

State of Iowa

1934

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# IOWA'S OLD AGE ASSISTANCE SYSTEM

By

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Published by the  
**OLD AGE ASSISTANCE COMMISSION**  
Des Moines

# The Iowa Old Age Assistance Act

(Address by John F. Porterfield, old age assistance commissioner, over KFNF and over KMA at Shenandoah, Iowa, July 9, 1934)

In the short time that I have to present the subject that is before us on this occasion I am sure that you will not expect me to say all that can be said with reference to the old age assistance act.

However, I have before me a large number of questions that have been submitted to this station with a request that I answer the same at this time, and I trust that in the short time allotted to me that I shall cover them either indirectly or by way of direct answer.

Old age assistance is by no means a new thing, not even in our own state, as it has been a subject of agitation for some fifty years. It has been before several legislative bodies before it was finally enacted by the Forty-fifth General Assembly, in extraordinary session, known to us as "Senate File 42."

This bill became effective as of midnight, March 16, 1934, after it had been signed by the governor, the Honorable Clyde L. Herring, and had been published in the Mount Pleasant News and in the Hawkeye-Gazette at Burlington.

It is a case wherein the great state of Iowa has kept pace with the times in which we live, and has taken its place in the grand procession with twenty-seven other states.

No doubt you have heard the slogan—

"There is no tragedy like the tragedy of homeless old age."

The great state of Iowa is to be honored that she has finally recognized the truth of this statement. Thus it was that on Saint Patrick's day, Iowa joined twenty-seven of her sister states and the territories of Hawaii and Alaska, and passed what is known as an old age pension law.

To me, as I stop to think of the subject, I do not wonder that she has finally passed this act, but why she delayed it so long is a marvel.

No state in the Union has been more progressive or practical in every line of advancement; no agricultural state of the Union has given more careful consideration and provided legislation with greater care for its animals, such as its cattle, its hogs, its chickens, and its dogs, as well as thrown a protective arm around the wild creatures that roam our fields, forests and streams. In order to give this protection, we have levied by statute a certain amount to be paid by our taxpayers for the carrying out of the law and statutes which make provisions for the care of these animals that I have just mentioned.

I have heard no complaint because we have such laws as these—either from the taxpayer or from anyone else, but I am sorry to say to you that we do hear some criticism because Iowa has seen fit to levy a tax for the support of our aged citizens now in their declining years. I repeat that it appears strange to me that we Iowans have waited until so very recently to make life easier and more secure for those who may have the ill luck to reach old age without earning power or savings.

I wonder if you are aware of the fact that the system to safeguard their elderly people is now in force in the following foreign countries:

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Czechoslovakia, Denmark, Finland, France, Germany, Great Britain, Greece, Greenland, Iceland, Irish Free State, Italy, Jugo-Slavia, Luxemburg, The Netherlands, Newfoundland, New Zealand, Norway, Portugal, Roumania, Spain, Sweden, South Africa and Uruguay.

All these countries have some setup or method of care for the protection of old age. In most of these countries, they do not call it by the name of "old age pension" but "old age insurance."

I want to take time if I may at this point to speak of only one of these foreign countries. Canada, our neighbor to the north, through its various provincial governments has had many years of experience with pensions for the aged.

I speak of this country because of the fact that a great number of its citizens are American born, and it may be interesting to note that altogether there are about 35,000 old folks at this time on the Canadian old age pension rolls. Only about 5,000 of whom were actually born in Canada, and 450 of those now upon these rolls are American born.

It is true that the criticism of this act, I am glad to say, is not particularly against the principle of the act, but is aimed in a majority of cases against the wording and application of the law.

It seems to me it would be wise to take time to say to you that I know of no law, either national or state, that has been placed upon the statutes of either the federal government or the state governments that has not been subject to severe criticism at the time it was enacted and during its first application. This is perhaps due to the fact that, in many instances, laws are passed under strain and stress of passing time, and in many instances time did not permit of as much consideration of the law in its form and wording as should have been allowed. Because of this, contradictions and ambiguities creep in, and appear even after the act itself becomes a law. But this should not be the basis of carping criticism, for all laws may be amended and cleared up so that the hard and difficult sections may in future time be smoothed out and made more workable.

I have no disposition to deceive anyone in connection with this law so far as the working of the act itself is concerned. I am particularly concerned, as was the legislature, in the principle that is involved in the enactment of this law. Its difficult phrases, its ambiguities, if there are any, may by future legislative bodies be amended and made more clear.

I am interested, however, in the fact that the time finally arrived in Iowa when the people of this state were willing to give at least as much attention to the care of its aged as we are to the stock that feed in the fields, and to our dogs in particular.

I wonder if you know that we have upon our statutes one entire chapter devoted to dogs. Chapter 276 of the Iowa statutes deals with nothing else but the dogs of Iowa. This chapter is entitled—"Dogs and Licensing thereof."

## CHAPTER 276

(Entire Chapter devoted to dogs.)

Dogs and Licensing Thereof.

### 5444. Record Book.

### 5445. Forms.

5444. Record Book. The county auditor shall keep a book to be known as the record of licenses which shall show:

1. The serial number and date of each application for license.
2. The description of dog as specified in the application, together with the name of the owner of said dog.
3. The date when each license tag is issued and the serial number of such tag.
4. The amount of all fees, licenses, penalties, and costs paid to him.
5. Such other data as the law may require.

5445. Forms. All forms for blanks and tags, including proper columns in the assessors' books in which to note the ownership of dogs, shall be prepared by the auditor. All such blanks and tags shall be furnished by the county.

The poor dogs must be taken care of. We appear to all agree on this.

You will be interested, I am sure, when I say to you that—contrary even to the prediction of some—this law is about to begin to do exactly what is set out in its title—"assist old age."

The enemies of the law stated, not only to the commission itself, but they published broadcast that the people of Iowa would never rally to its support because of the personal head tax levied against the citizens of Iowa to provide means for its support. But will you believe me when I say to you that the people of Iowa to the number of 900,000 and better have already paid their dollar for the support of this fund? The commission will be able—when we do commence to pay out this fund—to pay to a considerable number in every county of the state of Iowa some assistance, and that assistance will be in a sum that will be really beneficial to the recipient, and the community as well.

It has been my good fortune, in connection with my official relationship with this law, to have studied the laws of many other states. Practically every one of these states are now giving assistance to their aged, and I have no hesitancy in saying to you over this microphone that Iowa has the *best law* of any of them. But that is not to be wondered at when we think of the intelligence of our people and their willingness—under any circumstance—aid and help those of their neighbors who have been less fortunate than they.

We have ninety-nine counties in the state of Iowa and EVERY county in the state has liberally—through the collection of their head tax—supported this law.

I have been a practicing attorney in the state of Iowa for better than twenty years. I think I can intelligently say that I am acquainted with all of her statutes, and I want to say to you tonight that *no law* has ever been enacted by the legislature of Iowa that has met with greater approval than has the old age assistance act. And it is my judgment and opinion that the provisions of this act have at last been written upon the statutes of Iowa—*there to remain forever*.

The manner of the collection of the tax, manner of procedure in its application to the law, age at which one may receive assistance, and the amount that shall be paid to the individual—these may perchance be changed or amended, but *never* again shall this state go back to the place where we shall permit our aged fathers and mothers to die in want and without aid or help.

In the application of the law I might say that some of the fundamental requirements are as follows:

The recipient must have been a citizen of the United States for fifteen years.

He must have been a citizen of the state of Iowa ten years.

He must have been a citizen of the county from which he makes application for assistance at least two years.

If they have met these requirements, then they are eligible to make application. There are, of course, a few more requirements such as the necessity for help, but this is not necessarily based on poverty. This law is in no sense a pauper law and we do it harm, as well as ourselves, when we speak of it as a pauper act.

One may have an income up to \$1.00 a day, representing the result of their earnings or receive from any other source the sum of \$100 per year, and still be clearly eligible to receive old age assistance.

At this point, may I speak for just a moment on the question of property, as our most severe critics would have the old folks of this state believe that if they own property, in order to receive assistance they must deed over to the state of Iowa their property—both real and personal.

This is not true however, as the law nowhere requires that the transfer of property shall pass between the recipient and the state of Iowa in order that they may receive assistance. Anyone owning property, which is of no material benefit to them by way of helping to feed them, as they cannot devour the shingles on their house, or the siding of the building; their children are unable to support them or to give them proper help—in cases like these, the law provides that the amount received shall be recorded in the office of the county recorder and when both husband and wife are dead and gone, and have no further use for their home and property and when such property is sold or probated, the amount of the assistance granted to the owner of the property during his or her lifetime becomes a lien of the second class against it. In other words a lien that is inferior to a mortgage lien, a mechanic's lien, or any other like lien. After these have been satisfied, the second lien for assistance shall stand against the proceeds received, because of the support of assistance which has been given to the owners of the property during their lifetime. When the property is sold, then the amount recovered by the state shall go back again into this revolving fund for the support and care of other old folks who find themselves in like position.

The law also makes provision that if the recipient himself so desires, (it being clearly optional on his part), he may transfer or deed his property while still living to the benefit of the old age pension fund.

Our critics, many times by word of mouth and through public press, would appear to shed crocodile tears, when they make mention of these provisions to which I have just called attention, and would have you believe that the state of Iowa stands with straining muscles waiting the opportunity to take away from our old folks their homesteads. Nothing could be more false than this.

Who is it that it is intended this act shall assist—"the aged folks of Iowa"—not their children, not their grandchildren, but they, whom the children and grandchildren have been unable to help or assist, and this act absolutely nowhere hints at disturbing the old folks in the possession of their homes or property, so long as they shall live.

The most that can be said of such statements as this—"that the state of Iowa is trying to take away from its old people their homes"—is that it is cheap political clap-trap, or the vampings of an ignoramus. Such statements have no foundation in facts.

Strange is it not, that we do have in Chapter 267 of the statutes of Iowa—a provision for taking the homestead of the poor, and the title of this chapter is—"Support of the Poor," and this law has been on our statutes for years, but have you heard anything about wanting to modify this law? Not a word! Perhaps our sorrowing friends (?) do not know that it is there—and that is not all—the homestead may be taken even two years after the poor person has received their keep from the county. "Oh Consistency, thou art a jewel," is not found in some people's economic or social philosophy.

"Section 5309 of Chapter 267." **"Recovery by county.** Any county having expended any money for the relief or support of a poor person, under the provisions of this chapter, may recover the same from any of his kindred mentioned herein, from such poor person should he become able, or from his estate; from relatives by action brought within two years from the payment of such expenses, from such poor person by action brought within two years after becoming able, and from such person's estate by filing the claim as provided by law."

"Section 5309-c1 of same chapter." **"Homestead—when liable.** When expenditures have been made for and on behalf of a poor person and his family, as contemplated by the preceding section, the *homestead* of such poor person is liable for such expenditures when such poor person dies without leaving a surviving husband or wife, or minor children."

It has been my privilege to talk with many who own their little home, whose children cannot care for them and who will either be compelled to deed their property to the county supervisors and in return receive support or have their property taken from them by mortgage and they, themselves, allowed to die in the poorhouse. In not a single instance have these folks found fault with this particular provision of the law when they understand it.

This law provides that a tax of \$1.00 shall be levied against all citizens of this state over the age of twenty-one years, due and payable on or before the first day of July, 1934, with but these two exceptions:

Those who are confined in state institutions,

or

Those who are confined in county institutions.

Following 1934, for the year 1935, and every year thereafter there shall be levied against the same persons a head tax of \$2.00 each, due and payable like any other tax levied under the statutes of the state. Someone will promptly say—"This is but another tax." But this is not quite the truth. The best that can be said of such a statement is that it is but a half-truth. Someone has said: "A half-truth is always false." False because of the impression it leaves on the mind of the individual.

But what are the facts relative to this \$2.00 head tax? The half-truth is shown by the fact that it is levied upon both men and women. In the case of women only, and in the cases of those who have attained the age when they are no longer liable for the payment of the poll tax is it, in any sense, a *new tax*?

In the case of those who are subject to the poll tax, it is an additional tax of *not one single cent*, for it is in lieu of a tax already levied under the statutes of Iowa. The person who pays a poll tax and pays this \$2.00 head tax may take credit as against his poll tax in the sum of \$2.00 which he has to pay.

There are many things that could and perhaps should be said at a time like this with reference to this old age assistance act, that time will not permit us to enlarge further upon.

In conclusion, I desire to quote Governor Clyde L. Herring in a radio address given by him a few weeks ago.

"Independence in old age hinges upon more than the will to save. It hinges upon a wage large enough to permit savings, and a period of employment long enough for the accumulation of a reserve fund. State and federal investigations furnish proof that the wages of millions of men and women in the United States do not allow for reasonably comfortable, or even decent, living. There is, therefore, no margin of safety to cover emergencies arising from sickness, accident, and unemployment.

"Even millions who do receive a saving wage while working cannot lay by enough for old age before they are 'scrapped' for younger employees. Under the stress of competition, mass production, and new inventions, the earning period has been so shortened that in many industries, men of 45 are considered too old to hold their jobs or to be placed in new ones. Their saving period is ended before they have had time to provide for old age."

In the words of Governor Herring, "the old age assistance head tax is more nearly a 'Golden Rule' tax than any other that your state has ever called upon you to pay."

He directed his remarks further to the young men and women of the state when he said, "I want you to remember that life's social and economic bumps and pitfalls have thwarted many of the generation that preceded you in their efforts to gain financial independence for old age. Though it is the hope of all of us that you may never be in desperate need, I urge that you pay your old age assistance tax with the thought that you are doing your part to make this a better state in which to

live and at the same time safeguarding your own future from suffering and want in the eveningtime of your life."

I shall now proceed to answer the questions regarding the law which have been submitted to this station.

1. An old age pension is a monthly cash amount paid to deserving, needy and aged persons.
2. The maximum monthly payment per person is \$25.00.
3. Application shall be made to the old age assistance board of the respective counties.
4. The old age pension system is administered by a bipartisan commission of three members known as the old age assistance commission who shall serve on a per diem basis. The members of the commission are Mrs. E. R. Meredith of Ames, A. L. Urick of Des Moines and John F. Porterfield of Hamburg.
5. The state office is in the direct and active charge of the superintendent, Byron G. Allen of Pocahontas, who was selected by the above described commission.
6. The county boards will be bipartisan, the members of which shall be named by the board of supervisors of the respective counties and the ex officio member shall be the overseer of the poor. The members of the county board, one of whom shall be a woman, will be entitled only to traveling expenses.
7. The applications are made to the county boards but final approval rests with the state commission.
8. The \$2.00 per year head tax will be paid by all persons 21 years of age or older, except the payment due on or before July 1, 1934, which is \$1.00 per person.
9. The law makes it mandatory for the employer to assist in collecting the head tax and he is empowered to withhold the amount of the tax from the salary or wages of the employee. Furthermore, the employer is liable in case the employee is found in arrears in his payments of the tax.
10. The head tax is collected like and in lieu of poll taxes and accrues to the credit of the state old age assistance fund.
11. The certificate entitling a person to receive an old age pension must be renewed annually.
12. A person, who has been rejected for a pension, may re-apply 12 months from the date of the rejection.
13. Both husband and wife may be eligible, and both may receive assistance in their own name and right.



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