fire in the House Chamber, 1904.*

With Capitol construction complete, the Commissioners made their final report to Governor William Larrabee on June 30, 1886. Their report showed expenditures of \$2,873,294.59. An audit of the report disclosed but one discrepancy, amounting to \$2.77. Later alterations and decorating increased the total cost of the new building to \$3,296,256.

The Capitol interior hardly was completed when, on January 4, 1904, the House Chamber and Committee Rooms were badly damaged by a fire. Probably started by a workman's candle left burning in the attic, the fire caused an estimated \$400,000 to \$500,000 in damage.

The *Register and Leader* revealed that Governor A. B. Cummins was active in fighting the fire. "Clad in high rubber boots and rough coat, the chief executive cast gubernatorial dignity aside and worked as hard as anyone in fighting the fire," the newspaper reported. "The governor was cool throughout, and his wise counsel probably went far in bringing the fight against the fire to a successful conclusion."

With the Legislature due to convene on January 11, 1904, conferences were held immediately to determine what could be done to repair the House Chamber. But when the House convened, it decided to use the Chamber anyway. Tarpaulins were hung to cover breaches in the ceiling, and the session proceeded in spite of heavy soot which necessitated daily baths for House members. When the session adjourned, the Chamber was repaired completely.

With this colorful historical backdrop, the Iowa State Capitol came to dominate the Des Moines landscape and to etch a special place in the hearts of all Des Moines residents.



***"The powers of the government of Iowa shall be divided into three separate departments — the Legislative, the Executive, and the Judicial . . . ."***

Article III, Section One  
Constitution of Iowa

## Governing Ourselves

The story of the golden dome is not a static history of a building. It is an active history -- the lively story of the people working under the golden dome. Those who have visited the Capitol have caught a glimpse of the story by a quick glance into the Governor's office, the Supreme Court chambers or the House or Senate. But the story is deeper than can be appreciated by a quick glance.

In the Senate and House, the story is that of the intricate mesh of conflict, compromise and hard work which yields the laws which govern the State.

For the members of the executive, the story is that of the work of fairly, but firmly, carrying out the responsibilities entrusted to them which protect, or assist the citizens of Iowa. The responsibility is carried out not just by the Governor, Treasurer, Auditor, and Secretary of State, but by all the public servants in the government. This requires no small effort on their part for the government is large and complex.

For the Supreme Court it is the story of the continuing pacific resolution of conflict. These conflicts involve the rights, lives and property of the citizens of Iowa. The conflicts are resolved by adversary proceedings where educated minds and oratorical skill combat against each other to attempt to produce a just result.

Here, perhaps, more of a feeling for the work and spirit of working under the golden dome can be imparted.

*The Governor delivering the State-of-the-State Message before a Joint Session of the Legislature*





***“The Legislative authority of this State shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives . . . .”***

**Article III, Section One  
Constitution of Iowa**

## **The Legislature**

The work of the legislature can best be shown by following a legislator through a day's work.

While the legislature is in session, legislators who do not live in or near Des Moines, maintain a home near the Capitol as well as one back in their district. A typical legislator's day is likely to begin with an early breakfast accompanied by a reading of one or more newspapers. All the legislators stay abreast of what the news media are saying about legislative activities.

For most legislators, their "office" is their desk in the Senate or House chamber. Waiting on these desks each day is a packet of all the bills and amendments introduced the previous day, a copy of the preceding day's journal, and the legislative calendar for the day.

All pending bills and amendments must be reviewed. The legislator is concerned not just with the general policy of a bill or amendment but with the bill's specific problems and how it might affect the people in the legislator's home district. Some sections of the bill will be marked for further study or for questions to be asked of staff members.

The journal is important because the presiding officer will be calling for corrections in the journal as soon as the body convenes.

The calendar lists all bills reported by committees for consideration on the floor in the order in which they will be considered. The calendar also lists public hearings on bills or issues which the legislator may wish to attend.

After the reading of the bills, journal and calendar, the legislator checks the morning's mail. Legislators take a genuine and serious interest in their mail. Letters are their primary contact with the views of their constituents. They do read their mail and always attempt to answer it. To one who writes expressing an opinion, the legislator will reply acknowledging the writer's views and often include additional

information the legislator may have on the issue. Sometimes a constituent writes seeking information or requesting assistance in dealing with a governmental agency. In this situation, the legislator may act as an advocate for the constituent, making inquiries and contacting the official concerned. Then the Senator or Representative will contact the constituent, letting that person know either that the problem has been solved or what can be done and who to see to solve it.

Sometimes a constituent's problem has its roots in a fault in the law itself. A legislator may draft new legislation to remedy the fault.

The first committee meetings of the day are held at eight o'clock. All committee meetings are open to the public. There are fifteen standing committees in each house, of which the Senator or Representative is a member of two or more. These committees are crucial to the effective operation of the legislature. All bills are considered in committee. If a bill is not referred out of committee, it is unlikely that the bill will ever reach the floor of the House or Senate for debate. For this reason, much of the important work on a bill often takes place in these meetings. The committees are divided according to subject areas. They are: agriculture, appropriations, cities, commerce, county government, education, energy, labor and industrial relations, human resources, judiciary, natural resources, rules and administration, state government, transportation, and ways and means. The same standing committees exist in both the House and Senate.

The Senator or Representative attends the committee meeting from 8:00 a.m. until the Senate or House convenes -- usually at 10:00 a.m. At the meeting, the chairperson first reviews bills newly assigned to the committee. Ordinarily, the bills are then assigned to a subcommittee. Subcommittees are typically composed of three members, selected by the chairperson. In the course of a session, a legislator will probably be assigned to many of these subcommittees. The legislator will have to closely review each bill and talk with the other members of the subcommittee about when they will meet to work on the bills assigned.

The committee next will consider bills which were previously referred to a subcommittee and which the subcommittee now recommends that the full committee consider. If the legislator was the subcommittee chairperson, she or he must present the subcommittee's report. Extensive questioning of the chairperson or other subcommittee members by the members of the full committee often will occur. The legislator will have had to prepare thoroughly for this questioning. The committee then decides whether to report a bill to the floor, to give it further study within the committee, or return it to the subcommittee. The committee may deal with several different bills in this manner at each meeting.

The committee may also consider sponsoring new legislation. Such legislation called "study bills", may also be referred to a subcommittee for the drafting of legislation in accordance with the ideas presented.

When the committee meeting ends, the legislator often takes this opportunity to talk with persons on the legislative staff. For instance, the legislator may have a conference with one of the attorneys or researchers in the Legislative Service Bureau concerning a request for



drafting that the legislator has filed. The Legislative Service Bureau is the principal agency in the Legislature providing research and bill drafting services. In order for the drafter to properly express the legislator's intention in the bill draft, it is necessary for the drafter and the legislator to discuss intent and options in approaching the subject matter.

A legislator receives ideas for legislation from a variety of sources. One of the most crucial sources is the legislator's determination of the interests of the people of his or her district.

Other ideas for legislation come from constituents' letters, news items indicating what other states are doing, conferences with legislators from other states, and the legislator's reviews of the Iowa Code for areas which need correction.

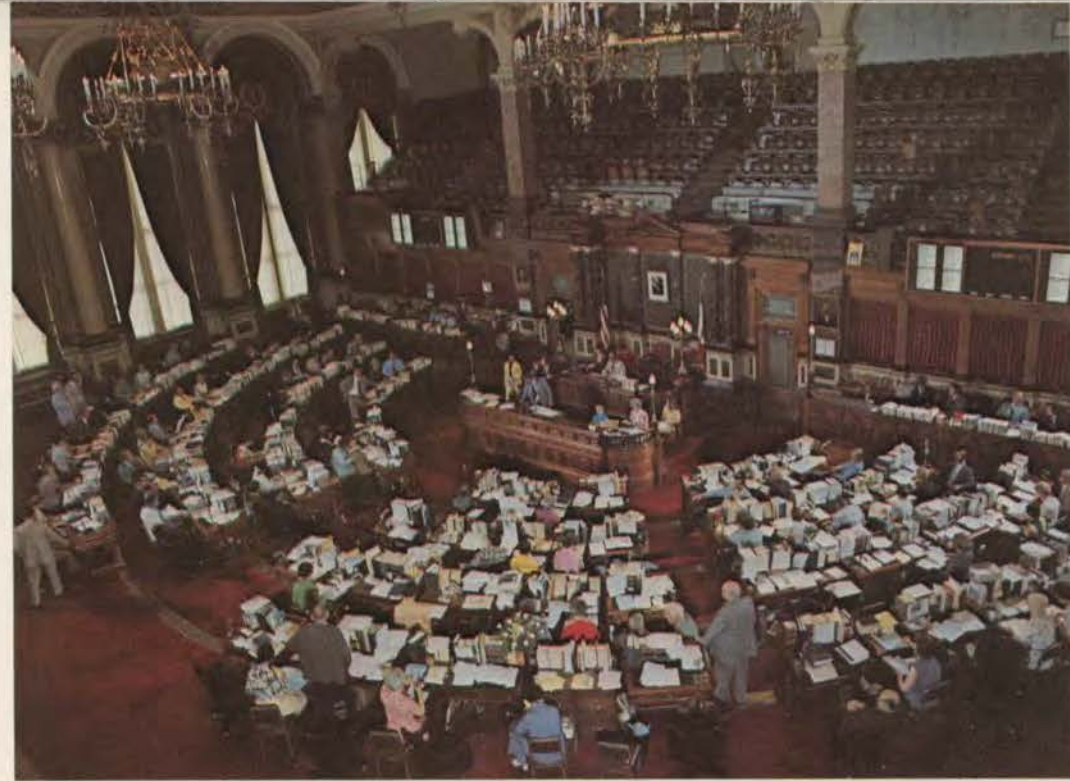
The House and Senate usually convene at about 10:00 a.m. The Lieutenant Governor presides as President of the Senate. The Speaker of the House, who is elected by the members of that body, presides in the House of Representatives. Each session begins with a prayer.

The first order of business is the correction of the journal from the previous day. The journal is the official record of the House and Senate. It states the votes on a bill, resolution, or other matter plus motions and objections made from the floor of the chambers. Important speeches, such as the Governor's State of the State addresses, are set forth verbatim in the journals.

During the morning session, a period for recognition of points of personal privilege is often set aside. Each Senator or Representative who wishes may have up to five minutes to talk. Often these points involve commentary on some recent news event or on a bill recently introduced by the Senator or Representative. This period permits free-ranging discussions which are not permitted in debate on bills.

In the Senate, the next order of business is usually confirmation of gubernatorial appointments. Under the law of Iowa, appointments to important boards and commissions are subject to Senate confirmation. These nominations are submitted to the Senate and read by the Secretary of the Senate. An investigating committee of five Senators is appointed by the Lieutenant Governor. These Senators interview the nominee personally and make other inquiries into the nominee's background and qualifications for the position. Later, they will report their findings to the Senate. This report is considered and is normally accepted as a routine matter. The nomination itself then is considered. Debate on a nomination is much like that on a bill. There may be persons in favor and opposed to the nominee. A two-thirds vote is required for confirmation. This requirement of an extraordinary majority assures the public that only well qualified persons will be selected for governmental office. Only rarely, however, has the Senate found a nominee by the Governor unqualified.

Consideration of bills follows points of personal privilege in the House and consideration of gubernatorial nominations in the Senate. The order of consideration of bills is determined by the calendar of the body. As each bill is reported out by committee, it takes its place on the calendar of the body or on the Appropriations or Ways and Means calendar if the bill involves an appropriation or taxation measure. The



*The Senate in Session.*



*The House in Session.*



order of consideration is ordinarily determined by the leadership of the majority party of each body. The time for debate on major pieces of legislation is usually set in advance.

A Senator or Representative who wishes to amend a bill has amendments prepared before the debate. These, like bills, must be filed at the desk in the well of the body and copies distributed to all Senators or Representatives before they can be considered. In order to prepare these amendments, the Senator or Representative generally spends many hours studying the bill in question. The drafter of an amendment wants to accomplish his or her purpose fully but not destroy the fabric of the bill. A Senator or Representative will often turn to the Legislative Service Bureau or the Senate or House Legal Counsel to assist in the drafting of an amendment.

The responsibility for guiding a bill through debate belongs to the floor leader of the bill. Different Senators or Representatives are chosen for different bills; the choice is based on legislators' involvement with the bills' development. The floor leader often "works the floor" by talking to members who are still making up their minds. A visitor to the Senate or House galleries can determine who is the floor leader because that legislator is clearly the most active in support of the bill. Other Senators or Representatives develop series of questions for the floor leader to answer.

Parliamentary problems may occur in the debate on a bill. All Representatives and Senators must be conversant with parliamentary rules. Besides the rules of each house, *Mason's Manual of Legislative Procedure* is the guide for use by state legislative bodies. When parliamentary problems occur, there often is a conference in the well between the presiding officer, the floor leaders, the Senator or Representative making the objection and the Secretary of the Senate or Chief Clerk of the House (who act as the parliamentarians for each body) to resolve the difficulties.

When all amendments have been considered, debate ensues on the merits of an entire bill as amended. Debate may continue for some time. Debate can be halted by a motion to close debate, but normally no resort is made to such a motion since each Senator or Representative usually speaks briefly and to the issue.

The morning session in each body lasts until around noon. Luncheons for Senators or Representatives may mean a continuation of work. Legislators often meet with constituents, lobbyists, other Senators or Representatives or staff members to discuss pending legislation.

In the afternoon, more committee meetings are held. The Appropriations Committee, for instance, is divided into standing subcommittees for the purpose of considering the appropriations for the various state departments. The subcommittees hold formal hearings at which representatives of the state departments appear and present their rationale for the appropriations requested. In order to save the time of both the state departments and the Senators and Representatives, the House and Senate appropriations subcommittees hold joint hearings. Questioning is pointed as the decisions on appropriations involve millions of dollars. Senators and Representatives who are members of the appropriations subcom-

mittees must develop an expert's knowledge of the organization and responsibilities of the departments that appear before them. Only with this knowledge can they properly judge the merit of the appropriations requests by the departments.

As in other committees, the appropriations subcommittees make their reports to the full appropriations committee. The full committee then reports the final appropriations bills to the whole body.

The appropriations process is one of the most important functions of the Legislature. Not only are tax revenues appropriated but the process itself provides basic legislative control over the activities of the whole state government.

The afternoon committee meetings may continue until 3:00 p.m. Before the afternoon floor session begins, however, a Senator or Representative may take the opportunity to consult with more staff members. There are several other sources of staff assistance.

The Senate and House Legal Counsels are the legal officers for each body. A Senator or Representative may wish to consult with them over problems of the meaning of existing statutes or proposed bills. The counsel may be asked to furnish them with a brief on the law regarding the issue.

*The Legislative Council in session*





The Legislative Fiscal Bureau is the financial agency for the Legislature. The Bureau's staff not only assists in the whole budgetary and appropriations process, but it analyzes bills and prepares "fiscal notes" when necessary. The "fiscal note" is the bill's price tag in terms of what its effect on revenue or expenditures will be.

In both the House and Senate, each party has a small research staff. These persons assist in analyzing bills, researching possible problems with legislation and assisting with constituent problems.

When the floor sessions begin again, each body usually continues the debate on the bill being considered that morning. If work was completed on that bill, the body will begin consideration of another bill on the calendar. Floor debate regularly continues until five-thirty or six o'clock. Sometimes, when important legislation is being considered, the House or Senate will remain in session until late at night.

Assuming that the body has adjourned at a regular hour, a Representative or Senator often has dinner with other members, constituents or staff members. Following dinner, a legislator begins studying for the next day's work or meets with constituents. Often she or he presents a talk before a group in Des Moines, or "back home". Time is often spent afterward to talk privately with some of the members of the group.

A legislator's day may end around midnight; culminating a day in which he or she has been working since dawn.

On weekends legislators usually return to their districts to meet and talk more with the people they represent.

Sessions of the General Assembly begin each January and continue for four to five months. Between the sessions, the legislators return to their homes and their regular jobs. The work of the legislature, however, does not cease during this interim period.

In the interim, the work of the legislature is carried on under the direction of the Legislative Council. The Council is composed of the majority and minority leadership of each house, the appropriations committee chairpersons and ranking minority members of each house, the Speaker of the House and President Pro Tempore of the Senate, and five additional members of each house. The Lieutenant Governor is also an ex officio member. The Council normally meets monthly during the interim.

The Legislative Council is charged by law with a variety of responsibilities. In total, the Council is the "governing" body for the General Assembly when it is not in session.

Chief among the Council's duties is the management of interim study committees. The Council appoints several study committees each interim to scrutinize ideas for new legislation, to consider revisions or simplifications of certain existing laws, or to find a legislative remedy for developing problems in the State. These study committees are usually composed of Senators and Representatives but may also include members of the public whose special knowledge would be useful to the study committee's work. These committees may meet many times during the interim and some particularly difficult areas may be studied over several interims before the study

committee makes its final recommendation back to the Legislative Council and ultimately to the General Assembly.

Between the session and interim business, legislators are continually busy. Despite that, they always desire to meet with their constituents. When you visit the Capitol, be sure to contact your Senator or Representative.



*Lieutenant Governor Arthur A. Neu*



*Speaker Dale M. Cochran*



***"The Supreme Executive power of this state shall be vested in a Chief Magistrate who shall be styled the Governor of the State of Iowa.***

***"A Secretary of State, an Auditor of State and a Treasurer of State shall be elected . . . ."***

**Article IV, Sections  
One and Twenty-two  
Constitution of Iowa**

## The Executive

When the Constitution of Iowa was drafted in 1857, the executive power, rather than being consolidated into one office, was divided among several offices. This division was intended to control the power of the executive. In Iowa the executive "department", as it is called in the Constitution, is composed of the Governor, Lieutenant Governor, Secretary of State, Auditor of State and Treasurer of State.

The Governor, whose office is located off the south hall on the first floor of the building, is vested with the "supreme executive power" and many other specific constitutional and statutory duties.

Under the Constitution of Iowa, the Governor is the commander of the militia, transacts the "executive business" of the State, may require reports by any officers of the executive department, and insures that the laws are "faithfully executed." The Governor may fill a vacancy in any executive office. The Governor may also grant pardons, reprieves, and commutations.

The Governor's powers are further augmented and the constitutional powers are filled out by statutory law. The Governor's "supreme executive power" is best exemplified by his statutory power of appointment of the directors of the various state departments and his constitutional power to require periodical reports of them. Collectively, these two powers are the foundation of the Governor's supervision over the policy and persons in the various executive departments.

Aides to the Governor assist in finding qualified women and men to serve on the many statutory boards and commissions and in others administer their activities which set policy for certain departments of the government. Because this public service is not full-time, people who are willing to take time from their private lives must be found.

The Governor is responsible by law for the financial supervision of all the departments of state government and for their budgets. This gives the Governor powerful influence over departments, for the financial constraints imposed upon them determine staff size and the scope of the activities carried on by each department.

The financial and budgetary control of the chief executive is exercised through the Comptroller, who is part of the Governor's office. The Comptroller's office is located on the ground floor of the Capitol off the south hallway. The Comptroller checks all claims for payment of state funds for their validity, controls funds paid into the State's treasury, sets up the accounting procedures for the State, estimates revenue for future years, prepares the Governor's budget, certifies the amount needed in taxes to pay the State's obligations, assists the Legislature on matters of revenue and appropriations, and carries on other duties.

The work of the Comptroller involves keeping track of millions of dollars in state funds. Computers are utilized to assist the Comptroller. These same computers are also used by many other state departments for a wide variety of administrative duties.

A small personal staff of aides and secretaries assist the Governor in the Governor's duties. Among its tasks, it helps the Governor respond to correspondence from Iowans who give him their views on issues or who ask for assistance. Many Iowans also request the opportunity to visit personally with the Governor. The staff helps to schedule these appointments in addition to frequent appearances by the Governor around the State. The Governor also meets on a regular basis with the Governors of the other states and with national leaders.

The Governor also, by virtue of the duty of giving his annual message on the State of the State, has extensive dealing with the Legislature. The Governor prepares a legislative program for consideration by the legislature and the Governor and the Governor's aides devote time to working on the legislative program. During the year the Governor frequently consults with legislators, particularly the legislative leaders, and encourages the passage of the legislative program announced in the State of the State address. The Governor is empowered by the Constitution to convene the General Assembly in special session and set their agenda. The Governor may also adjourn the General Assembly -- but only when they cannot themselves agree when they will adjourn.

The Lieutenant Governor is also part of the executive branch under the Constitution. Despite this, the Lieutenant Governor's sole constitutional duty is in the legislative branch -- to preside over the Senate as its president. Accordingly, the Lieutenant Governor may vote to break ties, but only on procedural issues and not on the final passage of bills. The position of Lieutenant Governor, unlike the other positions in the executive branch, is not full time. The Lieutenant Governor is at the Statehouse only when the Senate is in session or





*Governor Robert D. Ray meeting with visitors to his office*

interim business requires his presence.

Statutory law does provide additional duties for the Lieutenant Governor. Among these are the appointment of investigating committees in the Senate for gubernatorial appointments and the appointment of members to certain state boards and commissions.

The Lieutenant Governor succeeds to the governorship in the event of the death, impeachment, resignation, removal from office, or disability of the Governor.

The Lieutenant Governor's office is located off the lobby south of the Senate Chamber on the second floor of the Capitol.

The office of Secretary of State is established by the constitution of Iowa. The major divisions are Corporations, Uniform Commercial Code, Elections, Notaries Public, Land Office, and General Office.

The general office preserves for public inspection many original and official documents of the State, including the Iowa Constitution, the original statues of Iowa, journals of the General Assembly, administrative rules and regulations, election records, bonds of various elective and appointive officials, and a record of incorporated cities and towns.

The office is self-supporting through fees collected for services provided to the public. Principal among these services is the inspection, approval and processing of all documents affecting over 55,000 active corporations on file. All instruments describing the personal property and fixture which secure agricultural, commercial and domestic loans are filed in this office. The office directs,

supervises and coordinates the major aspects of most Iowa elections. All notary commissions are issued and renewed through the Secretary of State's office, and the office maintains a complete record of all lands owned by the State of Iowa.

The Secretary also records trademarks, which are the symbols used by businesses to distinguish their products from those of competitors.

The Secretary's office is located on the north side of the west hallway on the first floor. A page from the original constitution is in a display case in the Secretary's office.

The Auditor of State is charged by law with annually examining the accounts of the different departments, and more often when necessary. While engaged in these tasks, the Auditor is required to make recommendations to the departments as to how they may be more efficiently or economically operated.

The Auditor also has the responsibility to audit counties, cities, area schools, school districts, and other governmental agencies receiving or expending state funds. The scope of the Auditor's task is indicated by the fact that the total expenditures by all political subdivisions in Iowa is over three billion dollars annually.

The Treasurer of State is the custodian of all state funds. All receipts of the state must, by law, be deposited with the Treasurer and may be expended only upon the presentation of a warrant issued by the Comptroller. This requirement creates a double check on the expenditure of state funds. The law requires daily coordination of information between the Comptroller and Treasurer. This helps prevent errors or malfeasance. The Treasurer is required to balance his books daily so that the balance in the state's treasury is known each day.

The Treasurer has the responsibility to invest or deposit the funds in his custody. This responsibility can lead to additional revenue for the state through prudent investment.

The Secretary of Agriculture is an elected official of the State of Iowa. Due to the agricultural hue of Iowa this office is of particular importance with many responsibilities. These responsibilities can be categorized into the general areas of promotion and regulation.

The bulk of the Department's employees are directly or indirectly connected with the regulatory activity, and working primarily to insure the purity of food. The promotional work is equally important and is achieved through the efforts of the Department's Marketing Section as well as the Secretary's work with many other state agencies.

The Secretary's office located on the east side of the north hall on the first floor of the Capitol.

The Executive Council is a body created by law composed of the Governor, Secretary of State, Auditor of State, Treasurer of State and the Secretary of Agriculture. The council is entrusted with a wide variety of duties involving claims against the State, state employees, and canvassing of votes from general elections. The office of the secretary to the council is located on the ground floor of the Capitol.

All these executive officers would welcome visits or inquiries from those who wish further knowledge about their activities in behalf of the citizens of Iowa.



***"The judicial power shall be vested in a Supreme Court, District Court and such other courts as the General Assembly may, from time to time, establish."***

Article V, Section One  
Constitution of Iowa

## The Judiciary

Constitution of Iowa reposes the highest judicial power in the Supreme Court. The Supreme Court considers "law" and "equity" cases which are old divisions of legal cases. "Law" cases are those decided according to the body of legal precedents called the "common law". "Equity" is the branch which is utilized when "law" remedies are inadequate or incomplete. When "in equity" a court determines what is fair and uses extraordinary remedies such as injunctions or court orders called "writs".

The Constitution limits the jurisdiction of the Supreme Court in "law" cases to only the correction of errors. This means that in the cases before it, the Court does not reconsider the whole case which was tried by a lower court, but only considers whether some legal error occurred at the trial. The Constitution permits the Court to hear equity cases "de novo" meaning that the court may reconsider the facts and law litigated in the trial court.

The Supreme Court also exercises authority over all attorneys in Iowa. It regulates their admission to practice, requires them to continue their education and disciplines them for any violations of the Code of Professional Responsibility.

Unlike trial courts, the Supreme Court hears no witnesses and no jury is present. No witnesses are necessary because the court considers, if necessary, the record of what the witnesses said at the trial court. No jury is necessary because a jury only decides facts in "law" cases and the court considers in those cases that the jury has properly decided issues of fact at the trial court level. Usually the parties to an appeal are not present in court, but only attorneys on their behalf.

Appeals from the district to the Supreme Court are usually presented by the same attorneys who represented the parties at the trial court. They file with the Clerk of Court those portions of the



Justices LeGrand, Harris, Mason, Uhlenhopp, Chief Justice Moore, and Justices Reynoldson, Rawlings, McCormick and Rees of the Supreme Court

record from the trial court in which they claim errors occurred. They then file written arguments called "briefs" supporting their claims of errors. Opposing attorneys file briefs arguing against the claim of error. Often both parties then present oral arguments to the court, in which they further explain their positions. A case may be submitted, however, on the record and briefs alone.

Sessions of the Supreme Court at which oral arguments are presented generally are held one week in each month. The Court is divided into two "panels" of five, each made up of four justices and the Chief Justice who sits on both panels. The Court will hear some important cases "en banc" meaning all nine justices will be present for the oral arguments. All sessions of the Court at which oral arguments are heard are open to the public. You may check at the Supreme Court Clerk's office to determine when sessions of the Court will be held and what cases will be heard. Both the Supreme Court court room and the Clerk's office are located on the north wing on the first floor of the Capitol.

After the Supreme Court has heard oral arguments, it considers its decision which may take some time to finalize. During this time the justices review all the materials submitted by the attorneys and also conduct their own research. Discussions and debate are carried on among the justices until a majority agrees to a particular decision of the case. Most of these decisions, together with any dissenting views, are then published by the Court.



Assisting the justices in their research are law clerks and research attorneys. Law clerks are recent law school graduates of high ability. An appointment as a law clerk is a most coveted position.

Eventually the Supreme Court decisions are printed and collected in books called "reports." These reports, along with those from all other states and the federal courts, are kept in the State Law Library. This library is made up exclusively of these reports, books of statutory law, learned writings on the law and other law books. Over 150,000 books are held in the library. It is located on the west end of the second floor of the building and is open to the public, but only attorneys may check out books. The law library is a beautiful room with its high ceiling, many balconies, alcoves and circular staircases.

On the ground floor of the Capitol is the office of Code Editor. The Code Editor, who is appointed by the Supreme Court, is responsible for publication of the Acts of the General Assembly annually and of the Code of Iowa each two years. Preparation of the Code, which was 3,584 pages in length in 1975, requires great care and skill. Portions of the Code repealed by the General Assembly must be deleted and portions newly enacted into law must be added. The Iowa Administrative Code is also published by the Code Editor. This Code, which contains all of the rules issued by the executive departments and public boards or commissions, is six volumes in length. Biweekly supplements to the Administrative Code are also issued.

Under the Constitution, the Attorney General is a member of the judicial branch of government. While the Constitution provides for an Attorney General, it states nothing concerning the Attorney General's duties. Extensive responsibilities of the Attorney General have, however, been specified by the Legislature in statutory law. Perhaps the most important of these responsibilities are representing the State of Iowa in all cases before the Supreme Court, representing the State in cases in other courts in which the State is involved, and protection of the interests is required, and giving opinions on legal issues to public officials who request them. The Attorney General prepares contracts for the State and supervises the county attorneys.

Some of the Attorney General's offices are located on both sides of the east hallway on the first floor of the Capitol. Other members of the Attorney General's staff are located in other buildings on the Capitol grounds. Among the staff are area prosecutors who assist county attorneys in prosecuting major crimes. Other assistants Attorney General in the Consumer Protection Division seek out and remedy fraudulent or wrongful activities which may be directed against the public. Among the other divisions are those concerned with civil rights, environmental protection, transportation regulations and tort claims.

The Attorney General welcomes contact with Iowans who desire further information on the office or who require assistance in some area protected by state law.

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