

## A CONCISE HISTORY OF THE IOWA AGRICULTURAL LAW CENTER: 1953-1973

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I. Introduction.....	175
II. Early Agricultural Law Activities at Iowa Universities Prior to Creation of the Iowa Agricultural Law Center.....	177
III. State-Level Approval for Creating the Agricultural Law Center, Followed Quickly by an Inter-University Agreement in Support of Cooperative Legal-Economic Research.....	178
IV. The Tri-Partite Operating Arrangement with USDA Supporting Work in the Center .....	180
V. Dramatic Growth of the Center Under John C. O’Byrne’s Directorship .....	181
VI. The Center’s Projects During the Early Years of Hines’ Directorship .....	189
VII. Center Projects in the Later Years of Hines’ Directorship .....	193
VIII. Closing Down the Center in 1973 .....	197

### I. INTRODUCTION

I was delighted to be invited to contribute to this Issue of the Drake Journal of Agricultural Law honoring the impressive career of Dwight D. Opperman Distinguished Professor of Law, Neil D. Hamilton, on the occasion of his stepping down as Director of the Drake University Agricultural Law Center and his retirement from Drake University Law School (Drake). I have known Neil for over forty years and have closely followed his outstanding academic and professional career. Today, when I think of Neil, he is either “Mr. Agricultural Law” or “Mr. Food Law.” Neil has come a very long way from the curious law student with persistent questions I remember from his law school days.

I first met Neil when he had just graduated from Iowa State University (ISU) and was a first-year law student in my required course in Property Law. Neil started at the University of Iowa College of Law (University of Iowa) in 1976, the same fall I began my long tenure as Dean of the College, so in one sense we embarked together on brand new, though quite different, legal adventures. Then, as now, Neil was not easily satisfied with simple answers to difficult questions, and he soon

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earned a reputation as the type of inquisitive law student most professors are delighted to have in their classrooms. I was so impressed with Neil's academic talents and his inquiring mind that I invited him to serve as my Research Assistant (RA) during his upper-level years. Although the time to continue my work as a publishing scholar was severely limited by my new administrative responsibilities, Neil was very helpful to me with a myriad of projects as my RA.

Throughout the time we worked together, Neil peppered me with questions about why we no longer had an Iowa Agricultural Law Center (Center), which I had directed for ten years. In its day, the Center was unquestionably the premier research organization studying agricultural law in the United States, and perhaps, the world. Neil also questioned why the Iowa curriculum was so devoid of course offerings for students, like him, who were strongly interested in agricultural law subjects. I agreed with Neil's view that it was probably a mistake to have closed the Center, and I understood his concern about the paucity of our agricultural law offerings. Unfortunately, I never had satisfactory answers to his questions. We had searched diligently, but unsuccessfully, for someone to replace me as Director of the Center, and we were continuing to search. I also explained that law deans do not dictate the curriculum; faculty members propose and approve new courses, and there just were no faculty members at Iowa who shared Neil's and my passion for agricultural law. Not surprisingly, Neil was not satisfied with these explanations.

In his last semester at Iowa, Neil wrote a lengthy essay describing his frustration about the closure of the Center and the lack of agricultural law courses in the Iowa curriculum. He also set forth in detail his ideas about what a strong agricultural law curriculum should offer. He submitted his five-page, single-spaced piece for publication in our alumni magazine, the *Iowa Advocate*, which I edited at the time. Because I generally agreed with Neil's points, I was happy to publish Neil's criticism of the Iowa curriculum's insufficiencies in the agricultural law field, and his proposals for a rich variety of courses and seminars that could be created to advance the study of agricultural law.<sup>1</sup> I am sure venting his frustrations in this public way served a therapeutic function for Neil, even though they produced no movement by the faculty. But more importantly, collecting his thoughts and expressing them in writing, I am sure, later aided Neil in creating a blueprint for him to follow in this future academic career as an agricultural law specialist.

Readers familiar with Neil's professional history know he eventually realized his dream of persuading a law school faculty to develop an emphasis on

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1. Neil D. Hamilton, *The Importance of Agricultural Law in the Law School Curriculum*, IOWA ADVOC., Spring-Summer 1979, at 20.

agricultural law, and he created an impressive Agricultural Law Center at Drake, which he successfully directed for many years. I am pleased to see Drake will not be faced with the same personnel issue Iowa faced in 1973 when I stepped down as Director of the Center. Jennie Zwagerman, Neil's able Associate Director, has already been named as Neil's successor.

Neil never had the chance to participate in the Center's work at Iowa because it closed three years before he started law school there. In thinking about what to submit for this tribute to Neil's splendid career, it occurred to me an appropriate topic might be for me to tell the story of the Center during the period it operated between 1953 and 1973. To this end, I researched a wealth of background materials, including all of the publications by or about the Center I could locate. From this research I have written *A Concise History of the Iowa Agricultural Law Center: 1953-1973*. It was my purpose in undertaking this history project to record for posterity the many significant accomplishments of this collaborative research enterprise, operated for twenty years as a joint undertaking of the Iowa, the ISU Department of Agricultural Economics, and the Resource Economics Division of the United States Department of Agriculture (USDA).

## II. EARLY AGRICULTURAL LAW ACTIVITIES AT IOWA UNIVERSITIES PRIOR TO CREATION OF THE IOWA AGRICULTURAL LAW CENTER

The University of Iowa's first course involving agricultural law topics was offered in the spring of 1949 by Professor Robert Hunt. The title of the course was *Legal Problems of Agriculture* and it was reportedly well received by students in the class. Unfortunately, Professor Robert S. Hunt left Iowa for a professorship at the University of Washington the next year, and the course was discontinued.<sup>2</sup> It was not long, however, until activity in agricultural law picked up dramatically at Iowa's two universities.

In one sense, the cooperative research ultimately leading to the creation of the Center all became possible when Professor John C. O'Byrne came to Iowa in 1948.<sup>3</sup> O'Byrne joined the Iowa law faculty as its primary teacher and scholar in federal tax law.<sup>4</sup> O'Byrne was what we used to call a "shaker and mover;" he was very entrepreneurial in his scholarly work and in carrying out his service agenda, and he was extraordinarily productive in both. Early on, O'Byrne developed a deep interest in the federal taxation of family farm businesses. He shared this interest

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2. Robert S. Hunt, U. IOWA L. LIBR., <https://perma.cc/GW85-D9ZE> (archived Sept. 27, 2019).

3. John C. O Byrne, U. IOWA L. LIBR., <https://perma.cc/L2RA-D45W> (archived Sept. 27, 2019).

4. *Id.*

with several leading lawyers on the Iowa State Bar Association's Income Tax Committee. O'Byrne and his bar colleagues soon began proposing and presenting Legal Institutes, Workshops, and Continuing Legal Education (CLE) programs on various aspects of the topic. He also created and published the first *Farm Income Tax Manual* in 1949 and updated it regularly.<sup>5</sup>

I do not know exactly how they found each other, but O'Byrne located a kindred soul in Iowa State Economics Professor John F. Timmons soon after coming to Iowa.<sup>6</sup> In 1950, O'Byrne accepted an invitation from Timmons, then a member of the Agricultural Economics Department at ISU, to help improve the legal accuracy of an ISU extension bulletin entitled *Transferring Farm Property Within Families in Iowa*, authored by Timmons.<sup>7</sup> This collaborative effort proved highly successful, and the upgraded bulletin soon became the a popular publication of the ISU Extension Service. O'Byrne and Timmons worked together over the next few years to expand and refine the original bulletin to make it more accessible to the farm families to whom it was addressed.<sup>8</sup> They also collaborated on a series of five agricultural law articles published in *Iowa Farm Science*, a bulletin of the ISU Extension Service,<sup>9</sup> and several other publications on agricultural law topics. O'Byrne's work with Timmons on these projects led to further cooperative ventures, most notably law and economic researchers first foray into the legal-economic issues raised by farm leases.<sup>10</sup>

### III. STATE-LEVEL APPROVAL FOR CREATING THE AGRICULTURAL LAW CENTER, FOLLOWED QUICKLY BY AN INTER-UNIVERSITY AGREEMENT IN SUPPORT OF COOPERATIVE LEGAL-ECONOMIC RESEARCH

Three years into this successful collaboration between a law professor and resource economist, the Iowa State Board of Education approved a joint proposal from the University of Iowa and ISU to create an Agricultural Law Center to conduct collaborative law and economic research into issues of concern to Iowa

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5. *See id.*

6. *See generally* *Iowa State Economics Professor Presented Endowed Professorship*, IOWA ST. U., <https://perma.cc/AB57-MN6T>.

7. John F. Timmons & John C. O'Byrne, *Transferring Farm Property within Families in Iowa*, 31 AG. EXPERIMENT STATION RES. BULL. 141 (1953).

8. *See* JOHN C. O'BYRNE ET AL., *PLANNING FARM PROPERTY TRANSFERS WITHIN FAMILIES IN IOWA* (1966), <https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1127&context=bulletinp>.

9. *See* UNIV. OF IOWA COLL. OF LAW AGRIC. LAW CTR., *REPORT OF COMMUNITY EDUCATIONAL SERVICES OF THE AGRICULTURAL LAW CENTER* 30-35 (1960).

10. *See Generally* John C. O'Byrne & John F. Timmons, *Your Lease, is it Legal?*, 9 IOWA FARM. SCI. 7-543 (1954).

farm families. The Center was to be located at the University of Iowa in Iowa City.<sup>11</sup> O'Byrne was named the Director of the new Center, and a blue-ribbon Advisory Committee was appointed to assist in planning the Center's work.<sup>12</sup> This Advisory Committee came together for one long meeting in Iowa City in 1955,<sup>13</sup> then it more or less faded from the scene, leaving the agenda for the Center's projects primarily in the hands of O'Byrne and Timmons, who continued to search for worthwhile legal-economic projects to benefit Iowa's agricultural community.

In the spring of 1954, a joint agreement was entered into between the University of Iowa and ISU to conduct a "Cooperative Interdisciplinary Program in the field of agricultural law."<sup>14</sup> The Agreement, signed by President Hilton for ISU and President Hancher for the University of Iowa, recited the objective of the new collaborative arrangement was as follows:

To further the productive efforts and excellent teamwork developed by the lawyers from the College of Law and the agricultural economists of Iowa State College, this statement formalizes the co-operative endeavor and provides for an enlarged program of joint efforts in analyzing and solving problems of land use and occupancy. More specifically, the purposes of this joint program are: (1) to determine weaknesses and strengths in our legal institutions in achieving economic objectives of agriculture, (2) To develop the legal means for attaining economic objectives in agriculture, and (3) to present results of these analyses in understandable form for use by people throughout the state.<sup>15</sup>

This agreement served to cloak the ongoing interdisciplinary collaboration taking place through the Center with the official blessing of both University Presidents, presumably shielding it from opposition by reactionary elements on either campus. As we shall see, it did not quite function so well a few years later

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11. See Mason Ladd, *Report of the Dean of the Iowa Law School to the Bar*, 40 IOWA L. REV. 1, 8 (1954) [hereinafter *1954 Report of the Dean*].

12. *Id.* The members named to the Advisory Committee were Dean Mason Ladd, Iowa College of Law; E. Howard Hill, President of Iowa Farm Bureau; Robert L. Smith, Director of the Iowa Natural Resources Council; Henry J. Te Paske, Iowa Bar Association; Dean Floyd Andre, Division of Agriculture at Iowa State College; Professor John F. Timmons, Department of Economics at Iowa State College; Dr. Marshall D. Harris, USDA; and George C. Murray, Iowa State Bar Association.

13. The Center published a report from this 1955 meeting, but all that survived was the outline presented by O'Byrne, Harris, and Timmons, enumerating the prior publications of the Center and sketching out a future research agenda. There was no report of the reactions or advice from the advisory group.

14. UNIV. OF IOWA COLL. OF LAW AGRIC. LAW CTR., *supra* note 9, at 17-22.

15. *Id.*

when Dean Ladd threw a monkey wrench into the plans to expand the scope of the Center to provide extension-like legal services to farm families.<sup>16</sup>

#### IV. THE TRI-PARTITE OPERATING ARRANGEMENT WITH USDA SUPPORTING WORK IN THE CENTER

About this time, Gene Wunderlich, a rising star in the USDA's Production Economics Research Branch, recognized the potential of the Iowa Center to advance the federal government's interest in the regional implications of ongoing research into legal-economic issues affecting American farm families. In December 1954, a Memorandum of Understanding was entered into between the Center, ISU's Division of Agriculture, and the Agricultural Research Service of the USDA. The Memorandum of Understanding was signed by Dean Floyd Andre of ISU, Dean Mason Ladd for the University of Iowa, and Carl P. Heisig, Chief of the Production Economics Research Branch of the USDA.<sup>17</sup> As stated in the Memorandum, the agreement was "[r]elative to Research on the Interrelations of Legal institutions and the Achievement of Economic Objectives in Agriculture."<sup>18</sup> This Memorandum committed USDA to support the work of the Center in two important ways: 1.) In exchange for the law school providing suitable office space and professional support, Dr. Marshall D. Harris, a senior agricultural economist with USDA, would be stationed at the Center on a permanent basis; and 2.) USDA funding would be committed to fully support Dr. Harris' research as long as he was associated with the Center, including travel funds, funding for several RAs, and for a one half-time secretary.<sup>19</sup>

Although not spelled out in the Memorandum of Understanding at the time of its signing, USDA's Wunderlich expressed strong interest in supporting a special graduate level educational program in connection with the Center. What Wunderlich likely envisioned was an ambitious training program at the University of Iowa and ISU designed to enhance the supply of professional researchers who had both law degrees and Ph.D.'s in Agricultural Economics. To make this happen, the USDA would provide funding to support the full educational costs of a promising law student committed to a career in agricultural law who embarked on a joint-degree program to earn a J.D. at the University of Iowa and a Ph.D. in Agricultural Economics at ISU. I suspect Wunderlich assumed these legal-economic hybrids would naturally gravitate toward careers in his USDA Division. As it turned out, this was wishful thinking.

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16. See *1954 Report of the Dean*, *supra* note 11, at 8-9.

17. UNIV. OF IOWA COLL. OF LAW AGRIC. LAW CTR., *supra* note 9, at 23-28.

18. *Id.*

19. *Id.*

V. DRAMATIC GROWTH OF THE CENTER UNDER JOHN C. O'BYRNE'S  
DIRECTORSHIP

The proposed USDA-sponsored training program got under way in 1958 when Neil E. Harl entered law school at the University of Iowa under USDA sponsorship.<sup>20</sup> Harl worked with O'Byrne and Dr. Harris in the Agricultural Law Center throughout his law school career.<sup>21</sup> Upon graduating with a top record from the law school in 1961, Harl went on to earn his Ph.D. in Agricultural Economics from ISU with high honors.<sup>22</sup> Harl did so well in his academic work at ISU that he was immediately invited to join the ISU faculty, where he went on to establish an illustrious record as an economics teacher and agricultural economics scholar, specializing in farm business organizations, particularly corporations.<sup>23</sup> Dr. Harl retired from ISU in 2003 as the Charles F. Curtiss Distinguished Professor of Economics.<sup>24</sup> If the Center accomplished nothing more than launching the professional career of Neil Harl, it should have been deemed a successful institution. For the next fifty years, Harl was the most influential figure in agricultural law research and service in Iowa.

A second USDA-sponsored student, Charles E. Vanderbur, enrolled in the joint degree program in 1960. Like Harl, Vanderbur worked extensively in the Center throughout law school and earned his J.D. from the University of Iowa in 1963. While at the Center, Vanderbur conducted research on farm partnerships, and wrote a paper entitled *Farm Partnership: Drafting the Agreement*, which was published as ALC Monograph #3 in 1963.<sup>25</sup> Vanderbur continued his graduate studies at ISU, but he voluntarily terminated his academic program with the receipt of a Master's degree. He then went into private law practice in Ames and died early in his career. Budgetary setbacks led the USDA to discontinue this training program in 1964.

Dr. Harris joined the Center as a Research Professor in 1955 and became a central figure in the work of the Center for the next two decades.<sup>26</sup> Harris was a highly respected agricultural economist who authored numerous research

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20. See generally *Neil E Harl*, IOWA ST. U., <https://perma.cc/9WBN-4NQA> (archived Oct. 1, 2019) [hereinafter *Neil E Harl Bio*].

21. *Id.* (outlined in Neil E. Harl's CV).

22. *Id.*

23. See *id.*

24. See *id.*

25. CHARLES VANDERBUR, IOWA AGRIC. LAW CTR., *FARM PARTNERSHIP: DRAFTING THE AGREEMENT* (1963).

26. See *Marshall D. Harris*, U. IOWA L. LIBR., <https://perma.cc/4T5V-MF8W> (archived Oct. 1, 2019).

publications.<sup>27</sup> Dr. Harris had also held several leadership positions in USDA's Economic Research Service and in professional organizations of resource economists. He likely sought this posting in Iowa City because he believed his work needed a solid legal element to be truly relevant to the socio-legal issues facing modern farm families. Over the years, Dr. Harris engaged a number of law faculty members in his research projects and he supervised numerous law student RAs, enriching the professional development of all the law school personnel privileged to work with him. For its part, in 1961 when the law school moved into a new facility, the Center was assigned a spacious three-room suite of offices to house Dr. Harris, the Center's Secretary, and a small group of law student RAs.<sup>28</sup> These offices were located in the middle of the main floor of the office wing of the new law building. After his arrival in Iowa City, Dr. Harris kept up his prodigious rate of publication in journals specializing in agricultural economics, and he began a fruitful collaboration with O'Byrne and Timmons in legal-economic research published through ISU's Extension Service.<sup>29</sup> In 1959, Dr. Harris and O'Byrne published their joint work entitled *Legal-Economic Research* as the first Monograph in a new series of professional publications emanating from the Center.<sup>30</sup>

The other important personnel group who contributed to the impressive scholarly output of the Center during its first decade were the law student RAs employed by the Center. Besides assisting O'Byrne and Dr. Harris with their work, RAs were also occasionally assigned to work with John Timmons associates at ISU to create extension bulletins and other publications on agricultural law topics. Of course, the names of Neil Harl and Charles Vanderbur appear most frequently in lists of publications with which they assisted as RAs in the Center,<sup>31</sup> but a number of other RAs also show up as authors or co-authors of Center output. Most often their research was published at ISU as some form of bulletin or circular.<sup>32</sup>

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27. *See id.*

28. *See* Mason Ladd, *Report of the Dean of the Iowa Law School to the Bar*, 41 IOWA L. REV. 1, 1 (1955).

29. *See id.*

30. *See* LEGAL-ECONOMIC RESEARCH (Marshall Harris & John C. O'Byrne eds., 1959).

31. UNIV. OF IOWA COLL. OF LAW AGRIC. LAW CTR., *supra* note 9, at 36-37.

32. These eleven RAs working in the Center published research work in the 1950s and early 1960s: Frank Craig, '57, Farm Fence Law; James P. Rielly, '58, Abandoned Public School Sites; James E. Keast, '60, Weed Control; Harvey L. Speery, '57, Farm Leases; Charles K. Peart, '51, Farm Tenancies; Arthur A. McGiverin, '56, Joint Tenancies; James E. Roan, '57, Farm Fences; David Marner, '58, Land Contracts; Robert D. McGrath, '60, Land Contracts; Joe Shoemaker, '56, Farm Corporations; and Gary Snyder, '61, Land Contracts.



The next big step in the expanding role of the Center involved entering into a three-year contract with the USDA to produce a legal-economic study of the emerging practice of “Contract Farming,” also known as “Vertical Integration.”<sup>33</sup> Under the contract, the USDA provided the Center with a number of contract farming and vertical integration contracts to analyze.<sup>34</sup> The USDA had recently collected these contracts governing the legal relationships between family farmers and off-farm business entities, either suppliers of farm inputs or processors of farm products.<sup>35</sup> The goal of the study was to closely examine the terms of these contracts to try to determine whether they were beneficial or detrimental to the interests of the family farmers entering into them.<sup>36</sup> John O’Byrne and Dr. Harris supervised this study, but the bulk of the research work was performed by Dean T. Massey, a visiting Assistant Research Professor hired specifically to conduct the day-to-day research under the contract.<sup>37</sup> Massey earned his law degree and his M.A. in Agricultural Economics from the University of Wisconsin.<sup>38</sup> Massey was the principal investigator under the contract. Interim progress reports were published at the end of each year of the three-year project. Massey wrote these reports and most of the Final Report.<sup>39</sup> Professor Jeffrey O’Connell assisted in this research into contract farming and he wrote over 100 pages of the final report.<sup>40</sup> O’Connell’s major contribution to the project was a key section in the final report in which he drafted three model vertical integration contracts for growing sugar beets, hybrid seed production, and concentrated animal feeding operations.<sup>41</sup>

The final report of the study was published with some fanfare, but it did not make the “splash” its supporters expected. Looking back at the final product of this research, my guess is that it did not receive a great deal of public attention because the authors could not reach firm conclusions or specific recommendations with regard to the highly political issues the study addressed. The legal analysis in the report was solid, but careful parsing of the legal issues raised by the contracts studied was just not that interesting to either USDA reviewers or to media types

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33. Mason Ladd, *Report of the Dean of the Iowa Law School to the Bar*, 45 IOWA L. REV. 1, 9 (1959) [hereinafter *1959 Report of the Dean*].

34. *See id.*

35. *See id.*

36. *Id.*

37. *See* Mason Ladd, *Report of the Dean of the Iowa Law School to the Bar*, 46 IOWA L. REV. 1, 5 (1960) [hereinafter *1960 Report of the Dean*].

38. *Id.*

39. DEAN T. MASSEY & JEFFREY O’CONNELL, VERTICAL INTEGRATION AND CONTRACT FARMING (1963).

40. *See id.*

41. *See* MASSEY, *supra* note 39.

looking for blunt answers to the questions about whether this growing practice of contract farming was good or bad for family farmers.

The success in landing a major research contract with USDA, however, emboldened the leaders of the Center to begin looking for other opportunities for large-scale research and service projects, particularly in the context of international activities. In 1959 in an ALC Monograph focusing on land reform research entitled *Agrarian Planning and Land Reform*, O'Byrne, Harl, and Dr. Harris explored opportunities created by the 1960 Act of Bogota.<sup>42</sup> This international policy statement was adopted by the Organization of American States. It urged Latin American countries to entertain land reform proposals from developed countries that focused on expanding land ownership, creating land-based credit systems, and revising property tax regimes to put idle land to work.

Soon afterward, O'Byrne and Timmons began conversations with officials from the United States Agency for International Development (USAID) about the Center possibly undertaking the leadership in land reform projects in Africa or South America.<sup>43</sup> Eventually, a proposed USAID land reform program in Peru became the focus of these discussions.<sup>44</sup> In his 1962 Dean's Report, Dean Ladd included over a page describing the Center's deliberations over the pros and cons of undertaking such a large overseas project.<sup>45</sup> He also reported that both O'Byrne and Timmons had separately visited Peru as consultants to help shape the project.<sup>46</sup> Later in this same year, the faculties at both schools voted to go forward with the Universities' Peru Land Reform Project.<sup>47</sup> In 1963, the Center entered into a formal agreement with USAID to establish a land reform mission in Lima, Peru, and to conduct the research and perform the administrative supervision necessary to bring the project to a satisfactory conclusion.<sup>48</sup> Members of the ISU faculty would handle the economic dimensions of the project and law faculty would help design and

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42. See Neil E. Harl Publications, IOWA ST. U., <https://perma.cc/FTH3-TPKF> (archived Oct. 2, 2019); see also Note, *Agrarian Reform as a Means of Economic and Social Development in Peru*, 50 IOWA L. REV. 526, 526 n.\* (1965) (thanking O'Byrne, Timmons, and other Professors who have "worked in the field of land reform in underdeveloped counties.").

43. Mason Ladd, *Report of the Dean of the Iowa Law School to the Bar*, 48 IOWA L. REV. 1, 6 (1962) [hereinafter *1962 Report of the Dean*].

44. See *id.*; see also *Agrarian Reform as a Means of Economic and Social Development in Peru*, *supra* note 42.

45. *1962 Report of the Dean*, *supra* note 43, at 5-6.

46. *Id.* at 9.

47. Mason Ladd, *Report of the Dean of the Iowa Law School to the Bar*, 49 IOWA L. REV. 1, 6 (1963) [hereinafter *1963 Report of the Dean*].

48. *Id.*

implement the needed legal infrastructure. The legal work included such projects as establishing a stable land title system, working out a just eminent domain law, creating a reliable land-based credit system based on using the new land titles as security for purchase money loans, and reviewing existing property tax rules. The land reform mission in Peru also called for bringing Peruvian law students and lawyers to Iowa for graduate-level education, necessitating that the law school in 1964 to create its first graduate law degree program, an Master of Comparative Law, limited to foreign-educated lawyers.<sup>49</sup>

Dean Ladd's description of the challenges posed by this large-scale international project recognized the difficulties that could lie ahead if the Center undertook the land reform work. He stated: "All must be done with full consideration of the economic and social life of the country [Peru] and in full cooperation with the people who must finally accept or reject the proposals developed."<sup>50</sup> Professor Sam Fahr began his decade-long participation on the project with a summer visit to Peru in 1963.<sup>51</sup> The Center was deeply involved in Peru for the next ten years with mixed results at best. As the Peru project moved forward it led to something of a bifurcation within the Center. The domestic productivity of the Center continued apace, based at the University of Iowa, but the international work in Peru was managed largely by the ISU staff. To be sure, individual law faculty members and temporary personnel hired by the Center specifically to work in the Peru Mission played key roles in conducting the law reform study, but the full resources of the Center and the University of Iowa were never heavily invested in the project. More on the Peru Project later.

Dean Ladd sought to exploit the success and growing national reputation of the Center through a concerted campaign to attract additional funds from the University of Iowa to expand the size of the law faculty. He succeeded in this endeavor. Over a five-year period, four new faculty members came to Iowa, each with 50% teaching responsibilities and a 50% research commitment to the Center. Faculty members appointed under this arrangement were Jeffrey O'Connell in 1959,<sup>52</sup> myself in 1962,<sup>53</sup> Paul Neuhauser in 1963,<sup>54</sup> and Richard Dole in 1964.<sup>55</sup> For faculty members new to teaching law, this arrangement afforded a wonderful

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49. *Id.*

50. See 1962 *Report of the Dean*, *supra* note 43.

51. 1963 *Report of the Dean*, *supra* note 47.

52. 1959 *Report of the Dean*, *supra* note 33, at 7-8.

53. 1962 *Report of the Dean*, *supra* note 43, at 12-13.

54. 1963 *Report of the Dean*, *supra* note 47, at 10.

55. Mason Ladd, *Report of the Dean of the Iowa Law School to the Bar*, 50 IOWA L. REV. 14, 24 (1964).

opportunity to ease into full-time classroom teaching, while having the research time to get a running start on producing the publications expected for tenure and promotion. As noted earlier, O'Connell's work in the Center focused on drafting model contracts for the vertical integration study. Neuhauser made contributions to various Center publications on incorporating farm businesses. Dole mostly worked on analyzing the possible effects of the new UCC law on contracts for vertical integration. Although all four new faculty appointed with this dual assignment performed some significant work on various Center projects, I was the only one who "stuck" with the Center when afforded the opportunity to move on to become a regular full-time teacher. O'Connell left in 1963 to accept a position on the Illinois law faculty and a few years later moved to the University of Virginia law faculty, from which he retired.<sup>56</sup> Dole left Iowa in 1978 to accept a chair on the Houston University law faculty.<sup>57</sup> Neuhauser remained on the Iowa law faculty as a full-time classroom teacher until his retirement in 2001.<sup>58</sup>

The reason for this difference in career paths is easy to explain. Unlike the other three new faculty members assigned to the Center, all of whom were raised in urban environments, I came to Iowa with a background in farming and a genuine interest in agricultural law issues. I was raised on a dairy farm in Eastern Kansas, where I worked in the family farm business until leaving for college. In law school at the University of Kansas, I had the good fortune to work as an RA for Dean James K. Logan. Dean Logan wisely took advantage of my familiarity with agricultural matters to assign me research projects related to a chapter in a book he was writing on estate planning for farm families. For me, the Center was an ideal place to conduct research and engage in service activities I naturally gravitated toward. Every project I undertook while working in the Center was something I wanted to explore. Simply by working in the Center I was afforded opportunities to participate in state and regional organizations focused on agricultural law issues. For example, I was one of three University of Iowa faculty members appointed to serve on the Iowa State Water Resources Research Institute Council, which sponsored water law research and provided occasional grants to the Center. I was also appointed Chair of the Legal Aspects Subcommittee of the North Central Regional Economic Research Committee of the USDA. Both of these assignments served to broaden my understanding of the complexity of agricultural law issues.

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56. See generally *Jeffrey O Connell*, U. IOWA L. LIBR., <https://perma.cc/A24Z-UDHG> (archived Oct. 2, 2019).

57. *Richard F. Dole Jr.*, U. IOWA L. LIBR., <https://perma.cc/WR83-DWAX> (archived Oct. 2, 2019).

58. *Paul M. Neuhauser*, U. IOWA L. LIBR., <https://perma.cc/EL2P-3CFL> (archived Oct. 2, 2019).

When I was named Director of the Center in 1963, my commitment to this work was even more solidly reinforced.<sup>59</sup>

My becoming Director of the Center, after only one year on the law faculty, was one of those “right place, right time” stories. During my first year at Iowa an simmering dispute between John O’Byrne and Dean Ladd blew up during a regular faculty meeting. The source of this disagreement could be traced back to a Center publication proposing a greatly expanded service role for the Center in dealing directly with Iowa farm families. The proposed expansion envisioned the Center delivering regular services to rural communities much the same way the ISU Extension Service had provided them for decades,—presenting well-researched programs directly to farm families on legal topics of concern to them as consumers of the Center’s services.

Although Dean Ladd always publicly supported the work of the Center, I suspect he was a little ambivalent about the success of the Center being almost entirely attributed to the leadership of O’Byrne and Timmons. In one of his early annual Dean’s Reports, for example, Dean Ladd included the observation that, although O’Byrne provided day to day leadership for the Center, he as law school Dean ultimately was in charge of it.<sup>60</sup> I found out later from Willard L. Boyd (Sandy Boyd) that between 1960 and 1963 Dean Ladd had been secretly seething over what he regarded as an unauthorized, perhaps clandestine, 1960 meeting O’Byrne and Neil Harl attended with President Virgil Hancher.<sup>61</sup> This meeting took place without Ladd’s knowledge during an extended period he was away from his office with a serious illness. At this meeting, the proposal for a new service model for the Center outlined in the 1960 Center Report<sup>62</sup> was presented to the President, who reportedly gave it his approval for further development without consulting Dean Ladd.

I was present at the faculty meeting during the summer of 1963 when the idea of the Center expanding its role by presenting programs on legal issues directly to gatherings of farm families was under discussion. In the middle of this discussion, Dean Ladd erupted and voiced his strong disapproval of the idea in flamboyant terms. I well remember the way he phrased his objection. It went something like: We should certainly reach out to share the fruits of our legal

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59. N. William Hines, U. IOWA L. LIBR., <https://perma.cc/43ST-DS8C> (archived Oct. 2, 2019).

60. See *1954 Report of the Dean*, *supra* note 11, at 8 (O’Byrne is the Center’s Director, but the Center “is under the general supervision of the Dean of the College.”).

61. John C. O Byrne, *supra* note 3; Neil E Harl Bio, *supra* note 20; Virgil M. Hancher, U. Iowa L. Libr., <https://perma.cc/J9UY-ZQMV> (archived Oct. 2, 2019).

62. See UNIV. OF IOWA COLL. OF LAW AGRIC. LAW CTR., *supra* note 9, at 13-15.

research efforts with practicing Iowa lawyers at Legal Institutes and CLE programs, but I will not have my law professors meeting with gatherings of lay people in church basements. It is professionally inappropriate and it is undignified.

If my recall of Dean Ladd's objection strikes the reader as somewhat over the top, it probably was, but it was also a reflection of the mindset of mid-20th century law professors, who held an extraordinarily high opinion of their intellectual prowess and social status. To many of them it was unthinkable to share the fruits of their legal research directly with non-lawyers. Professional perspectives, however, change with the times. Forty years later, the Iowa Legal Clinic now routinely offers its legal services directly to impoverished or disabled clients. In an even more relevant comparison, since the early 2000s, Sandy Boyd has done exactly what O'Byrne proposed for the Center in 1960. Sandy Boyd regularly took the research product of his Waterman Non-Profit Center directly to lay audiences,<sup>63</sup> sometimes in church basements, and Boyd was widely praised around the State for extending the University Iowa's outreach in this way.

Dean Ladd's outspoken personal opposition killed the proposal for the Center to initiate an ambitious outreach program to farm families. Ladd's opposition also caused O'Byrne to resign as Director of the Center shortly thereafter. As the only law faculty member on the Center staff, by default I became the new Center Director. O'Byrne continued his peripheral involvement with the Peru land reform project, but he did no more work with the Center on its domestic agenda.<sup>64</sup> I did not realize it at the time, but O'Byrne leaving the Center also meant that we no longer enjoyed a close working relationship with John Timmons, one of the Center's founders and its most regular contributor from ISU. For the first ten years of the Center's operation, the Center counted on Timmons to suggest new projects, contribute economic analyses to ongoing studies, and broker legal-economic partnerships with his colleagues at ISU. Timmons stayed deeply involved in the Peru Land Reform Mission, but when O'Byrne ended his participation in the Center's domestic research program, Timmons dropped out of this work as well.

From 1963 onward, Dr. Harris was the only source of regular economic input to the interdisciplinary legal-economic analysis that Center projects routinely offered. Dr. Harris's contributions were always very helpful, but he did not have

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63. Willard L. -Sandy- Boyd, U. IOWA L. LIBR., <https://perma.cc/H93Y-XTWM> (archived Oct. 2, 2019).

64. O'Byrne left Iowa City to join the Northwestern law faculty in 1966. *John C. O Byrne*, *supra* note 3. Ultimately, O'Byrne was appointed the Dean of the University of Georgia School of Law, from which he retired some years later after completing a highly successful deanship.

access to an entire department of agricultural economists to match with law faculty researchers and student RAs in the way John Timmons did in the first decade of the Center's activities. As reflected in the 1960 Report that caused the breakup between O'Byrne and Dean Ladd, the Center's early productivity was nothing short of amazing.<sup>65</sup> The 1960 Report systematically listed every publication associated with the Center by type, including twelve books, twenty journal articles, twenty monographs and bulletins, thirteen circulars, twenty-one outlines, ten technical periodicals, and forty-one articles in agricultural magazines.<sup>66</sup>

One important additional service the Center provided to researchers in the Midwest was the editing and publication of thirteen papers presented in the Center's Monograph series, which featured papers submitted at regional events. All four of these Monographs published papers from professional conferences sponsored by the Legal Aspects Subcommittee of the North Central Land Economics Research Committee, a regional organization with which the Center had a strong working relationship.<sup>67</sup>

#### VI. THE CENTER'S PROJECTS DURING THE EARLY YEARS OF HINES' DIRECTORSHIP

Looking back at my decade-long tenure as Center Director, I regret not producing more complete contemporaneous records of the research and service activities undertaken by the Center.<sup>68</sup> The beauty of the Center's slimness as a research organization during this period, however, was that it allowed Dr. Harris and me to pursue our research passions in agricultural law without worrying about having to follow some master plan. While we continued to be responsible to the Law School Dean for results in the long term, day to day we were our own bosses. The 1960 Service Report referred to earlier laid out an ambitious research and

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65. See UNIV. OF IOWA COLL. OF LAW AGRIC. LAW CTR., *supra* note 9, at 30-40.

66. See *id.*

67. See FAMILY FARM CORPORATIONS (Marshall Harris & N. William Hines eds., 1963) (published three papers from a seminar held in Chicago in November, 1960); LEGAL-ECONOMIC RESEARCH, *supra* note 30 (demonstrating published six papers from a symposium held in Urbana, Illinois in June, 1958); DEAN T. MASSEY & GORDON D. ROSE, OPPORTUNITIES FOR REGIONAL RESEARCH ON WATER RESOURCE PROBLEMS (1968) (published five papers from a seminar held in Chicago in March 1968); METHODS FOR LEGAL-ECONOMIC RESEARCH INTO RURAL PROBLEMS (N. William Hines & Marshall Harris eds., 1966) (demonstrating seven papers published from a workshop held in Lansing, Michigan in June, 1965).

68. Neil Hamilton did not make this mistake at Drake. Our Law Library has a thick file entitled ALC Reports that I came across in my research. It turned out this file contained a large number of monthly reports from the Drake Agricultural Law Center advising its clientele of the Center's current activities.

service agenda for the Center, listing sixteen areas for future study.<sup>69</sup> While Dr. Harris and I felt no obligation to follow the agenda, in light of the law school faculty's rejection of it, there was not a single project on the list that was not of professional interest to one or the other of us, and most commonly we were both interested. Over time, we issued research publications on most of the topics on the 1960 list. The only research activity the Center undertook in later years that was not on the 1960 list involved my work in the emerging field of water quality regulation.

Not only did Dr. Harris maintain a steady flow of publications in agricultural economics journals throughout this period, he was often a co-author with myself, other law faculty members, or RAs on monographs or pamphlets published by the Center. Our RAs were an important work force for the Center. Over my ten years as Director over twenty RAs contributed research to publications issued by the Center.<sup>70</sup>

My research interests at this time were heavily influenced by the *Law in Action* studies then being produced at the Wisconsin Law School under the leadership of Professor Jacob H. Beuscher.<sup>71</sup> Before I came to Iowa, Beuscher appeared at an Institute sponsored by the Center and urged greater legal-economic research into noncontroversial statutes and emerging case law that nevertheless significantly affected how real people used their land resources.<sup>72</sup> In one of the papers presented at this institute, Beuscher urged legal/economic researchers to think outside the box. He wrote "The researcher who is recommending legal

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69. See UNIV. OF IOWA COLL. OF LAW AGRIC. LAW CTR., *supra* note 9, at 14 (The sixteen research areas listed in the 1960 Report were 1. Estate Planning, 2. Water Use, 3. Farm Corporations, 4. Vertical Integration, 5. Farm Income Taxation, 6. Land Contracts, 7. Landlord/Tenant Relations, 8. Farm Liabilities, 9. Small Watershed Management, 10. Rural Zoning, 11. Soil Conservation, 12. Joint Tenancies, 13. Farm Partnerships, 14. Regulation of Nonfarm Inputs, 15. Farm Trusts, 16. Legal Aspects of Agricultural Medicine).

70. I am not sure this list is complete, but here chronologically are the twenty-four RAs who worked in the Center 1963-1973: John R. Hughes, '64; Gayle Swedmark, '65; Ronald Feilmeyer, '65; Norman Frederichs, '65; Thomas Kamp, '65; Gerald Leimer, '66; Lawrence Seufferer, '66; James Kallmer, '66; Fred Jacobberger, '66; Victor Springelmeyer, '66; David Shores, '67; David Blair, '68; Dick Montgomery, '69; Forest Evashevski, '69; Philip Boelter, '69; Richard Howes, '69; Greg Carlson, '69; Frank Pechacek, '69; Dana Waterman, '71; Lamont Olson, '71; Hugh Mossman, '71; Pete Rael, '72; Roy Harsch, '72; Neil Onerheim, '75.

71. See LEGAL-ECONOMIC RESEARCH, *supra* note 30, at 50.

72. See generally Jacob H. Beuscher, U. WIS. L. SCH. (archived Oct. 2, 2019), <https://perma.cc/7CEW-AFPV>.



change today must be aware of the continuing need to invent new devices and procedures and to reshape old ones to achieve the goals he has in view.”<sup>73</sup>

During my years as Center Director, the primary change I introduced to work in the Center was to add a modicum of empiricism to our studies. Earlier Center studies relied exclusively on the reports of ISU Extension agents about what was happening on the ground in agricultural communities. Even the large-scale study of vertical integration relied upon selected contracts supplied to us by USDA. Under my leadership, we started mounting manageable empirical studies to collect our own factual information about what was happening in the real world, basing our legal-economic analyses on these findings. For example, we studied deeds recorded in county courthouses to learn about land ownership patterns, extracted our own data from state records to evaluate the effectiveness of the Iowa water permit system, examined estate records to learn how farm families were actually passing farms from one generation to the next, and reviewed the administrative records and interviewed key public health officials to learn how state water pollution control programs operated day to day. By no means was all of our research performed this way, but between 1963 and 1973 we published enough empirically based projects that our field research became the Center’s signature image in the national research community.

My first project with the Center involved completing a study I had started in law school concerning installment land contracts. My article, *Forfeiture of Installment Land Contracts*, was published in 1964.<sup>74</sup> The same year, my first Iowa project was also completed and published. It concerned Iowa Probate Law. In 1963, the Iowa General Assembly adopted a major reform of Iowa probate law drafted and recommended by the Iowa State Bar Association’s Probate Law Committee. As a new member of the Probate Committee, I quickly gained an insider’s understanding about the most important changes wrought by the reform and wrote about them in an article entitled *Freedom of Testation and the Iowa Probate Code*.<sup>75</sup>

Also in 1964, we completed work on a popular research publication, *Iowa Farm Fence Law*, co-authored with Dr. Harris and published as ALC Monograph #4.<sup>76</sup> This publication examined in detail Iowa’s rather arcane laws governing the

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73. See LEGAL-ECONOMIC RESEARCH, *supra* note 30, at 50.

74. N. William Hines, *Forfeiture of Installment Land Contracts*, 12 KAN. L. REV. 475 (1964).

75. See generally N. William Hines, *Freedom of Testation and the Iowa Probate Code*, 49 IOWA L. REV. 724 (1964).

76. See generally N. WILLIAM HINES & MARSHALL HARRIS, *IOWA FARM FENCE LAW* (1964).

location, ownership and types of farm fences, along with the duties to maintain farm fences, including the role of Township Trustees as “Fence Viewers.”<sup>77</sup> This Monograph was republished twice and yet the Center’s supply of them was exhausted within two years of its final publication. For many years after the Center closed, I received requests for copies of this publication and heard fervent expressions of hopes it would be updated. If the Center had continued to exist, no doubt we would have felt obliged to update and republish the Farm Fence Monograph, but after the Center closed, I never did so because there were always new research projects coming along of greater interest to me.

Starting in 1965, my personal research agenda shifted to studying the role of joint tenancies in estate planning for farm families and to examining Iowa’s water laws. My first venture into joint tenancy law in 1965 focused on the use of joint tenancy transfers in estate planning for Iowa farm families, examining both property law and tax law issues. This research resulted in the publication of ALC Monograph #7.<sup>78</sup> As this research interest developed, this Monograph turned out to be the first of five scholarly publications on joint tenancies over the years.

My most ambitious joint tenancy project involved organizing an empirical study to examine several years of recorded deeds in five counties arrayed across Iowa. To accomplish this, I had a team of RAs review thousands of recorded Iowa deeds creating some form of joint ownership, keeping track of key information about each deed. The results of this study were published in 1966.<sup>79</sup> The one transcendent finding of this study was that when deeds creating co-tenancies involved husbands and wives, over 98% of the deeds created classic joint tenancies with rights of survivorship.<sup>80</sup> I attempted to convince my colleagues on the Iowa Probate Committee that this amazing finding justified the Bar sponsoring an amendment to Iowa Code Section 557.15, reversing the presumption against joint tenancy in deeds to husband and wife cotenants. This plea fell on deaf ears, however, because these senior probate lawyers were loath to any use of joint tenancies in estate planning. Nearly fifty years later in 2014, when the Iowa legislature finally enacted Section 557.15(2),<sup>81</sup> creating a strong presumption in favor of joint tenancy when the cotenant grantees were husband and wife, not a

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77. *See id.*

78. *See* N. WILLIAM HINES, ESTATE PLANNING IOWA JOINT TENANCIES (1965), <https://perma.cc/FHT6-NV8L>.

79. *See generally* N. William Hines, *Real Property Joint Tenancies: Law, Fact, and Fancy*, 51 IOWA L. REV. 582 (1966).

80. *Id.* at 617.

81. *See* IOWA CODE § 557.15(2) (2018).

word was mentioned about how my 1966 study clearly justified this change in the law nearly half a century earlier.

Research at the Center involving water law issues took shape first in a study conducted largely by RA Charles O. Campbell, 1965, on Iowa's small watershed program.<sup>82</sup> This publication was nominally co-authored by Dr. Harris and myself, but my role was only one of project supervisor and final editor.<sup>83</sup> By contrast, my research into Iowa's statutory system for allocating water during times of drought took the form of another large-scale empirical study. I had RAs collect ten years of data dealing with the content of permits issued by the Iowa Water Resources Council. Close examination of these permits showed that, although they took a lot of time and trouble for water users to acquire, they provided very little to no protection for the permit holders' water rights during periods of extreme low water. In reality, water levels in Iowa streams typically passed so rapidly from flows where all users could withdraw water, to low flows where maintaining the required minimum flow to protect aquatic life meant no permit holder could withdraw water.<sup>84</sup> Thus, what appeared on paper to be a beautifully designed water allocation system simply could not operate effectively under normal Iowa drought conditions.<sup>85</sup> This study was published in 1966 as Iowa ALC Monograph #9, and republished in two issues of the Natural Resources Journal.<sup>86</sup> The Center completed another water-related study in 1970 focused on using zoning techniques to control potentially disruptive land uses in flood plains.<sup>87</sup>

#### VII. CENTER PROJECTS IN THE LATER YEARS OF HINES' DIRECTORSHIP

The biggest change in the work of the Center during its final five years reflected the shifting of my interest in water law to public control of surface water

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82. See generally CHARLES CAMPBELL ET AL., LEGAL ASPECTS OF THE SMALL WATERSHED PROGRAM IN IOWA (1965), <http://publications.iowa.gov/26638/1/Legal%20aspects%20of%20the%20small%20watershed%20program%20in%20Iowa001.pdf>.

83. See generally *id.*

84. N. William Hines, *A Decade of Experience Under the Iowa Water Permit System - Part Two*, 7 NAT. RESOURCES J. 499, 521-47 (1967) [hereinafter *A Decade of Experience Part Two*].

85. *Id.*

86. See generally N. WILLIAM HINES, A DECADE OF EXPERIENCE UNDER THE IOWA WATER PERMIT SYSTEM (1966); N. William Hines, *A Decade of Experience Under the Iowa Water Permit System - Part One*, 7 NAT. RESOURCES J. 499 (1967); *A Decade of Experience Part Two*, *supra* note 84.

87. See generally N. William Hines et al., *Suggestions for a Model Flood Plain Zoning Ordinance*, 5 LAND & WATER L. REV. 321 (1970).

and ground water quality. The first step in this developing interest was a co-authored book on the topic with Professor Ted Willrich of ISU's Engineering Department, for which I wrote the chapter on legal water pollution issues.<sup>88</sup> Shortly thereafter, Iowa Professor Mark Schantz and I undertook an empirical study of the regulation of water quality in Iowa.<sup>89</sup> Publication of this article led immediately to a more detailed national study of the public regulation of water quality at the state, regional and federal level, which was published by the Iowa Law Review in three installments.<sup>90</sup> In rereading these seminal articles today, they appear more descriptive and less analytical than what one expects in high-end legal scholarship, but they were the first of their kind in the national legal literature on public control of water quality. These three articles attracted a good bit of national attention during a time when the United States Congress was considering a major overhaul of federal regulation of water quality and making massive public investments to upgrade the water pollution control technology employed by municipalities.

These initial forays into water pollution control were followed by three pieces dealing directly with modern agriculture as a major culprit in fouling the nations' waters. The first article dealt with runoff from farm lands under agricultural cultivation as a major non-point source of water pollution and it was published in the Cornell Law Review in 1968.<sup>91</sup> I next wrote a chapter, "Legal Aspects of Agricultural Pollution," published in a 1970 book produced at Iowa State entitled *Agricultural Practices and Water Quality*.<sup>92</sup> The third article, published in 1974 in South Dakota Law Review, focused on the threat of massive jolts of water pollution posed by manure escaping from the ever-enlarging confined animal feedlots in the Midwest.<sup>93</sup> As a result of these publications

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88. See generally TED L. WILLRICH & N. WILLIAM HINES, IOWA WATER RES. POLLUTION CONTROL & ABATEMENT SEMINAR, WATER POLLUTION: CONTROL & ABATEMENT (1967).

89. N. William Hines & Mark E. Schantz, *Improving Water Quality Regulation in Iowa*, 57 IOWA L. REV. 231 (1971).

90. See N. William Hines, *Nor Any Drop to Drink: Public Regulation of Water Quality, Part I: State Pollution Control Program*, 52 IOWA L. REV. 186 (1966); N. William Hines, *Nor Any Drop to Drink: Public Regulation of Water Quality, Part II: Interstate Arrangements for Pollution Control*, 52 IOWA L. REV. 432 (1966); N. William Hines, *Nor Any Drop to Drink: Public Regulation of Water Quality, Part III: The Federal Effort*, 52 IOWA L. REV. 799 (1967).

91. See generally N. William Hines, *Agriculture: The Unseen Foe in the War on Pollution*, 55 CORNELL L. REV. 740 (1970).

92. See AGRICULTURAL PRACTICES & WATER QUALITY 365-77 (Ted L. Willrich & George Edward Smith eds., 1971).

93. See generally N. William Hines, *Farmers, Feedlots and Federalism: The Impact of the 1972 Federal Water Pollution and Control Act Amendments on Agriculture*, 19 S.D.L. REV. 540 (1974).

sponsored by the Center, in 1970 I was invited by the National Water Commission to undertake a comprehensive national study of the public efforts to protect and improve water quality. This was by far the largest empirical project ever associated with the Center. It involved employing four professional researchers to conduct detailed studies of the public water pollution control activities in five states around the nation with quite different geographic and socio-political characteristics. I designed the format for this study, and when the field work was completed, I synthesized the research results and wrote the final report on the project. This report was published in 1971 as an 800-page monograph by the United States Government Printing Office.<sup>94</sup> This report was later included as Chapter 4 in the Final Report of the National Water Commission, published in 1972 just before Congress enacted the revolutionary Water Pollution Control Act of 1972.<sup>95</sup>

My heavy commitment to research on public water quality regulation did not prevent the Center from moving forward with its more traditional work on mainstream agricultural law topics. Additional monographs were published during this period and Dr. Harris continued to write about the agricultural economics dimensions of the legal matters under study in the Center. In 1973, Dr. Harris wrote an essay on *Entrepreneurship in Agriculture*, which was published as ALC Monograph #12.<sup>96</sup> Shortly before his retirement, Dr. Harris wrote a lengthy paper on titled, *Legal-Economic Aspects of the Law of Waste as it Related to Farming*, which was published as ALC Monograph #13.<sup>97</sup> He also penned a thoughtful essay about his personal experience as a partner in numerous legal-economic studies of agricultural law issues, and urged the model of the Center be replicated in universities around the country.

My own research into the legal problems posed by intergeneration transfers of farm businesses resulted in one last 1966 update of the ISU Extension Bulletin on *Transferring Farm Property Within Families in Iowa*<sup>98</sup> and in four additional publications on the subject. I directed an empirical study the Center undertook at the invitation of USDA entitled *An Empirical Study of the Settlement of Large Farm Estates in Iowa*.<sup>99</sup> This study was published in an unnumbered Center

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94. See generally N. WILLIAM HINES, PUBLIC REGULATION OF WATER QUALITY IN THE UNITED STATES (1971).

95. See generally U.S. NAT'L WATER COMM'N, WATER POLICIES FOR THE FUTURE 63-108 (1973).

96. See generally MARSHALL HARRIS, ENTREPRENEURSHIP IN AGRICULTURE (1972).

97. See generally MARSHALL HARRIS, LEGAL-ECONOMIC ASPECTS OF WASTE LAW AS IT RELATES TO FARMING (1974).

98. O'BYRNE ET AL., *supra* note 8.

99. N. WILLIAM HINES, AN EMPIRICAL STUDY OF THE SETTLEMENT OF LARGE FARM ESTATES IN IOWA, USDA (1969).

monograph in 1969.<sup>100</sup> It reused the data collected in an earlier examination of probate records in five Iowa counties, focusing primarily on the large farm estates identified.<sup>101</sup> The detailed data gathered in this field study was used in three different publications: My article *Personal Property Joint Tenancies: More Law, Fact, and Fancy*, published in the Minnesota Law Review in 1970,<sup>102</sup> *Problems in Using Survivorship Accounts as Non-Probate Transfers* was published as part of an Iowa State Bar Association Workshop in 1972,<sup>103</sup> and *Estate Planning for the Agricultural Businessman* was published by the University of Miami as part of the Proceedings of the 7th Institute of Estate Planning in 1973.<sup>104</sup>

The Iowa Universities Land Reform Mission in Peru continued into the early 1970s, before a change in Peru's ruling government terminated continued local support for the project. After two summer visits to Lima, Professor Sam Fahr served as Chief-of-Party for the Mission and lived in Peru for two years, 1971 to 1972. Over time, the day to day administration of the Peru Mission was assisted by two temporary law school faculty members. First, Iowa law graduate Dale Furnish J.D., 1965, was assigned to the Peru Mission to work on the land reform project from 1966 to 1968. Later Fred Mann, a 1964 Illinois law graduate, replaced Furnish and he was employed to work on the land reform project in Peru 1968 to 1972.<sup>105</sup> Throughout this time, John Timmons and other faculty members from ISU visited Peru periodically to assist with the economic aspects of the land reform efforts, and College of Law Deans at the University of Iowa, David Vernon and Larry Blades, both made short visits. Although I was never directly involved in the Peru project, I was always skeptical that United States law and economics professors, who knew next to nothing about creating the necessary legal infrastructure for promoting effective land reform, could succeed in such an almost feudal and seriously underdeveloped foreign country. The Peru Land Reform Project lasted for ten years, but I never saw any convincing evidence that serious land reform actually took place. I always admired Sam Fahr, however, for being

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100. *Id.*

101. *Id.*

102. See generally N. William Hines, *Personal Property Joint Tenancies: More Law, Fact and Fancy*, 54 MINN. L. REV. 509 (1970).

103. See generally N. William Hines, *Problems in Using Survivorship Accounts as Non-Probate Transfers*, in IOWA STATE BAR ASS'N, WORKSHOP OUTLINES 63-69 (1972).

104. See N. William Hines, *Special Problems in Planning the Agricultural Businessman's Estate*, in 7 PHILIP E. HECKERLING, UNIV. OF MIAMI LAW CTR., THE ANNUAL INSTITUTE ON ESTATE PLANNING 11-1 (1973).

105. Frederic L. Mann, U. IOWA L. LIBR., <https://perma.cc/6Q8V-8APL> (archived Oct. 2, 2019).

willing to learn Spanish and to move to Peru for an extended period to serve as Chief of the Iowa Mission.

#### VIII. CLOSING DOWN THE CENTER IN 1973

Dr. Harris' retirement from USDA in 1972 was by far the most crucial factor leading to the decision to close down the Center in 1973.<sup>106</sup> Shortly after his retirement, Dr. Harris and his wife moved from Iowa City to North Carolina, and he made clear he had no interest in continuing to be active in the Center's work. Also significant was that USDA's leadership made clear upon Dr. Harris' retirement that they had no interest in replacing him or making further investments in the Center. This decision was presented to me as a budgetary matter, but in reality, all of the USDA officials who helped create the Center had moved on to other positions, and the new leadership group simply did not share their predecessors' enthusiasm for collaborative legal-economic research. Similarly, Timmons was about to retire from ISU, and his successor did not share Timmons' passion for interdisciplinary work with lawyers. Another minor factor was that I had accepted a visiting professorship at Stanford Law School for the 1974-1975 school year,<sup>107</sup> and there was no one on the law faculty at the time who could be recruited to supervise the Center in my absence.

During his career, Dr. Harris devoted considerable study to the role of churches in settling and developing the Midwest. As he was retiring, he reminded me of some famous Ecclesiastes verses: "There is a time for everything," including "A time to search and a time to give up,"<sup>108</sup> He suggested that perhaps, with both of us moving on, the time to give up on the Center had unfortunately arrived—the Center should not suffer a lingering death. I agreed it was difficult to see a clear path ahead for the Center. Dean Blades had made one brief trip to Peru, but otherwise he had no special interest in the Center's work. With the Peru Project terminated, Dr. Harris retiring, my moving to full-time teaching, and no one in the law school interested in stepping into a leadership role, Dean Blades had no objection to closing the Center down. The Center's long-time Secretary, Gail Brummell, was absorbed into the regular law school secretarial pool, the Center's office space was easily adapted to other law school needs. After the Center closed, I saw to it that we continued to respond to requests for Center publications for several years until the supplies became exhausted. For the next several years, the University of Iowa's faculty recruitment efforts included searching for someone to

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106. *Marshall D. Harris*, *supra* note 26.

107. *N. William Hines*, *supra* note 59.

108. *Ecclesiastes* 3:1, 6.

resurrect the Center, but no suitable candidate appeared on the horizon. After a few years, finding a new leader for the defunct Center was no longer a priority.

The relatively short, but high profile, life of the Center reminds me of the legendary village of Brigadoon, celebrated in a 1960s Broadway musical.<sup>109</sup> Like Brigadoon, the Center appeared on the Iowa scene almost overnight in the early 1950s, but it came to life fully operational and highly active. Over the next twenty years the Center produced a prodigious amount of legal-economic research touching almost every conceivable aspect of agricultural law. Then just as suddenly it vanished into the mists in the early 1970s, with memories of its “glory days” rapidly receding.

Will the Center or something like it ever return? The odds are not good, but the needs and opportunities for the type of high-end legal-economic research the Center produced are certainly still abundantly present. As was true in the 1950s, all it would take is the same yeasty combination of professional commitment, reasonable resources, cooperative impulses, and dedicated leadership coming together on the university campuses of Iowa and Iowa State. Will the stars align for another Center to Brigadoon-like magically appear again? I would not advise holding one’s breath until it happens, but as was observed earlier, the role the Center filled was so useful to Iowans and is such a good idea that emergence of a new Center cannot be regarded as beyond the realm of possibility.

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109. Alan Jay Lerner & Frederick Loewe, *Brigadoon* (1947).