

## ONE-HOUSE LEGISLATURES \*

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There is no more reason for a government to have two branches of its legislature than there is for a wagon to have five wheels, or for a bank to have two boards of directors or a State two Governors. The two-house or bicameral legislature is leftover from medieval times, a vestigial member of the body politic which can be as well dispensed with as can the vermiform appendix from the human body.

Let us look about the world. Great Britain, for all practical purposes, is operating under a unicameral or one-house legislature. The little country of Finland, noteworthy for its financial stability, has had a unicameral legislature for 17 years.\*\* Eight of nine Canadian Provinces operate with the unicameral system. The Philippines, upon the advice of students of government, chose a one-house legislature. Alaska has asked and gained Congressional consent to hold a referendum in 1938 on changing to the unicameral plan. And the one-year-old one-house legislature of the State of Nebraska is working out successfully.

What are the advantages of such a law-making body over the two-house type?

To begin with, the two-house legislature is a magnificent example of what is called in America "passing the buck." Because in effect it becomes a three-house legislature, with the Conference Committee as the third house. Let us see how this works in the United States.

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 consisting usually of three men from each house. This Conference Committee, arbitrarily selected by the presiding officers of the different branches, arbitrates the dispute and drafts a law. It then reports to the House and

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\*\* Other single-chamber legislatures are found in Albania, Costa Rica, Estonia, Germany, Guatemala, Honduras, Lithuania, Panama, Persia, Russia (modified form), Salvador, Turkey, as well as in many of the States and Provinces of Argentina, Australia, and Brazil. From time to time in the United States, various States have voted on changing from the bicameral to the unicameral method, and in 1937, bills for the change to the unicameral system were introduced in 20 State legislatures.

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 fail 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 by the voice of six men, two of whom, the majority from either branch, can defeat any legislation they oppose.

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. Yet this third branch, meeting in secret, with no record of its proceedings, no roll call, and, for practical purposes, not answerable to the electorate for what it does, is undemocratic.

It would be much better 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 proposed this. Such a plan would add greatly to the expense and the delay now existing.

It is necessary that the people of a State make it impossible for any member of a legislature to shift responsibility. I can point to an instance in recent history in the United States when a majority of both branches were pledged in writing to vote for a bill embodying a particular principle of legislation. Notwithstanding the 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 in such cases is that when the upper house passes a bill on a subject, and the lower 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.

A one-house legislature makes 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 five or six men who hold their deliberations in secret, and who make no record of their proceedings. The bicameral \*\*\* system affords an opportunity to a dishonest legislator which he cannot possess in a one-house legislature. It is, therefore, an open invitation to the disreputable man to seek office in the legislature. 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.

Nebraska's unicameral Legislature, which met for the first time in January, 1937, was composed of 43 members. The old House alone had 100 members and the old Senate, 33. I believe most people will agree that these 43 men served the State more efficiently than the 133 were ever able to do.

Compare the 1937 session with that of 1935. Although this was the only unicameral legislature in the United States and several weeks were devoted to working out new legislative procedures, the session was 12 days shorter than in 1935. Only about half as many bills were introduced, but more were passed in 1937.

There was no Conference Committee to thwart the majority's will. Committees were small and meetings were arranged so that no Senator had more than one committee meeting a day. Public hearings were held on all bills before committees, with notice of the hearing posted five days in advance. Any member could demand and get a roll call on any measure before the Legislature.

If anyone expected the millennium to follow the setting up of the one-house Legislature, he was, and must in the future continue to be, disappointed. There was much criticism of the last Nebraska session, some of it honest and constructive, some of it selfish. There was an unfortunate tendency, even among

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\*\*\* Bicameral (*bi* [two] + *camera* [chamber]), consisting of two houses or chambers; hence unicameral, meaning one house.

fairminded people, to criticize the unicameral Legislature if they did not get what they wanted, and to praise it if they did.

For instance, I have many letters and some editorials criticizing the Legislature and condemning the unicameral idea because Nebraska's Legislature defeated the Federal Child-Labor Amendment, although the same Amendment was defeated by several preceding bicameral Legislatures. On the other hand, I have similar letters and editorials praising the Legislature and commending the unicameral idea on the ground that the Child-Labor Amendment was defeated. I am very much in favor of the Child-Labor Amendment, but I realize the question has two sides and I do not see how the Legislature's action on this or any specific question affects the fundamental idea back of the change from a two- to a one-branch legislature.

Some people said that in the last Nebraska session there were more lobbyists buzzing around the Legislature than formerly. There are all kinds of lobbies, some of them desirable, and every group has a right to be heard. Perhaps lobbyists were permitted too much freedom. The Legislature itself has the power to control that. It cannot be denied that the first Nebraska unicameral session brought the lobbyists more into the open and helped the voters see more clearly what legislator was the friend of any particular group.

It has been said that the Legislature appropriated more money than any preceding Legislature. This is perfectly natural. The distress into which the depression plunged the country made increased appropriations necessary, and while there may be difference of opinion as to the justification for certain particular items, I have not yet heard anyone point out any appropriation that is dishonest, dishonorable, or reprehensible.

One of the evils of our present legislature is that they are entirely too large. In theory, a large legislature is supposed to give to that body more complete representation of the entire citizenry. In practice, however, it has been demonstrated that a membership too large is detrimental to real representation of the people. A large body of men is not deliberative, and in order to accomplish any legislative results they must necessarily surrender many of their independent rights and prerogatives to the party leader or to committees. In large bodies, members must deny themselves, in some degree at least, the right of debate, and even the right to offer amendments.

The number of members that ought to comprise a legislature would undoubtedly vary somewhat. Where there are varied and conflicting interests involved, the membership ought to be larger. The exact number can be fixed by the legislature itself. The Nebraska unicameral Legislature has the power to fix its size at not less than 30 nor more than 50 members. The present size of 43 was determined upon after studying carefully how the people of the State would best be represented, but the Legislature is free to redistrict if it sees fit.

It is extremely important that the members of a legislature should be paid a sufficient salary to enable them to study and consider the various propositions of legislation, and it must be remembered that whenever we increase the membership, we increase the burden of the taxpayer. It is significant that the Nebraska unicameral Legislature pays each of its members almost twice as much as members of previous Legislatures received, while the cost of the 1937 Legislature was less than three-fourths that of the 1935 session.

As a step in the one-house plan, members of legislature should be elected on a nonpartisan ballot. The State ought to be business institution. Its government should be conducted on business principles. The issues which divide the great political parties in any country, being principally national issues, should in no way interfere with the business operations of a State. And yet, under present methods, such conditions exist. Men are often elected as members of a State legislature simply and solely because they are members of a political party.

If politics are eliminated, members will be elected to enact laws according to their qualifications 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. 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.

Many States have taken State and county school officials out of partisan politics and have done the same thing with judges. Why? If the divorcing of judges and 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 government when carried into avenues where, officially, there are no politics.

One of the objects of electing the Nebraska Legislature on a nonpartisan basis was to get away from partisan leadership, and if it has succeeded in that respect, it has taken a very great step forward in human progress. It is natural that politicians should complain of this; it is natural that lobbyists should complain of it, because, to a great extent, the ability of machine, politicians to control the acts of the Legislature has thereby been eliminated. This feature will improve as time goes on. If politicians have failed, as I think they have, to control this Legislature, they will probably keep their hands off the next one. Those who complain of the loss of party leadership, so far as the one-house legislature is concerned, are offering, in my judgment, a perfect good argument in favor of the unicameral legislature, and it is a subject for congratulation that this "criticism" is probably correct. We want to get rid of party leadership; we want to divorce the legislative proceedings of the State entirely from party promises, party pledges, deceptions, and intrigues.

For instance, the 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. A one-house legislature, composed of a comparatively small number, is much more free from corrupt influences than is a two-house legislature, or a legislature with a large membership.

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 can 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 it. 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 lobbyist who desires to control the members of a legislature 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 State legislatures are, as a rule, not bribed individually. They are led astray by placing them in hopeless parliamentary predicaments, in which they are deceived. If the opportunities for hiding beneath the parliamentary cloak brought about by a two-house legislature are taken away, the dishonest man is not so likely to become a candidate for the legislature. He would know to begin with that he cannot shift responsibility, that he cannot conceal his vote or his official conduct, and he will, therefore, seek other avenues of enriching himself. In other words, it has a tendency to eliminate the dishonest man and make it difficult to deceive the honest man, you have attained as near perfection as is possible in a legislature.

The bitterest opponent of the unicameral-legislature plan in Nebraska, who frequently was a professional politician, will have to admit that a higher caliber of representative sought and was elected to office last year. Thirty-two of the 43 members had had legislative experience. The majority of the members had attended college.

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

Nothing is truer than the saying that "eternal vigilance is the price of liberty."

To get good government, and to retain it, it is necessary that a liberty-loving, educated, intelligent people should be ever watchful, carefully to guard and protect their rights and liberties. The unicameral legislature is not perfect. It will not eliminate wrong entirely, nor make it unnecessary for the people of the State to keep a constant and watchful eye upon their servants. But it will help them to see and know 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.