

the primary elections, regardless of party, face off in the general election. This makes voting a straight party ticket almost impossible. Norris advocated just such a nonpartisan legislature because he believed that legislators should be free to focus on local interests without the interference or influence of the national political parties. He felt that most local issues had little to do with national political parties and that lawmakers should take action based on the needs of their legislative districts.



The Model Legislature—Address by Senator Norris

... In setting up new State institutions under the Federal Government, our forefathers followed the precedents established by the Federal Government in dividing the legislative authority between two houses. In a general way, out of it grew the common and universal rule of a two-branch legislature, usually termed a "senate" and a "house of representatives." The theory back of this kind of a legislature was a beautiful one. The object to be attained was to have one branch of the legislature as a check upon the other. It was a system of checks and balances. But the dominant reason was one which had descended from a time in the history of the world when the common people comprising the government were not sufficiently civilized and sufficiently educated to govern themselves. The Senate of the United States was originally a body elected by the legislatures. This precaution was taken on the theory that this body would be more aristocratic, and would, if thus elected, be more likely to protect the rights of property, than if elected directly by the people. The President of the United States was elected by a college of electors, who, it was assumed, would select the Chief Magistrate with more deliberation than if that official were elected directly by the people. The House of Representatives was elected directly by the people. And thus in the new Government, the only place where the people had a direct voice and vote was in the election of the House of Representatives. This House was intended to represent the people, as against property, and thus the check and balances were completed with the idea that the rights of property should always be safeguarded and protected, and the people themselves should not have a direct voice, either in the selection of Members of the Senate, or in the selection of the President.

But civilization continued to advance. Universal education improved the ability of the people to act more directly in their Government. And again the age-old contest between retaining the power of aristocracy as against the peo-

ple exhibited itself in our own Government. As civilization advanced and as education increased the people again demanded a change. We provided by amendment to the Federal Constitution for the direct election by the people of the Members of the United States Senate. The electoral college still lingers, but it has been modified to such an extent that, although retained, it is only a body of men pledged to vote for a particular man without regard to deliberation or discussion. The government of the people is gradually being placed in the hands of the people themselves.

Our people are sufficiently civilized and educated to know what kind of government they want and the laws they want enacted to enforce government among themselves. If we can now improve upon our lawmaking bodies, and if we can give to the people a more direct voice in their State governments, why should we not eliminate some of the things which have been found unnecessary and cumbersome, as well as expensive, in these State legislatures? Why should the Legislature of Nebraska have two branches instead of one? We have in this great State one dominating and all-controlling industry—agriculture. Every person in the State, every business in the State, is dependent, for his or its success, upon agriculture. If agriculture is prosperous, the people of our State are happy; if agriculture fails, then the happiness of our people is necessarily taken away. The qualifications of members of both branches of our State legislature are exactly the same. They represent exactly the same idea. The official duties they are to perform are of exactly the same nature. Why should we then have two bodies instead of one, and burden our taxpayers with the necessarily increased expense, to attain the object that can be fully attained by one house instead of two?

Conference Committee

But if we analyze our present Government we find we have 3 Houses instead of 2. We have the conference committee—a necessary adjunct wherever two houses are provided for by the constitution. The conference committee, in reality, constitutes a third house. The members of this "house" are not elected by the people to serve as members of the conference committee. The people have no voice as to who these members shall be. They have nothing to say in regard to their selection. This conference committee is many times, in very important manners of legislation, the most important branch of our legislature. There is no record kept of the workings of the conference committee. Its work is performed, in the main, in secret. No constituent has any definite knowledge as to how members of this conference committee vote, and there is no record to prove the attitude of any member of the conference committee.

When a bill passes one branch of the legislature and passes the other branch in a different form, the matter is referred to the conference committee. This conference committee, arbitrarily selected by the presiding officers of the different branches, takes the dispute and molds it into a law. It then submits the report to the house and to the senate. The conference committee report cannot be amended by either branch. It must be voted up or voted down, as a whole. Members must take what they believe to be bad, in order to get what they believe to be good. If it is rejected entirely, it may mean, and often does mean, the entire defeat of the legislation. If the conference committee does not agree upon a bill then it must necessarily fall in its entirety. As a practical proposition we have legislation then, not by the voice of the members of the senate, not by the members of the house of representatives, but we have legislation by the voice of five or six men. And for practical purposes, in most cases, it is impossible to defeat the legislation proposed by this conference committee. Every experienced legislator knows that it is the hardest thing in the world to defeat a conference report.

Those who are clamoring for a large legislature, those who are asking for a check and balance between the two houses of the legislature, because they claim this represents the voice of the people, do not realize that such a condition results in legislation by a much smaller number of men than is proposed in the contemplated amendment to our constitution. Those who clamor for 133 legislators in our State, because they say that is the only way in which the voice of the people can be heard, forget that in hotly contested matters of legislation, where the most vital issues are at stake, they are, in effect, retaining a legislature of five or six men which enacts the laws that shall govern the entire State.

I am not complaining because of the existence of the conference committee. If we are to have a legislature composed of two branches, the conference committee is an absolute necessity. No man has ever suggested a plan, so far as I know, which would do away with this third branch of the legislature, where the constitution provides for two branches of the legislature. In all the history of the various States of the Union I do not know of an instance where any provision is made, either by the constitution or by the laws, which takes away from this third branch, known as the "conference committee", the power to hold its sessions in secret, the power to hold them without anyone being able to know how the votes are cast, or the power to avoid keeping a record of any of its deliberations or votes.

It would be possible, it is true, to provide by a constitutional amendment that the people themselves should elect a third branch of the legislature to perform the duties of the conference committee, but no one has ever suggested this third branch. If we are to retain the two-branch legislature, it would be a

vast improvement to provide by constitutional amendment that the people should elect directly a third branch to take over the jurisdiction and the powers of the conference committee. But no one in this State, so far as I have ever heard, has ever suggested such an amendment. It would be an improvement over present conditions, but would add greatly to the expense and the delay now existing.

It is in conference-committee rooms that jokers frequently creep into our laws, and it is in the conference committee that good things are often taken out of our laws. It seems to me to be sufficient to say that this third branch, under our present two-branch system, is an absolute necessity, and that the people—in the most vital part of this legislative government—are now helpless. If our people are sufficiently educated and sufficiently intelligent to honestly and efficiently govern themselves, then all this machinery can be remodeled and put into the one-branch legislature, and the people, through it, can then secure the kind of laws and the kind of government which they desire. To deny this principle is to deny that the people are qualified to govern themselves. To deny this principle is to deny the theory of democratic government. To deny this principle is to put upon the shoulders of the taxpayers of Nebraska unnecessary expenses and, in addition, to deny them the right to have the kind of government they wish.

One of the necessities is a provision in the constitution which will make it impossible for any member of the legislature to shift responsibility. I can point to an instance of recent history in Nebraska where a majority of both branches were pledged in writing to vote for a bill embodying a particular principle of legislation. Notwithstanding this pledge, the legislature adjourned without enacting any such law. It does not follow from this that any member of this legislature was necessarily dishonest in making this pledge. But whether he was honest about it or not, he could go back to his people and tell them truthfully that he voted for a bill embodying this particular item of legislation. The difficulty there was, and the difficulty is, in such cases, that when the Senate passes a bill on a subject, and the House passes a different bill on the same subject, if the conference committee fails to agree upon a report, the legislation is dead. The bill has died the death that many bills must die in this third branch of the legislature, known as the "conference committee."

A one-house legislature would have made this impossible. It often occurs in the two-house legislature that the senate bill and the house bill are intentionally made different. They die the death in the conference committee that special interests desire them to die. The lobby, composed of experts hired by machine politicians and special interests, is successful in killing legislation before these four or five men who hold their deliberations in secret and who make no

record of their proceedings. The present system affords an opportunity to a dishonest legislator which he could not possess in a one-house legislature. It is, therefore, an open invitation to the disreputable man to seek office in the legislature. He is often enabled to introduce bills with the very object of getting something either of a financial or political nature which he otherwise could not get. Such a legislator sometimes introduces bills which he expects to be killed; he wants to be paid for helping to kill them; and he kills them by getting them into a parliamentary tangle where his own record may appear on the surface as perfect. His constituents will therefore perhaps reelect him without knowing his real record. . . .

The Fundamental Idea Is the One-Branch Legislature

The fundamental principle involved in the proposed change of our constitution is to embody the legislative authority in a legislature consisting of one house. Upon this principle there can be no compromise. As to the qualifications of the members of the one-house legislature, as to the number of members, as to their term of office, and as to their salaries, there can well be a difference of opinion. On these subjects, those who believe in a one-house legislature ought to be willing to compromise in order to attain the fundamental object to be achieved. While some of these subjects are of vast importance, yet honest men and women can disagree, and some compromise is going to be necessary in order to attain the fundamental principle which we seek. . . .

Partisanship Would Be Abolished

The proposed amendment to the constitution provides that members of our legislature should be elected on a nonpartisan ballot. Our State ought to be a business institution. Its government should be conducted on business principles. The issues which divide the great political parties in our country should in no way interfere with the business operations of our State. And yet, under present methods, such conditions exist. The Legislature of Nebraska has nothing to do with the tariff; the Legislature of Nebraska, in its official capacity, has nothing to do with shipping on the great oceans. It has no jurisdiction over interstate commerce. It has no official connection with the appointment of postmasters and other official appointments which under our system of government are dealt out to faithful partisan workers. There is no issue involved in the election of a member of the Nebraska Legislature that is the same as the issue involved in the election of a United States Senator or a Member of

the House of Representatives. Yet men are often elected as members of a State legislature simply and solely because they are members of a political party pledged to some issue on the tariff, or some other issue of national concern. The citizen who goes into his booth ought not decide the question of the election of his member of the legislature simply because he agrees with the voter on some national question. Neither should he be defeated for the office of member of the State legislature merely because the voter does not agree with him on some question of international importance. We have our State questions and our State institutions, and these should be the guiding star when we come to elect a member of the legislature.

If politics were eliminated, members would be elected to enact our laws according to their qualifications for the State legislature, without being handicapped by any partisan matters. Members of the legislature should be able to give the best that is in them to the welfare of the State. They should be elected on business principles rather than as a result of partisan considerations. Men may disagree as to whether the Federal Government should pay a subsidy to the international mercantile marine, but the Legislature of the State of Nebraska has nothing to do with that question, and its members should neither be elected nor defeated on that issue. Men may disagree as to whether our country should join the League of Nations, but the Legislature of the State of Nebraska has nothing to do with that subject.

Why should we not divorce the business of our State completely from partisan matters affecting only national legislation? We ought to have a legislature entirely divorced from partisan politics—a legislature elected on a business basis, transacting its duties along business lines. We should make of our State a great business institution. We cannot do this unless we eliminate partisan politics.

Moreover, men in the legislature, elected on a partisan political platform, are inclined to follow the bidding and the dictates of party machines and party bosses. We have taken our school officials out of partisan politics. We have done the same thing with our judges. Ask yourself the question, Why? If the divorcing of our judges and our school officials from partisan politics is a good thing, if their official duties have no connection with partisan politics, why not extend the same theory to members of the legislature, whose official duties nowhere, nor in any degree, connect them with partisan politics? Partisanship is one of the great evils of our Government, when carried into avenues and into places where, officially, there is no politics.

For instance, our legislature makes the laws which govern the property and the legal rights of our people. The judges enforce those laws. How inconsistent

it is to elect the one on the basis of his belief in the tariff, and yet remove the other from the same category. . . .

Elimination of Corruption

A one-house legislature, composed of a comparatively small number, would be much more free from corrupt influences than would a two-house legislature or a legislature composed of a large number of members. I know many people, at first blush, will not agree with this statement. There was a time in my life when I did not believe it, but I have reached the conviction from my observation that special interests, by unfair and unjustifiable means, are able to influence and corrupt a two-house legislature much more easily than they could a one-house legislature. I have been told by lobbyists that the easiest legislature to control is the one which is large in number. Where the number is large they necessarily have to handle only a few men, who, in turn, do their work with the legislature itself. In a two-house legislature the control of the conference committee is, in fact, for all practical purposes a control of both branches.

There are thousands of ways in which this is done. A conference committee can often be controlled by one man—the man who appoints the conference committee. The control of a large body of men can be handled by the control of two or three men who constitute the committee on rules, or who otherwise have a dominating parliamentary influence in the body.

The smallest legislature, which is now under consideration, may be likened to our judiciary, where the power is vested in one man. We know that our judiciary is comparatively free from such influences. A small legislature such as is suggested would be very similar to our judges. The lobbyist who desires to control the membership does not, as a rule, seek out the individual member, and go through the legislature in that way. He undertakes to deceive men by various methods, mostly of a parliamentary nature. The cases of direct sale of votes are very few. Men in Congress or in the legislature are, as a rule, not bribed individually. They are led astray by placing them in hopeless parliamentary predicaments, in which they are deceived. In fact, the actual cases of honest men being misled are far more numerous than the purchase of dishonest men. If the opportunities for hiding beneath the parliamentary cloak brought about by a two-house legislature were taken away, the dishonest man would not be so likely to become a candidate for the legislature. He would know to begin with that he could not shift responsibility, he could not conceal his vote, or his official conduct, which would have to take place in the open before all the people of the State, and he would, therefore, seek other avenues of enriching himself. In other words, it would have a tendency to eliminate the dishonest man from the legislature, and if you eliminate the dishonest man and make

it impossible to deceive the honest man, you have attained as near perfection as is possible in a legislature.

The plan proposed would therefore tend to decrease deception, and the man who tried to practice deception would be almost powerless, and we would then have a legislature which would be untrammelled, and, to a great extent, untrainted. The possibility of covering up the tracks of those who wanted to deceive would be practically eliminated, and it would be impossible to place the honest legislator in a false light.

I reach the conclusion, therefore, that the proposed amendment would save money to the taxpayers. It would go far toward the reestablishment of a democratic form of government. It would make it more difficult for dishonest men to get into office and make it more difficult for dishonest men to retain office. It would give the honest legislator an opportunity to have his record known to the people, and it would make it possible for the people of the State to readily ascertain and comprehend the record of the members of the legislature. It would enable the people to reward the honest servants and to defeat the dishonest ones.

There would, of course, always be a possibility of dishonest men getting into office. There would be a possibility of dishonest men who were in office deceiving the people. But these possibilities would be very much minimized. Nothing has ever been said that is truer than the saying that "Eternal vigilance is the price of liberty."

To get a good government, and to retain it, it is necessary that a liberty-loving, educated, intelligent people should be ever watchful, to carefully guard and protect their rights and liberties. The proposed amendment is not offered with the idea that it is perfect. It is not offered with the idea that it will eliminate wrong entirely, or that it will make it unnecessary for the people of the State to always keep a watchful eye upon their servants, but it will help them to know and to find out what is wrong. It will enable them to get better laws enacted and better men into office, and to this extent it will be a guidepost along the road to human advancement and a higher civilization. . . .