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NEBRASKA'S NEW LEGISLATURE¹

By LANE W. LANCASTER*

“ONE swallow does not make a summer,” and both writers and readers about Nebraska’s one-house legislature would do well to keep this ancient saw in mind. The form of a political institution is not necessarily vital, and only extended experience can demonstrate the degree to which it may be bent to undesirable as well as desirable uses. For this reason, all current discussions, including this one, must be regarded as highly tentative and of value largely as matter of record.

Like most other popular reforms the movement for a unicameral legislature has a long history in Nebraska. Though adopted only in 1934 under the patronage of Senator George W. Norris, it was first discussed a quarter of a century ago, and its most active and tenacious supporter through the years was John N. Norton, member of the present legislature from Polk County, and chairman of its committee on rules. As long ago as 1913, Mr. Norton proposed in the legislature of that year an amendment to provide for a single chamber. A committee of the legislature actually reported in favor of such an amendment, but its report was rejected by that body. As a member of the constitutional convention of 1919-1920, Mr. Norton brought forward a similar measure which failed to be submitted to the voters only by a tie vote. Before and since the constitutional convention, the suggestion was frequently the subject of public discussion, so that when a concrete proposal appeared on the ballot in 1934, it could not be called a novelty in the state.²

The movement for a single house which turned out to be successful was initiated late in 1933 by Senator Norris, who rightly judged that the voters would be in a mood to consider such a proposal favorably. The original plan of Senator Norris proposed simply a single chamber of twenty-one members, to be chosen on a non-partisan ballot for a term of four years, and to be paid

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¹The author is indebted to Senator Lester Dunn of Lincoln for advice and assistance in the preparation of this article.

²Mr. Norton, prior to his service in the legislature, had held several county offices. Following four terms in the legislature, he represented his district for four years in the lower house of Congress. At the time of his election to the unicameral legislature, he was an official in the federal Department of Agriculture.

each \$2,400 a year. This brief suggestion was communicated to an informal local committee, which took charge of the work of securing signatures for an initiative petition and drafting an amendment in proper form. In the hands of this committee, the suggestion of Senator Norris underwent considerable change. Believing that the voters would not accept a membership as small as twenty-one, but might be persuaded to ratify an amendment providing for not more than fifty, the proposal as it finally appeared provided that the new legislature might contain from thirty to fifty members, the exact number to be determined by the legislature of 1935. This provision was closely related to that having to do with the salary to be paid. It was not considered good tactics to ask the voters to approve a salary which would exceed that being paid the members of the bicameral legislature. Each of the 133 members of that body—100 in the House and 33 in the Senate—received \$800 for the term of two years, plus not to exceed \$100 for each special session.³ It was finally decided that the total allowance for salaries for the new legislature should not exceed \$37,500 per year, or a total of \$75,000 for the two-year term. This is some thirty thousand dollars less than was paid for salaries under the old plan. Since the salary was to be paid annually, it was believed that the total—now fixed at \$872.09 per member *per year*—would not only be a more adequate compensation in case the new legislature should decide to meet annually, but that, a salary being available during the second year, members might feel a somewhat greater sense of continuing responsibility.⁴ The committee that drafted the amendment felt also that those of the voters who opposed a very small house could take comfort from the possibility that it might be as large as fifty, while the members of the 1935 legislature who would have to determine the actual number, and many of whom would be aspirants for seats in the new body, might, in view of the larger salary, be persuaded to keep the number small.⁵ Many felt that the proposal for non-

³The unicameral amendment provides that only actual traveling expenses may be paid for attendance at regular and special sessions, thus repealing by implication the provision for payment of the indemnity of not over \$100 for a special session. The governor still has the power to call special sessions, but by Legislative Bill 394, procedure is set up by which 29 members of the unicameral body may call a session in the even-numbered years.

⁴By Legislative Bill 12, approved January 22, 1937, the following schedule of salary payments for the biennium was enacted: For 1937: January 15—\$472.09; February 1—\$200; March 1—\$200; for 1938: January 1—\$272.09; April 1—\$200; July 1—\$200; October 1—\$200.

⁵"The editor of the Beatrice Sun made the shrewd observation that

partisan election would defeat the amendment but, at the insistence of Senator Norris, this feature was retained.

The campaign for the adoption of the amendment began with an address by Senator Norris in Lincoln on February 22, 1934.⁶ This was followed by active efforts to secure signatures to the petitions to place the measure on the ballot. Under the Nebraska constitution these signatures must equal ten per cent of the vote cast for governor at the last election, and they must be so distributed as to include five per cent of the voters in at least two-fifths of the counties of the state. This meant getting about 57,000 names; as a matter of fact about 95,000 were secured. Active campaigning began about a month before the November election. Senator Norris himself visited every important center in the state, and other sections were reached by appeals over the radio. Other supporters of the plan took to the stump in districts where they had a following.⁷

It is always difficult in an American election to know what considerations had weight with the voters in making their decision. There are those in Nebraska who believe that the amendment profited by being on the ballot with one permitting pari-mutuel betting, and another repealing state prohibition—both placed there by action of the 1933 legislature. According to this view those who favored the adoption of these "liberal" measures passed the word down the line to vote "Yes" on all three referred measures, lest the voters, in seeking to discriminate, should defeat them. An analysis of the vote on all three measures, however, does not support this theory. It is more likely that other factors carried greater weight. One of these is the prestige of Senator Norris, whose approval would win thousands of votes for almost any measure. Again, it may be assumed that the mood of experiment which was ushered in by the New Deal had not yet disappeared. Finally, the session of 1933 had done little to uphold the prestige of the old legislature.

'every mother's son of them is nursing an ambition to gain election to the new style legislature and he will have an eye cocked in that direction when it comes to forming the new districts.'" Senning, *The One-House Legislature* 68.

⁶This address was printed in the *Congressional Record* for February 27, reprinted as a small pamphlet, and widely circulated in the state.

⁷Reference may be made here to the following articles dealing with the events leading to the adoption of the amendment: Senning, *Nebraska Provides for a One-House Legislature*, (1935) 29 *Am. Pol. Sci. Rev.* 69 and *The One-House Legislature in Nebraska*, (1935) 13 *Neb. L. B.* 341; Orfield, *The Unicameral Legislature in Nebraska*, (1935) 34 *Mich. L. Rev.* 26; and Burdette, *Nebraska: A Business Corporation*, (March, 1935) *American Mercury*.

Nebraska had nearly always been safely Republican, and it was widely assumed in 1932 that it would stay in the Republican column. For this reason the Democrats had not been careful in the choice of legislative candidates, and the result of the landslide of that year was to sweep into office many legislators, who, to say the least, were not distinguished either by their ability or their dignity. Those favoring the adoption of the measure stressed the fact that one house would do away with the conference committee, and thus force legislation to be elaborated in the open; that it would make for heightened responsibility by reducing the size of the membership; that it would make it harder for "special interests" to defeat measures for the public good; that it would put an end to deadlocks which defeat wholesome legislation; and that it would be more economical. It is perhaps needless to say that some of the proponents of the new plan made extravagant claims on all these points. The opposition, though they could not openly deny that these were desirable things, did argue that they could not be brought about by adopting the amendment. The proposal was assailed as un-American and "radical," and an appeal was made to the wisdom of the "founding fathers" and to conservatism generally. When the votes were counted it was found that the amendment had been carried by a vote of 286,086 to 193,152, or by a majority of nearly 93,000. It was defeated in only nine counties out of 93, and in but 73 precincts of a total of 2,029.⁸

Easily the biggest and the most distasteful job before the session of 1935 was the passage of a districting act, and of course the hottest arguments had to do with the number of seats. There was little enthusiasm in either chamber for the lower limit of thirty members, though the Senate was willing to go farther toward it than the House. This difference made it impossible to act through a joint committee. In the end each house passed its own bill—the House, one providing for fifty members, the Senate, one calling for forty-eight. Ironically, the bill to set up a legislature which would do away with the conference committee was finally the result of the work of such a committee—of two such committees, in fact, the first having found it impossible to get its proposal for forty-three members adopted by both houses. The second

⁸The theoretical arguments favoring a single house are summarized in Garner, *Political Science and Government* 603-5. Senator Norris set forth his own views in two articles bearing the same title—*The One-House Legislature*, (1935) 24 *Nat. Mun. Rev.* 87, 99 and in the *Annals of the American Academy of Political and Social Science* for September, 1935.

conference committee also brought in a bill providing for a chamber of forty-three members. This was adopted by the Senate, rejected by the House, then reconsidered and finally adopted by the latter body at the end of the session. The number finally agreed upon was accepted largely because of the fact that it provided the most equitable balance of representation between the sparsely settled western part of the state and the more thickly populated eastern half, and resulted in districts with the least variation of population. It goes without saying that the hearings on the bill revealed the strength of various vested interests which had grown up about the old House and Senate districts, all of which were changed by the new apportionment, as well as the nervous misgivings of ambitious sitting members concerning their personal prospects under the new scheme.⁹

The primary election to name the 86 candidates for the forty-three seats was held in August, 1936.¹⁰ The fact that 283 aspirants filed indicates that seats in the new legislature were prized, the average per district being considerably greater than in the last few primaries under the old system. Of the 283 who filed, 122 had at some time or other served in the legislature, while 161 were without such experience. Of those with previous experience, 60 were nominated as against 26 of those without experience. Eighty-four of the experienced aspirants had been members of the 1935 legislature, 22 as senators and 62 as members of the house. Fifty-five of those with previous experience were nominated, 18 former senators and 37 former representatives. Thus the voters clearly preferred experienced members to those without experience, and senators to members of the lower chamber.

The same preferences were shown at the ensuing general election. Of the 43 members elected, 32 had served in former legislatures. Of the 18 candidates who had been senators in 1935, 13 were elected, as against 15 out of 37 members of the last house. The first one-house legislature, therefore, contained a considerably larger proportion of experienced members than was usually the case under the old system. The discrimination of the voters was even more clearly shown with regard to the party affiliation of the members finally elected. Of those nominated, 45

⁹The map in Appendix C of John P. Senning's *The One-House Legislature* indicates how the districting bill divided the state between east and west. For an explanation see pp. 69-73 of the same study.

¹⁰The following analysis of the primary and general elections is based upon Aylsworth, *Nebraska's Non-Partisan Unicameral Legislature*, in the (1937) 26 *Nat. Mun. Rev.* 77, 87.

were Democrats and 41 were Republicans. In 21 districts the contests were between members of opposite parties; in 22 the candidates belonged to the same party. When the votes were counted, it was found that 22 Democrats and 21 Republicans had been elected. This result occurred at the same election at which President Roosevelt carried the state by nearly 100,000 votes, while the Democratic candidate for governor won over his Republican opponent by more than 75,000. The 1933 legislature contained 112 Democrats and 21 Republicans; that of 1935, 90 Democrats and 43 Republicans, the election in both cases following quite closely the results on the national ticket. Even though Nebraskans do not normally take their party ties very seriously, it would be idle to deny that the absence of the party designation on the legislative ballot had a great deal to do with this result.

It is notoriously difficult to find generally accepted standards by which to judge the ability and representative character of such a body as a legislature. Each observer is likely to set a different value upon any factors taken as significant. Judged by the usual tests, however, the first unicameral legislature must be pronounced an able body. Professor Aylsworth's analysis shows that the formal educational qualifications of the members were unusually high. Fifteen were college or university graduates, and 17 others had had some training beyond secondary school. Forty-two per cent were farmers, 25 per cent lawyers and 25 per cent business men. Of the others one was a physician, one a veterinarian, one a football coach, and two were clerks. The representation of farmers was greater than the average of all the sessions since 1900, contrary to the prediction of the opponents of the amendment, who affected to believe that the influence of the farmers would be greatly reduced. The business men were distinctly of the "solid, substantial" sort, not given to radicalism, and properly described as conservative in temperament.

As to experience, not only were there more men of previous experience than was usual under the old system, but the proportion of the members who had served two or more terms was distinctly higher than before. There is, of course, no limit to the inferences that may be drawn from statistics on such a matter, but what we actually find, it seems, is that the voters chose the "pick" of the seasoned legislators of the state, plus eleven new members, who for the most part seemed to be somewhat better educated in the formal sense of the term than was normally the case. In short,

the result was not revolutionary, and only the naive could have expected it to be. Observation gave the impression that the members were determined, whatever their personal views of the experiment, to give the unicameral legislature a fair trial; that they were conscientious and hard-working; and that they conducted themselves with dignity and seriousness. In all of these respects they made a distinctly better impression than the average bicameral legislature. Whether it is a case of the new broom sweeping clean, of course, remains to be seen.

The new legislature faced two conditions entirely new—non-partisanship and unicameralism. It was obvious that members would have to rid their minds of prepossessions carried over from other days, and complete an organization consistent with the new conditions. Accomplishing this was rendered difficult by the fact that three-fourths of the membership had been in previous legislatures as representatives of political parties. In setting about their work, however, there was no evidence of resort to anything like a caucus, and every indication of a willingness to abide by the spirit of the new departure. Even the suggestion that an informal non-partisan caucus be used was rejected. The nomination of officers and committee chairmen was carried through without recourse to familiar partisan tactics. The choice of a speaker was made by informal ballot, and fell upon a Republican member, a former senator and dean of the body, serving his twelfth term. A Democrat who had been a senator in 1933 was chosen as clerk. The standing committees were elected by the entire membership upon the nomination of a committee on committees of eleven members—one chosen at large and two from each of the five congressional districts, the latter being nominated by members from such districts. For the chairman of this committee the legislature chose the second oldest member in point of service, a Democrat serving his eleventh term. Though the Republicans had a majority in four of the five congressional districts, in every case one of the members nominated to the committee on committees was a Democrat. As finally constituted, the committee contained seven Democrats and four Republicans, yet it gave 63 out of the 124 committee assignments to Republicans. Furthermore, five committee chairmen were members of the party having a minority in the committee's membership. It seems clear that the legislature conscientiously respected the non-partisan spirit of the amendment. It was the judgment of those acquainted with the member-

ship that ability and experience were considered first in the choice of committee chairmen.

The bicameral legislature worked through 68 committees—32 in the Senate, and 36 in the House. The number in the new body was fixed at 16—agriculture, appropriations, banking and insurance, claims and deficiencies, commerce and communications, drainage, irrigation and water power, education, enrollment and review, government, judiciary, labor and public welfare, legislative administration,¹¹ public health and miscellaneous subjects, public highways and bridges, revenue, and rules. These varied in size from five to eleven members. As it worked out, this system meant a total of 124 assignments, a number which permitted one-fourth of the membership to give their attention to the work of only two committees, and involved service on three or more by only a small number. A schedule of committee meetings was arranged so that no member had a conflict.

A complete set of rules, framed by a member of long legislative experience, with the assistance of parliamentary experts, was adopted early in the session. These rules were designed to secure deliberation, publicity, and the maximum of efficiency and responsibility. Though it may fairly be regarded as a carry-over from the psychology behind bicameralism, it was found impossible to abolish the device of the Committee of the Whole. In part, the retention of this committee was due to a belief in its value as an additional hurdle for bills, and in part to a desire for a method by which a member of the legislature's own choosing might take the place of the lieutenant-governor who, according to the amendment, is the regular presiding officer. But, to fix responsibility in the committee, the rules provide that it shall keep a record of its proceedings and take a yea and nay vote upon the demand of any member, such a record to be printed in the daily journal. As a means of preventing hasty legislation, the rules provide that no bill shall be placed on third reading and final passage until five days after its reference to the committee on enrollment and review, nor until two legislative days after its reference to third reading file. Printed copies of the bill in final form must be on the members' desks for one legislative day before the final vote is taken.¹²

¹¹The committee on legislative administration consisted of five members, one from each Congressional district. It had supervision over the employees of the legislature, its printing and its general business management.

¹²Section 14 of article III of the Nebraska constitution provides that no vote upon final passage of a bill shall be taken until five days after

The rules also give special attention to the work of the standing committees. Each is required to keep a record of its proceedings, and any two members may demand a roll call upon the reporting of any bill or amendment. The vote then taken is to be made a part of the committee report, to be entered in the daily journal of the legislature. Committees may not take final action on a bill until a public hearing has been held, of which at least five days' notice must be given. The legislature may by a majority vote demand a report from any committee after it has had possession of a bill or resolution for at least ten legislative days. Final action on bills and resolutions may be taken only at regularly scheduled committee meetings. In reporting bills, committees are required to recommend either (a) that the bill be placed on general file, or (b) that it be indefinitely postponed.

Though it may be conceded that these rules make ample provision for publicity and the fixing of responsibility, they did not, as they worked in the first session, shorten the route to the statute book. Some of the more enthusiastic supporters of the amendment seem to have believed that the smaller body could act with much less formality than its predecessor, and wind up the session in record time. Whether this is desirable or not, it did not happen, and the first session was one of the longest on record. Under the normal procedure a bill required two weeks to pass through its various stages, though this period might be shortened by suspension of the rules. The normal course of a proposal was as follows: the first and second readings must take place on separate legislative days. The bill then went to a standing committee. A favorable report by the committee placed the bill in its serial order on general file, where it awaited its turn unless the legislature by majority vote advanced it. Reading and debate for amendment took place in the committee of the whole. Then, unless indefinitely postponed or recommitted, it went to the Committee on Enrollment and Review for "recommendations relative to arrangement, phraseology, or correlation."

After this committee reported it back, it went to select file, and, provided three legislative days had elapsed since its reference to the committee, it was considered a second time in review. At this stage it might be amended, referred back to a standing committee, recommitted to general file for specific amendment, or rejected outright. If it survived these hazards it returned to the

its introduction, nor until it has been on file for final reading and passage for at least one legislative day.

Committee on Enrollment and Review to be engrossed. Returning to the legislature, it might be advanced to third reading file, or placed on select file for specific amendment.¹³ Two legislative days after its reference to third reading file it might be taken up for passage. But at any time before the final roll call it might be sent back to the Committee on Enrollment and Review for corrections and re-engrossment, or recommitted to a standing committee with or without instructions, or placed back on general file for specific amendment. Final approval could not be voted until the bill in printed form had been on the members' desk for at least one legislative day. Though these rules may seem unduly to emphasize deliberation, they met with general favor, except that there was considerable criticism of the retention of the committee of the whole. At the end of the session the rules were amended so as to drop this committee.

The work of lawmaking consists essentially in the adjustment of the interests likely to be affected favorably or unfavorably by proposals dumped into the hopper. For the best of reasons in the world those who register these adjustments in the form of statutes are not voluble in stating the reasons for their decisions. Because of this fact, outsiders do well not to go much beyond setting forth the bare record of a session in terms of bills passed. To attempt more means getting involved in the host of rumors, re-criminations, gossip, cynical comments, and sarcastic criticisms which fill the corridors of every capitol in the land. The first unicameral legislature was an able body, but its ability consisted in large part in the skills acquired by politicians everywhere. Presumably its members were no strangers to vanity and ambition, nor innocent of the arts of log-rolling and back-scratching. They did not do their work in a vacuum, and they knew that the first Tuesday after the first Monday in November, 1938 would eventually roll around. What they did we can set down; why they did it is in the realm of inference.

A total of 581 bills were introduced. Under the rules none might be introduced after thirty legislative days had elapsed, except upon the recommendation of the governor or by the consent of two-thirds of the legislature.¹⁴ Of this total, 555 were introduced during the thirty day limit, and 26 thereafter. This total

¹³Procedure on select file was really action in another committee of the whole. Early in the session a third check was used, bills going to what was known as legislative file, but this was dropped as unduly slowing up business.

figure compares with 1,063 proposals introduced in the 1935 session, and 1,092 in that of 1933. The total number passed was 228, of which 16 were vetoed by the governor and one became law without his signature. The veto was overridden in but one case. The laws passed, then, amounted to 212, as compared with 192 in 1935, and 163 in 1933. From the point of view of the number of acts passed, then, the first legislature under the new plan did not live up to the hopes of those who felt that it would pass fewer laws. As a matter of fact it is necessary to go back to the session of 1921 to find a larger number. Now that the first session has passed, one wonders why anyone should have expected one house to be less prolific than two.

A review of the subject matter of the acts passed shows little that is novel or striking. A large number of them were curative or amendatory, and the great bulk of the remainder involved no new departure in statecraft. A great deal of time was consumed in debating various measures having to do with relief, tax delinquency and moratoria, and various types of cooperation with the federal government, but most of the acts in these fields embodied nothing which had not been before the two various legislatures. In fact, an actual count of the measures as classified by the Legislative Reference Bureau shows that at least half fall within such familiar categories as banks, cities and villages, counties, elections, insurance, irrigation, liquor, motor vehicles, gasoline tax, suits against the state, schools and school districts. And much of this was essentially private legislation, requested by a small group or of interest to a few localities—though it must be said that in many cases it led to controversy worthy in its sharpness, at least, of weightier matters. Finally, there was little or no legislation proposed of the "crackpot" sort, and very little that could be called "radical"—whatever that may be!

A few laws, however, may be singled out for special notice, since they give promise of improving the mechanism of lawmaking in the future. Legislative Bill 395 sets up a legislative council of fifteen members—three from each congressional district—with power to employ a director of research, and to present a program of major legislation to the next biennial session. The act carried an appropriation of \$15,000. Immediately after adjournment an able council was chosen, and a search is now being made for a di-

¹⁴At the close of the session this period was reduced to twenty days, the period prescribed by the constitution prior to the changes made in 1934, which omitted all reference to a time limit.

rector of research. Legislative Bill 306 creates the office of constitutional bill reviewer, with the duty of seeing that bills are properly drawn before introduction. Under the bicameral system this function was performed, if at all, by the lawyers in the membership or as an incident to the work of the bill drafter employed on a per diem basis during the session.¹⁵

Legislative Bill 389 makes the post of secretary of the legislature a permanent one at an annual salary of \$3600. Legislative Bill 513 creates a state planning board of twelve members to report to the session of 1939 as to the state's institutional building needs. A bill to create the office of legislative comptroller, independent of the elected auditor of public accounts, was vetoed by the governor. More or less extensive reforms in state and local government are sought in several other measures. Legislative Bill 60 submits a constitutional amendment providing for the short ballot in state government, by making the secretary of state, the state treasurer and the attorney general appointive by the governor, thus leaving for popular choice only the governor, lieutenant-governor, auditor and superintendent of public instruction, and increasing the terms of the first three of these officers from two to four years.¹⁶ Legislative Bill 245 requires counties to operate on a budget system similar to that in force in the state government. Legislative Bill 310 requires the state auditor to install a uniform accounting system for county offices, and adds six accountants to his staff to make annual audits of county clerks and treasurers and biennial audits of all other county offices. Legislative Bill 565 provides that the voters of the state may cast an advisory vote on amendments to the federal constitution by filing a petition containing 10,000 names with the secretary of state. Whatever may be thought of such changes, the fact remains that they indicate an awareness of the problems and difficulties of modern government not encountered in the typical personnel of the old legislature. Taken together, they constitute a notable achievement in modernizing the machinery of state and local government.

¹⁵The act provides that the bill reviewer shall be appointed by the legislative council, and that his services shall begin not more than thirty days before the convening of the legislature. He is required to have the qualifications of a judge of the supreme court, except as to residence. He will not draft bills, but is to do his work independently of the bill-drafting service of the Legislative Reference Bureau, advising with the general counsel of the bureau "to the end that under a plan adopted by them, all bills presented to the legislature will conform to all accepted bill-drafting usages as to form and substance, as well as to the rules of the legislature."

¹⁶The provision for the four-year terms is to take effect at the election of 1942. The state superintendent is already chosen for four years.

On the basis of this record, what conclusions may we draw? First of all, the session won rather general approval for the one-house idea. A majority of the membership at the outset opposed the plan; a poll taken near the end of the session showed almost unanimous approval, no member at least being willing to go back to the old system. In the public at large, though there was about the usual amount of criticism of the legislature as an unpredictable nuisance, very little of it from responsible quarters was based upon an objection to the working of the one house. The reservation most frequently encountered among membership and public was to the effect that the legislature should be enlarged. Some members believed that a larger body would be more adequately representative. Many thought that the small number made too easy the cultivation of close personal friendships leading to log-rolling and vote-trading. Again, the opinion was universal that the much larger constituencies so increased the correspondence of members as to absorb a disproportionate amount of their time. Finally, some felt that the pressure of lobbyists was unreasonably intensified because of the smaller size of the house. In spite of these criticisms, however, there is no concrete proposal coming from any responsible quarter to remedy these alleged shortcomings. On the contrary, there is everywhere a disposition to give the new system a fair trial, and to seek ways of meeting these difficulties without disturbing its essentials.

One of the stock arguments in favor of the choice of legislators on a party ballot is that attachment to a party heightens responsibility and makes possible visible and conspicuous leadership. From this point of view what judgment may be made of the first session? As already recorded, party affiliation seems to have had very little to do with organizing the new body. Nor does it seem to have had much effect on the substance or procedure on bills. Party lines were drawn on the vote to memorialize Congress with regard to the President's court plan, and there were charges of partisanship in connection with the legislature's contacts with the state railway commission, but for the most part the party ties rested very easily on most members. It is fair to say that a majority are content with the non-partisan feature of the plan. The chief objectors are to be found among older persons who find the party yoke more comfortable than the assumption of individual responsibility, or who are simply not easily oriented to the new order. Many observers more or less facetiously described the legis-

lature as being composed of forty-three "leaders." This is doubtless an exaggeration, but it is true that few outside of the circle of dyed-in-the-wool partisans objected to the independence of individual members, inasmuch as the new system did enforce a degree of responsibility unknown under the bicameral system.

In the campaign for the adoption of the unicameral amendment it was argued that non-partisan election would not work as long as the governor and other executive officers were chosen on a party platform, since the governor would be unable to assume his normal role of legislative leadership. These fears do not seem to have been realized. It was true that the governor could not appeal to a party following in the legislature, but it did not follow that he was without influence or that he could not get a hearing for his own program. One member was commonly known as a spokesman for the governor, and the latter was known to be in frequent conference with others of both parties who did not have status as his semi-official representatives. The governor had no difficulty in securing a hearing, and the few occasions upon which he carried his cause to the legislature in unequivocal language showed that he could command a following. As to the influence of party generally, it should be said that even under the bicameral system party votes were rare in Nebraska, where political independence long ago hardened into a tradition. It is true that a partisan legislature might enable leaders to exercise effective discipline on the occasions where such tactics might be justified, but the session of 1937 exhibited few such occasions.

Nor were the fears borne out that a non-partisan legislature of one chamber would interfere unduly with the executive departments. Those who expressed this fear would do well to remember that it is after all the duty of any legislature to exercise control over the executive, the limits of such control being in fact determined very largely by the intelligence, good sense, and public spirit of the membership. There were a few cases of what appeared superficially to be factious interference with the administration, but a close examination indicates that the new legislature did not use its power to hamper the other branch of the government to a greater degree than the bicameral legislature.¹⁷

¹⁷The bill to create a legislative comptroller was vetoed by the governor because he regarded it as meddling unduly with the executive department, but in this he was apparently misjudging the motives of the legislators. At one time also the legislature had before it a question having to do with the control of the subordinate personnel of the railway commission and this was cited by some as an example of interference. As a

Nebraska is one of the states where an attack on the "special interests" is always popular, and where there is little disposition to accept the lobby as a necessary complement to the elected representatives of the people. Opponents of the one-house plan asserted that a single chamber would become a mere tool of lobbyists, while its supporters argued that this influence would be greatly reduced because of the heightened responsibility of individual members. Whether or not lobbies are influential depends upon evidence which is never all in, and is seldom competent. In the writer's mind, discussion of the matter is plagued by the difficulty of knowing what a "special interest" is, and by the natural tendency of men in politics to personalize their opponents and equip them with horns and hooves. Yet the mere fact that a man is a banker, a farmer, a railway executive, a power magnate, or even an opponent of the federal child labor amendment does not make him an enemy of the human race. One of the most difficult tasks in all political theorizing is that of finding the "general interest," and those who excoriate the lobby oversimplify this task.

Under the Nebraska statute requiring lobbyists to be registered, 183 representatives of various groups were on hand during the session. The old standbys for the railways, the electrical utilities, the banks, the insurance companies and the manufacturers were present, while a considerable number put themselves down as doing sentry duty for that somewhat mystical entity, "the public." If the legislature itself be looked upon as representing the "general interest" and the lobbyists the "special interests," the conflict between the two in 1937 may be called a draw. Thus, bills were passed in behalf of farmers to provide for participation in the soil conservation program and for bindweed eradication; funeral directors, architects, and engineers secured a regulatory set-up; automobile dealers got a "little N.R.A." and truckers a regulatory act; the independent merchants secured acts forbidding sales below cost and sales at prices lower than those fixed by trademark owners; teachers got a tenure bill and favorable changes in the certification laws; while "cosmetologists," dentists and physicians secured reductions in their annual registration fees; and those burdened by debt secured an extension of the mortgage moratorium, and the discharge of interest on delinquent taxes. All of these were in addition to relief measures for various classes.

matter of fact this incident arose from a quarrel between the commissioners themselves, and was not of the legislature's own seeking.

You may make what you wish of this array. To the writer it looks very much like the average output of any legislature, and he has still to be convinced that all of these are contrary to the "public interest" simply because they are of *primary* concern to an organized group. I wonder what a legislature would do for the "general interest" if it met in a vacuum?

Of course there was lobbying, as there had always been. Most members admitted the value of the services rendered by lobbyists, though some complained bitterly of the intense pressure brought about by the fact that, on the average, each member had about four to deal with. One reason urged in favor of increasing the membership was that it would relieve this pressure. This is probably specious to the extent that "key" men in a body of any size are sure to be subjected to considerable pressure. One thing worth doing would be to exclude lobbyists from the floor. The new legislature occupied the chamber designed for the former house of one hundred members. The fifty odd seats not used by the members had not been removed, and were normally occupied by lobbyists. Enforcement of the rule prohibiting access to the floor to such persons would improve at least the superficial amenities of lawmaking. In spite of everything, however, the lobby was not always successful. The ease with which a member could be compelled to record his vote did have its effect. Thus, bills might secure a favorable vote in committee and yet have registered against them on the floor the votes of the same committee members. And, while a lobby of local party leaders was successful in defeating a bill for non-partisan election of county officers, others failed to defeat the short ballot amendment and the addition of another cent to the state tax on gasoline.

It was argued on the stump that a legislature of a single house would cost less to maintain than the old system—that is, less for employees, supplies, printing and so forth. This claim was substantiated by the first session. For the two-year period, 1937-39, there was appropriated \$155,181.96 to cover all expenses. So far as can be seen now the total cost—barring a special session—will not reach \$150,000. To find a less expensive session it is necessary to go back to that of 1919 which cost \$141,708. The regular session of 1933 cost \$182,173, while that of 1935 spent well over \$200,000. When the length of the various sessions is taken into account, the first unicameral legislature made a good showing. It sat for 98 days, and cost between thirty and forty thousand dol-

lars less than former sessions of the same duration. Moreover, if reforms in legislative methods inaugurated work out as intended, these savings should continue. As was pointed out in an editorial in the *Lincoln Star*:

“The delay of organization and of perfecting rules of procedure added three weeks to the length of the initial session and it will not be necessary to experience this delay two years hence. Abolishment of the committee of the whole likewise will materially reduce the cost by shortening the session. And when the unicameral meets in 1939 the work of preparing bills will have been arranged in such fashion as to result, it is expected, in a material decrease in the number of proposals, all of which represents saving in printing, in the salaries of legislative employees, and in other items which go to make up the legislative expense. It was said in support of the unicameral plan that it would effect economy, and while that need not be the first consideration, the claim that the system will reduce costs of legislation by fifty per cent can be realized.”¹⁸

¹⁸May 21, 1937. A report issued by The State Auditor early in August indicated that the savings under the cost of the 1935 session would amount to thirty-seven per cent.