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# A Constructive Legislator

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## A Constructive Legislator

Heading for Des Moines and his first session of the Iowa General Assembly in January of 1915, Arch McFarlane gave thought to two proposals in which his Black Hawk County constituents were particularly interested. First, residents of Cedar Falls wanted to build a bridge across the Cedar River to connect with that city's Island Park, but a city of the second class at that time could attain such an improvement only through action of the Board of Supervisors. Second, influential citizens of Waterloo, who had become interested in the new council-manager plan of municipal government, wanted authorization in Iowa law for adoption of this system by public vote.

Arch McFarlane found, early in his first session, that the special needs of one area had to be reconciled with the needs of the whole state and the existing balance of political power. His bill to grant cities of the second class the right to levy taxes for a bridge fund met with overwhelming opposition from rural legislators who wanted to keep bridge expenditures under the control of Boards of Supervisors.

Walking back to his hotel one evening after discovering this situation, McFarlane formulated one

of the principles which contributed to his success as a practical legislator: "Find a way to meet the objections of your opponents so they will be happy to give you what you want." Acting on this principle, McFarlane called a friend in Cedar Falls that night and asked for the exact width of the Cedar River there. The next day he introduced an amendment to his bill, permitting cities traversed by a river of that exact width to levy taxes for bridge construction. Since this bill, as amended, applied only to Cedar Falls, it passed unanimously and McFarlane had learned his first lesson in legislative tactics.

For somewhat the same reasons, McFarlane had equal success with his council-manager bill. Since there could be little objection to residents of a city being allowed to vote on adoption of the new system, this measure passed both houses, was signed by the governor and became, with later amendments, the basic law on the statute books which regulates the operations of council-manager cities today. Ironically, however, the voters of Waterloo three times in the past forty-three years have rejected this form of municipal government.

A third bill introduced by McFarlane at this first session — to regulate false and misleading advertising of fire insurance — also became law. Such success by a novice was a tribute to McFarlane's ease in making friendships and to his natural abilities of persuasion.

Although he was then and still remains a staunch supporter of Republicanism and the free enterprise system, McFarlane early in his career began to demonstrate strong support for education and concern for the welfare of those who suffer economic hardship through no fault of their own. He has devoted a considerable part of his energies down through the years to those causes.

It will no doubt surprise many young Iowans, accustomed to all the advantages of free education, that even as late as 1917 parents of school-children were expected to buy textbooks. At his second legislative session in that year, McFarlane introduced a bill which would allow school boards to furnish free textbooks when authorized to do so by a vote of the people. This measure became law, and McFarlane had thus added to the Code the authorization which was to assist the children of poor parents to remain in school beyond the statutory requirement.

Also at this second session, McFarlane obtained enactment of his bill to impose a five-year closed season on the hunting of prairie chickens, which were rapidly becoming extinct in the state. This measure won favorable comment from several nationally-known conservationists, including ex-President Theodore Roosevelt.

But these accomplishments were overshadowed by the titantic highway controversy which rocked this 37th General Assembly. Back in 1913, the

legislature had strengthened the Iowa State Highway Commission by providing for three salaried members. The new law also granted the Commission "general supervisory" powers over the state's roads, transferred jurisdiction of fifteen per cent of township road mileage from township trustees to Boards of Supervisors and established the county engineer in his present status.

However, the power granted to the highway commission to fix standards for road construction had aroused opposition; and some legislators feared, not without justification, that building of good roads to the larger communities would ultimately undermine the prosperity of the small, cross-roads towns.

An attempt to repeal the 1913 law had been turned back by the legislature in 1915, but Governor William L. Harding had been elected on what his opponents interpreted as a "mud roads" platform. Therefore, in 1917, Speaker Milton B. (Burd) Pitt, Logan farmer, and Representative James F. Johnston, Chariton farmer, sponsored H. F. 353 which would have substituted a politically-appointed commissioner in Des Moines in place of the highway commission in Ames and would have repealed much of the 1913 law.

Preliminary skirmishing on the bill showed that the House was evenly split, 54 to 54, with 55 votes needed to pass. Realizing that defeat would set back road progress for years, leaders of the "hard

roads" faction decided that intense effort should be exerted to hold wavering supporters in line. McFarlane recalls:

I was the secretary of the "hard roads" group and we collected a dollar from each member of our group. Actually, I collected \$55 because Stanley Smith of Tripoli, who feared political defeat if he voted with us, believed we were right.

With the \$55 I collected, we rented a room in the Shops Building, and all fifty-four of us met there every night, whipping up enthusiasm, citing evidence of public support, and discussing strategy for the following day.

The House was under a call, requiring the presence of every member, for three days. S. C. Rees of Hamburg, who was ill, was brought into the chamber in a wheel chair.

One of the wavering "hard roads" advocates was H. E. Dean of Ocheyedan who was under heavy political pressure to change his stand. Governor Harding's father, Orlando B. Harding, came down from Sibley to sit with Dean and encourage him to shift to Pitt's fifty-four.

The outcome of the struggle was determined by a strange coincidence. Mrs. McFarlane, who was sitting with the Waterloo legislator in the House chamber, accidentally happened to oversee a note which Orlando Harding was writing to Pitt: "Dean will vote right."

When Mrs. McFarlane passed this information to her husband, he called Dean out to the cloak-room. Dean, with tears in his eyes, told McFar-

lane that the political pressure was too great, that he might have to vote with the "mud roads" group even though he believed the "hard roads" forces were in the right. The House had been deadlocked 54 to 54 on every vote for three long days and the legislators were under emotional strain.

At this point, however, McFarlane originated the legislative maneuver which was to win the fight for the "hard roads" group and bring McFarlane's name to the attention of legislative leaders in both houses. He arranged for Dean to vote for the amendments which the "mud roads" floor leader, Rube McFerren of Webster City, had introduced, but to vote with the "hard roads" group on final passage.

Fearing that the defection of Dean on the amendments might cause other wavering members of the "hard roads" group to abandon the cause, McFarlane sent notes to all members of his group by a trusted page. They were told of the plan and were instructed to destroy the notes immediately, lest the leaders of the opposition group should discover the plan and refuse to call up the bill for a vote. As McFarlane relates:

Nobody caught on. McFerren called for a vote on the amendments, and Dean voted for them, causing the "mud roads" group to believe that victory was certain. But when Dean voted against the bill on final passage, gasps of astonishment could be heard as the Pitt forces realized — too late — what had happened.

Actually, the final vote was 52 to 56 because McFerren and George F. Tucker of Clinton changed their votes to be in position to file a motion for reconsideration. But the "hard roads" group stood fast, and their opponents abandoned the fight.

When he tells the story, McFarlane chuckles at the thought that the page did not deliver a single note to the wrong representative. "That was the biggest fight I ever saw," he says, "and the most bitter one. I'm more proud of my part in that battle than anything I've ever done. We saved the Iowa Highway Commission and laid the groundwork for future highway progress in this state."

Although Dean feared at the time that his part in the ruse amounted to political suicide, he later became a State Senator and served as a member of the Highway Commission from 1927 to 1931 during Iowa's largest mileage-paving years. And he won the firm friendship of such "hard roads" advocates as Lee W. Elwood of Elma, leader of the anti-Pitt faction, who had lost the speakership to Pitt by one vote.

During these first two sessions, McFarlane's beaming friendliness, his skill in parliamentary maneuver, and his organizing ability had aroused the favorable attention of Republican leaders. Despite the bitterness of the road fight at the time, no lasting resentments were created and several of the "mud roads" leaders became McFarlane's



lifelong friends. Partly because of this ability to reconcile factions after the fight was over, McFarlane was elected Speaker of the House in 1919.

There were only seventeen miles of paved road in Iowa in 1919. But the 1917 fight had served to stimulate statewide interest in improved roads and, as a result, the bill establishing the primary system was passed in 1919.

At a special session in that year, the Nineteenth "Susan B. Anthony" Amendment to the Federal Constitution, which had been passed by Congress and submitted to the states for ratification, was ratified by Iowa. McFarlane presided over the House when it passed the resolution and received letters of thanks from women living in all sections of the state. He is the only living elected official who signed the Women's Suffrage Amendment, and he firmly believes that the tone of politics has been substantially improved by the participation of women. According to McFarlane: "Women are the workers and organizers in politics today, and their activities help to improve knowledge of public affairs and increase the size of the vote."

McFarlane was re-elected Speaker in 1921 and, although not personally involved, was happy to see another bid by the "mud roads" group to wreck the Highway Commission turned back in the Senate. A bill by Senator Oscar L. Mead of Shell Rock to abolish the Highway Commission and substitute a politically-appointed state engi-

neer was defeated 25 to 25 in the upper house. If the Mead bill had passed, Fred R. White, the "father" of Iowa's primary road development, would not have remained as chief engineer.

In 1922 McFarlane suffered one of his three defeats in his 43-year period of participation in politics. He ran for Congress when his longtime friend from Waverly, Burton E. Sweet, left the United States House of Representatives to seek the Republican nomination for United States Senator. Both Sweet and McFarlane lost in the primary. Arch thereupon decided to devote himself to his coal business and he watched the political campaigns of 1924 from the sidelines. In 1926, however, he was asked by Black Hawk and Grundy County leaders to run for State Senator and he was elected easily.

McFarlane proved to be a whirlwind senator, successfully pushing eleven bills which he introduced through the 1927 session. They included measures to license cosmetologists, to authorize counties — with cities and towns — to erect memorial halls in honor of veterans, to allow boards of education to establish free night schools, and to allow counties to buy property at tax sales to prevent it from being sold at a ridiculously low price.

McFarlane ran for the Senate again in 1928, but between the primary and the general election in that year Lieutenant Governor Clem Kimball of Council Bluffs died. Since the death occurred too

late for the convening of a Republican convention, the Republican State Central Committee was called into session to fill the vacancy on the ballot. Attorney William T. Evans of Waterloo, the Third District chairman who was later to serve as district judge, promoted McFarlane for the post. He was nominated and elected.

In order to safeguard succession to the governorship in the interval between the November election and the time when officials were installed in January, Governor John Hammill appointed McFarlane Lieutenant Governor on November 15, 1928. He was re-elected Lieutenant Governor in 1930 and newspapers of the state were freely predicting that he would soon be Governor. But a letter McFarlane had written in connection with his coal business aroused a storm of criticism and deprived him of the nomination in 1932. It was just as well, since that turned out to be a disastrous year for the Republicans because of the depression. Instead, McFarlane decided to seek vindication by running again for the House from his home county. Black Hawk gave him a 1,000-vote majority in this year which saw so many Republican warriors go down to defeat.

McFarlane has run in every election between 1934 and 1954, being defeated only twice. He lost in the general election of 1936 and in the primary election of 1948. In 1954 he was again elected State Senator, winning the honor of being

# SCHOOLDAYS IN WATERLOO

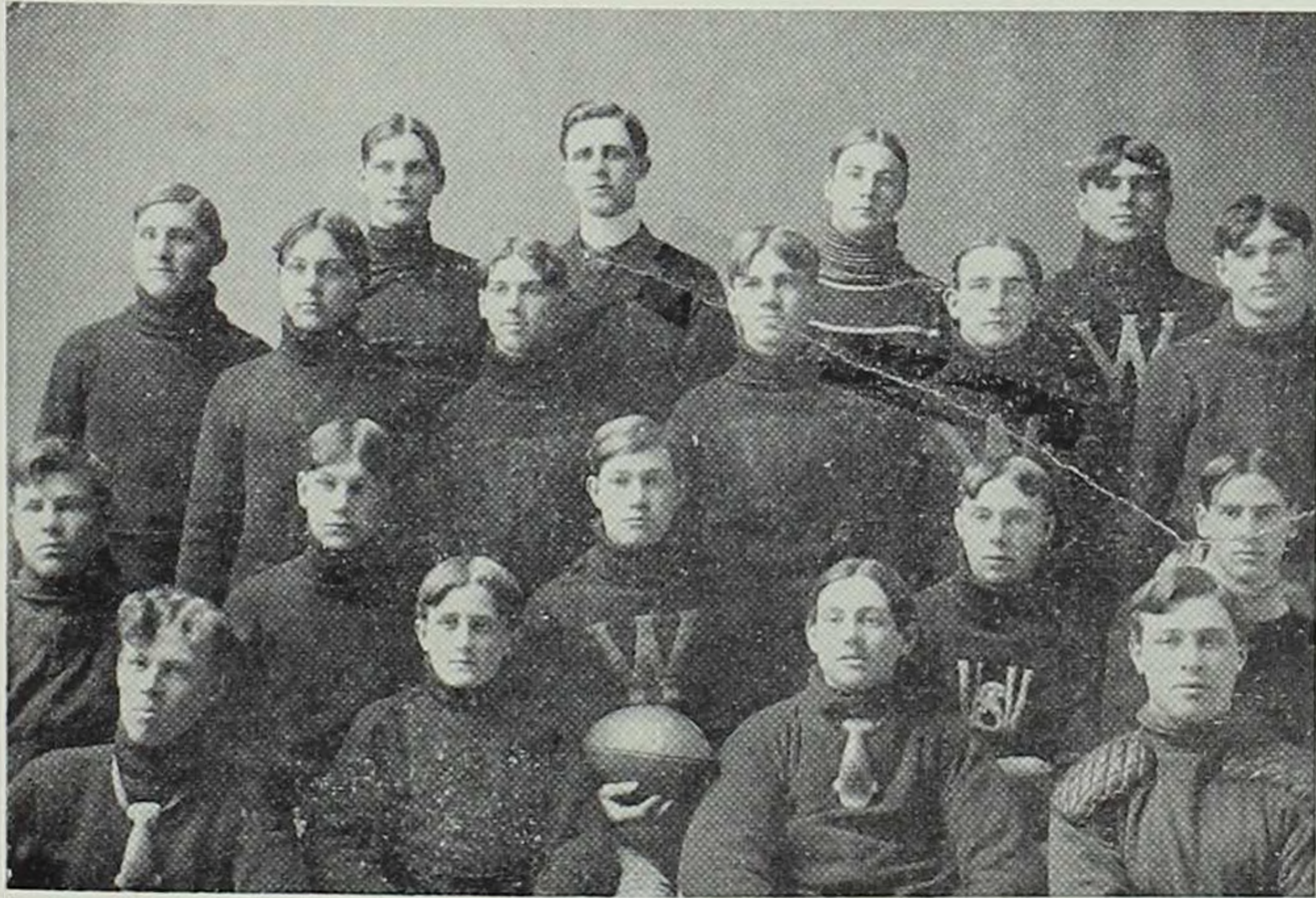
East High Graduates of 1904



ARCHIE W. MCFARLANE



ELSIE V. HAWKINS



East Waterloo High School Football Team 1904  
Arch McFarlane second from right in third row

## IN THE LEGISLATURE



GUS KUESTER, BILL LYNES, ARCH MCFARLANE  
Three men who served as Speaker of the House in the General Assembly



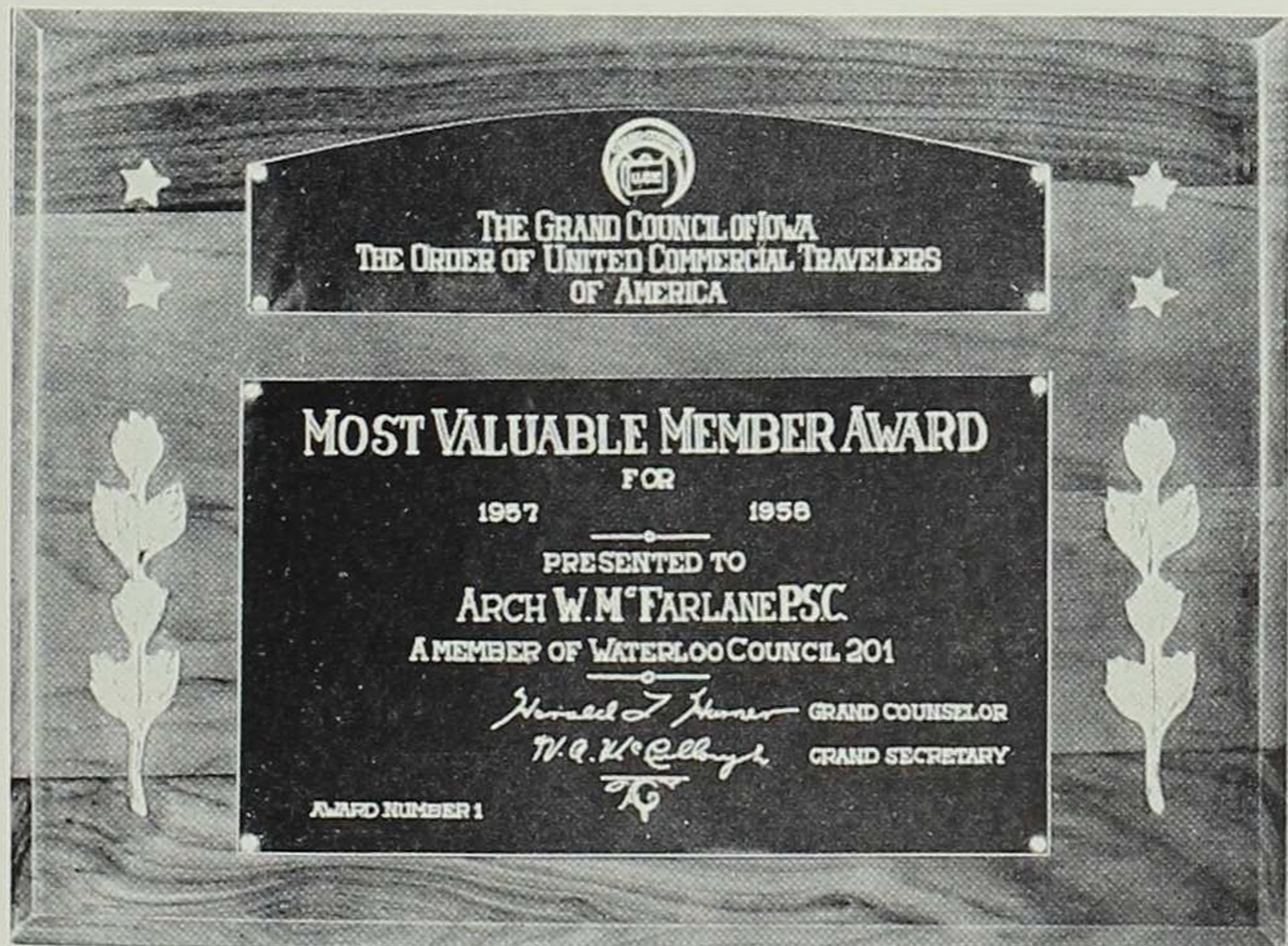
The Iowa Tax Study Committee of 1945

*Seated:* Mrs. Lena L. Beck, reporter; Clyde McFarlin, Montezuma, secretary; Francis Johnson, Terril, chairman; and Louis Cook, Fort Dodge. *2nd row:* Sen. Frank Byers, Cedar Rapids; Rep. Arch W. McFarlane, Waterloo; L. P. Boudreaux, Cedar Rapids; Rep. A. G. Redman, Sac City; Rep. Harry Cox, Fort Dodge. *Back row:* H. J. Schmitz, Eldora; Arthur E. J. Johnson, Shenandoah; Sen. Fred Cromwell, Burlington; Sen. Robert Keir, Spencer.

# UNITED COMMERCIAL TRAVELER



The Boston Session of the Supreme Council of the U.C.T. (1956)  
Arch McFarlane is seated second from right in second row.



GOLDEN MEMORIES



The Parents of Arch McFarlane, Emma Julia Moss and William Wallace McFarlane.



The Arch McFarlanes on their Fiftieth Wedding Anniversary.

the first to serve in the newly-created Black Hawk County Senatorial district.

In recent years, McFarlane has come to be known as the "dean of the legislature" as the sons of legislators he knew in the early days have appeared in Des Moines to seek his counsel and listen to his tales of old legislative battles. By giving freely of his experienced wisdom and by retaining a zest for legislative activity, he possesses an influence which determines the fate of many key bills in any session.

He regards this position as a public trust, above partisanship and temporary political gain. This is illustrated by the story of the young minister-legislator who came to him for advice about a controversial bill which McFarlane was pushing. "I can see both sides to this question," the minister said, "but the people back home will probably see a religious issue in it. I am afraid they would see a vote for your bill as a betrayal of trust."

McFarlane told the minister that, under these circumstances, he should vote against the McFarlane bill. This is said to be one of the few times that the advocate of a piece of legislation has advised a fellow legislator to vote against it.

The veteran legislator is himself a deeply religious man and served for many years as senior warden of Christ Episcopal Church in Waterloo. He was made a life member of the vestry in 1948. His mother, who died in 1942, was the last sur-



viving charter member of old Christ Episcopal.

Out of this religious background and his long experience in watching political careers has come McFarlane's own philosophy of legislative service:

"Shoot square with your constituents," he says. "Represent what you believe to be their wishes and be fair to everyone who wants a hearing.

"Never duck a debate intentionally for political purposes. Answer every letter you receive before, during, and after the session."

Because of the prestige his name carries in the legislature, McFarlane is often asked to introduce important bills or become a co-sponsor with other legislators. Among the bills which carry his name, either as the originator of the measure or as a co-sponsor, are the following:

A bill passed in 1939 allocating the use tax collections to the homestead credit fund.

A bill passed in 1943 to protect the seniority rights of policemen and firemen entering the armed forces.

A bill passed in 1947 to establish the present county assessor system.

A bill passed, also in 1947, increasing the maximum mill levy allowed for municipal recreation programs. Recreation officials view this bill as the base of modern recreation programs in Iowa.

A bill passed in 1953 which allows state employees to participate in the federal Social Secur-

ity program, and another bill in the same year establishing an auxiliary retirement plan for state employees.

Various bills to increase the benefits and coverage of unemployment insurance and workmen's compensation.

Various bills to raise the benefits or increase the coverage of policemen's and firemen's retirement funds.

A bill passed in 1955 to allow cities to levy a small property tax to assist hard-pressed local bus companies.

Although as speaker of the House he once humorously suggested to the Reverend Claude R. Cook that he "look the House over and pray for the state," McFarlane has remained a staunch defender of the integrity of the General Assembly.

"In all of my experience I remember only two instances where I suspected that bribes were offered and accepted to influence the course of legislation," McFarlane declares, "but it was impossible to collect proof. I am certain that the overwhelming majority of legislators are not only honest in this respect but are even scornful of the more subtle use of indirect pressures to influence their vote."

Moreover, he believes that the caliber of the average legislator has improved down through the years, with better-educated and more enlightened men serving now than in his early terms.

"I remember when bawdy houses surrounded the State Capitol grounds," McFarlane recalls, "and legislators were openly solicited on their way to downtown hotels. Governor George W. Clarke led the campaign to buy up the grounds around the Capitol and clean up the slum area."

McFarlane remembers two instances where attempts were made to influence the legislature by mass marches on the Capitol. In 1933 the Assembly was considering a bill to require the compulsory tuberculin testing of cattle, with the farmers to be paid by the state for the destruction of diseased animals. Some farmers believed the state had no right to send inspectors onto private property, and they marched on Des Moines, carrying pitchforks and ropes and threatening violence. "In that case," McFarlane recalls, "the legislature hurriedly adjourned, the irate farmers were allowed to make speeches in the legislative chambers; and, having exhausted their passions, they went home." The legislators returned to pass the law which resulted in several violent outbreaks as farmers attempted to prevent state inspectors from coming onto their land.

The second mass march came on April 21, 1947, when organized labor arranged for thousands of union members to drive to Des Moines in mass protest against the "right to work law" which was then under consideration. "In that ominous situation," McFarlane declares, "Governor Bob Blue

gave the greatest demonstration of personal and political courage I have ever seen. He went out to the steps of the Capitol to address that large crowd, explaining the reasons for his support of the bill."

As his own Black Hawk County and the other large counties of the state became more industrialized and as their population rapidly increased, McFarlane became more and more interested in difficult problem of reapportionment of seats in the General Assembly. A Constitutional amendment adopted in 1907 had limited the nine largest counties to two representatives and another amendment adopted in 1928 provided that no county, however large, could have more than one senator. As the state's population growth centered in the large-population counties, these two amendments prevented the allocation of seats in either house on a population basis.

Although McFarlane presented his first reapportionment proposal in 1933, the reapportionment problem did not reach the status of a major issue until 1953. In that year, Representative Fred Schwengel's resolution for a Constitutional amendment to allocate House seats strictly on a population basis was decisively defeated, 84 to 19.

McFarlane then presented his compromise measure which would have allocated eight additional House seats among the seven largest counties.

"I am only asking you for a little crumb from the table," McFarlane pleaded.

But the attitude of the over-represented rural counties was expressed by Representative Dee Mallonee of Audubon who frankly declared: "Let's not be hypocritical. We have a little advantage. Let's cherish it. Let's hold onto it." McFarlane's resolution was defeated 80 to 25.

Although other reapportionment measures have been defeated in more recent sessions, McFarlane feels that action of some kind is only a matter of time. "With the continued growth of the larger counties," he says, "the situation is becoming intolerable. After all, the interests of rural people would be adequately protected by having seats in one house allocated on an area basis."

As McFarlane's legislative career extended into the second half of the twentieth century, he began to receive more and more recognition for his long legislative service. Thus, he became in 1953 the first man to serve as president of the Pioneer Lawmakers Association while still a member of the legislature.

A special joint session of the General Assembly was held in that year to honor both McFarlane and Senator Frank Byers of Cedar Rapids. McFarlane's term of thirty-eight years of legislative service even at that time was the longest in Iowa history. But Byers, who was first elected in 1929, had the longest record of continuous service.

On December 8, 1953, the Iowa Pioneer Lawmakers Association and a group of McFarlane's friends arranged a "Recognition Banquet" at Waterloo to commemorate his legislative service. Chairman of the arrangements committee was W. Louis Beecher, and Carleton Sias was toastmaster. Speakers were Mayor Lawrence A. Touchae of Waterloo; S. J. Galvin, a Democrat who is president of the Sheffield Brick and Tile Company; Robert Loetscher, president of the Iowa Manufacturers Association; Ray Mills, president of the Iowa State Federation of Labor; Mrs. C. F. Long, chaplain of the Iowa Council of Republican Women; Representative Fred Schwengel of Davenport; Lieutenant Governor Leo Elthon; United States Senator B. B. Hickenlooper; and Burton Sweet of Waverly, a past president of the Pioneer Lawmakers.

The banquet was attended by numerous past and present state legislators, state officials, and friends from all over the state. The names of those who attended or sent congratulatory letters or telegrams reads like a "Who's Who of Iowa."

On April 17, 1956, the Pioneer Lawmakers presented to the Iowa State Department of History and Archives a painting of the senator by Mrs. James Kent of Iowa City. It is now on display there in the portrait gallery of outstanding Iowans.

Participating in the presentation ceremonies on that occasion were some of McFarlane's oldest

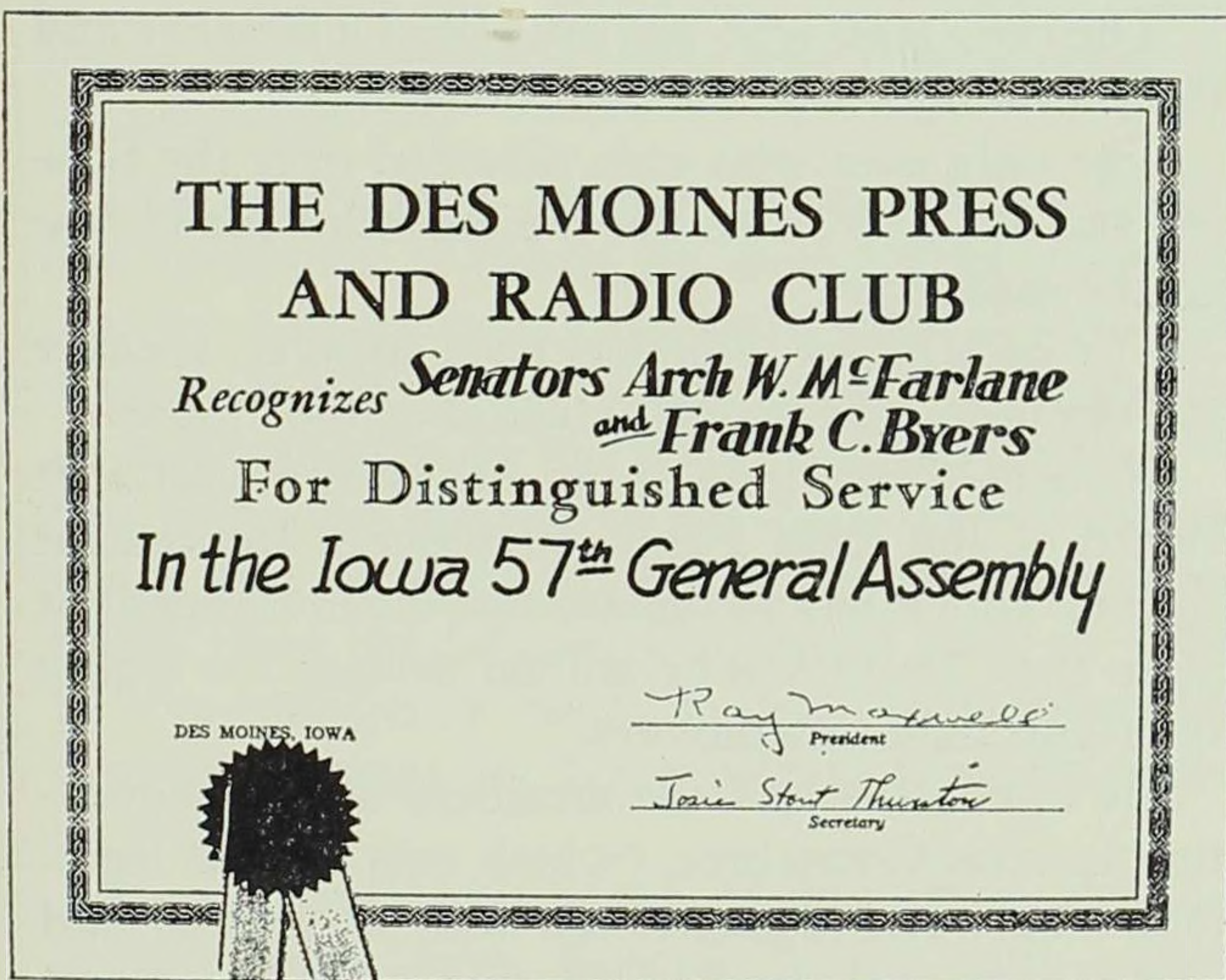
and dearest friends. They included B. F. Swisher, Waterloo attorney; H. T. Wagner, sheriff of Black Hawk County for thirty-six years until his retirement in 1957; Burton E. Sweet, former Congressman from Waverly; Warren Wells of Council Bluffs, a former chairman of the State Tax Commission and the Senator's longtime associate in the United Commercial Travelers; and Claude R. Cook, Curator of the Iowa State Department of History and Archives. Mrs. McFarlane and Arch's brother, Edward A. McFarlane, were in the audience. Mrs. Leo Hoegh, wife of Governor Hoegh, unveiled the portrait.

But the list of awards would not be complete without reference to the humorous gesture of the House in 1945 when it voted an "iron cross" to Mrs. McFarlane for her "32 years as a martyr" as she waited during each session for the legislator to return home from Des Moines. Mrs. McFarlane has been her husband's most loyal supporter and down through the years has kept voluminous scrapbooks of newspaper clippings and photographs recording his career. The couple observed their golden wedding anniversary on April 6, 1958.

McFarlane ranks today as Iowa's most distinguished and best known legislator. He has been in eighteen of the past twenty-two sessions of the legislature — more than any other Iowan. He served in 1957 with the sons of six former legisla-

tors who had been Arch's colleagues in years gone by.

As a legislator over the years, Arch McFarlane has been everything, done everything, and has held every honor; yet he still has the zest of a



freshman for the excitement of each day and each tomorrow. He is alert, enthusiastic, urbane, and friendly. At the age of seventy-three he can still take the chair and machine-gun through thirty to forty common consent bills, or get the Senate out of a knotty parliamentary snarl with aplomb and precision. McFarlane's durability and religious



attention at daily legislative sessions place him in the records as having voted, he estimates, some 40,000 to 50,000 times. Arch McFarlane is:

The only man who was a member of the Iowa legislature during three wars — World War I, World War II, and the Korean War.

The only man who has ever been a member and the presiding officer of both houses.

The only man who ever presided over the Senate and occupied a seat as a member of the House on the same day.

The only person who has been speaker, speaker pro tempore, and majority leader of the House.

He is now chairman of the Advisory Investment Board of the Iowa Public Employees Retirement System which has recommended the investment of more than seventy-four million dollars for eighty thousand public employees.

He appointed half the members of the Legislative Interim Committee (which acts for the legislature between sessions) on four occasions, and finally became a member of it through appointment by Speaker Henry W. Burma in 1943.

His longest absence from a legislative session was the two weeks in February during the 1957 session when he was in University Hospitals at Iowa City undergoing tests and treatment for a minor heart ailment.

His stature among Iowans is illustrated by an incident which followed that illness. J. N. (Ding)

Darling, the famous cartoonist, wrote all the way from Spain to a friend in Des Moines:

A clipping today scared the daylights out of me when the newspaper picture of Arch McFarlane dropped out of the envelope. You have sat in the duck blinds with him, and have known him intimately, a privilege which accidental circumstances have denied me. Nevertheless, I have looked upon him as one of Iowa's most valuable citizens of our generation.

But McFarlane quickly recovered his health and continues to throw his energy and influence into the balance where the right word in the right place is needed to get things done. For example, an appropriation by the 1957 Legislature to provide pensions for retired teachers proved inadequate, and McFarlane was one of those who prevailed upon the Interim Committee early in 1958 to vote emergency funds so that the desperately-needed pensions for these elderly teachers could be continued.

He received, as a result of that effort, the following letter from Roscoe Abbett and Lillian Burns, two officials of the Retired Teachers Association:

Mr. William Wimer, our attorney, has related to us in great detail your attitude and action in connection with our request for additional funds to carry on our most desperately-needed pension.

We speak for all our members when we say to you that words cannot express our gratitude and our affection for you. . . . You never let us down.

Although our membership is comparatively few in number, we are used to working and we feel that our influence can be felt. We will not forget our friends as you have not forgotten us.

Thank you! Thank you! God bless you.

It is words like those which make forty-three years of legislative service appear worthwhile. And it is words like those which encourage a man to return again and again to the political wars.

C. C. CLIFTON