

# ONE BRANCH LEGISLATURE FOR STATES WOULD IMPROVE RESULTS

## Nebraska Senator Presents Advantages to Be Gained by Doing Away With Bi-Cameral Body—Contends That Long Delays and 'Corrupt Influences' Would Be Removed

BY GEORGE W. NORRIS,  
C. S. Senator from Nebraska.

**W**HEN our forefathers adopted the Constitution of the United States they provided that the legislative function of government should be composed of a House of Representatives and a Senate. It would be interesting, but it is not material in the present discussion, to give the reasons why this was done. It is sufficient to know that the Federal Government in this respect was accepted as a model and was followed by all of the States of the Union. The experience of more than one hundred years has demonstrated that the two-branch Legislature, at least, so far as the various States are concerned, has been very unsatisfactory in its results. One of the fundamental requisites that should always exist in any Legislature where universal suffrage prevails, is to enable the citizen to properly place responsibility, either for the success or the failure of legislation.

In every Legislature composed of two branches, the final touches and the only thing that emerges from the conference is the final agreement. The individual legislator must then vote upon a conference report without any opportunity of expressing, by his vote, his opposition to anything that the bill in this form contains. The citizen is deprived entirely of an opportunity to pass a just and fair judgment upon the result. In conference, provisions are often put in and other provisions taken out, where an entirely different result would be obtained if the action took place in the open, where a record vote could be had upon all provisions of the bill.

A one-branch Legislature would obviate all these difficulties. There would be no way for any member of the Legislature to conceal his opposition upon any legislative propositions that come before the body. The citizen would be able to absolutely and without difficulty place responsibility where it properly belonged for every act of the Legislature. It would thus be easy to punish those whose records are unsatisfactory and to reward those whose services are meritorious.

It is quite a common thing in a double-branch Legislature for one house to shift responsibility for failure upon the other house. Bills on practically all legislation are made by conference committees. A bill that has passed one branch and then been amended in another one must go to conference for adjustment of the differences between the two houses. These conference committees in all two-branch Legislatures are absolutely essential in order that anything may be accomplished. Experience has shown that it is within the privacy of the conference committee room that jokers get into legislation, and that provisions of law demanded even by a majority of both branches of the Legislature are sometimes not included in the finished product.

When a bill is in conference it is necessary that compromises be made in order to secure any legislation. It very often happens that the most important features of legislation are put into the bills while they are being thus considered. Members of Conference Committees are often compelled to surrender on important items where no surrender would be even demanded if consideration of the legislation were in the open where a public record could be had of the proceedings. When the bill emerges from conference it is not then subject to amendment. It must be accepted or rejected as a whole. The conference is held in secret. There is no record vote on any proposition decided at the conference.

### Chance to Cover Up Tracks.

The public is excluded from the deliberations often passed when it is known by those who pass them that the bill is to be killed in the other House, and in like manner, bills coming from the other House are pigeonholed in the first one. Responsibility for failure is thus divided, enabling participants in the fraudulent procedure to conceal their own records and to cover up their own tracks. In a one-branch Legislature it would be impossible to thus obscure the record by parliamentary tactics and proceedings that make it impossible for the ordinary citizen to properly judge the record of his Representative.

One of the evils of our Legislatures is that they are entirely too large. In theory a large Legislature is supposed to give a larger and more complete representation of the entire citizenship. In practice, however, it has been demonstrated that a large membership is detrimental to real representation. We should avoid either extreme. A large body of men, in order to accomplish any legislative results, must of necessity surrender many of the individual rights and prerogatives of its members. Members must deny themselves the right in large bodies, on important matters of legislation, to even offer amendments. They must surrender to committees the right to determine procedure. The very size of the bodies sometimes makes it impossible for the necessary and proper deliberation and discussion that should always take place before legislation is enacted.

The House of Representatives in Washington illustrates this point. The members of the House are, as a class, both able and conscientious. They are moved by the highest of motives and are a picked body of fine men. And yet, any conservative critic will say that their work is not only incomplete but is very unsatisfactory and often ill-considered. This result comes about entirely and solely from the huge size of the body. In order to accomplish anything whatever they are often compelled in the most vital kind of legislation, by special rule and otherwise, to deprive themselves of the right to offer amendments and of the right to debate and thus point out errors or suggest corrections, and the result is not only disappointing, but it brings about all kinds of errors in the final enactment. Members are thus often compelled to vote for bills containing provisions that in their own judgment are absolutely wrong, in order to get what in their judgment is right and proper; or they are compelled to vote against

bills because in their judgment the evil contained is greater than the good.

It is true, of course, that in the final passage of a bill through any Legislature, members in deciding how they shall vote must weigh the good and the bad and vote as their judgment dictates; but in a smaller body of men there would always have been an opportunity to offer amendments, striking out bad provisions, and to offer amendments suggesting good ones, so that the record of the member upon all the provisions of the bill would clearly appear. If this right were not denied it would mean better legislation and enable members to keep a correct record of their own positions. It would often occur that if the right to debate and the right to offer amendments had not been denied, bad provisions would be excluded on a roll call and good provisions put in.

The exact number that should be contained in the membership of a State legislative body would undoubtedly vary somewhat with the different States. Having in mind a State about like Nebraska I should say that the membership should not exceed twenty or thirty. This would make it absolutely impossible for any member to cover up his record in any respect or to shift any responsibility. It would enable a citizen to be fully informed upon the record of his representative without the necessity of doing anything more than to read the news while the Legislature was in session. Punishment could be meted out to those who deserved it, and the faithful could be properly rewarded. It would give to the State a business administration. It would result in full discussion, complete deliberation, and the highest possible wisdom in the enactment of laws.

### Salaries of Legislators Should Be Increased.

A State having the kind of Legislature I have outlined would be able to increase the salaries of its members. Under existing conditions it is a well-known fact that it is extremely difficult in many instances to secure good men in State Legislatures, because the ordinary individual cannot afford to leave his business and expend the time necessary to attend the sessions of the Legislature. The result is that we not only get a less desirable membership, but the good legislator, who is induced to sacrifice himself, must give the greater portion of his time to his private business and never becomes really posted on the propositions that come before the Legislature.

Existing conditions / afford inducements to the dishonest and corrupt, who avail themselves of the opportunity to become candidates for the Legislature with a view of recouping themselves

after election by their official conduct. There are, of course, many honest and able men who are members of the State Legislatures. Undoubtedly, a large majority of them could be thus designated; but it is oftentimes much easier to deceive the honest man than it is to buy the corrupt man. The ordinary farmer or business man who goes to the Legislature with the very best of intentions is often deceived by lobbyists and evil influences. He is in attendance upon the Legislature but a short time and devotes the balance of his time to his business or occupation, and it is a physical impossibility, whatever may be his desire, to properly qualify himself for the duties of his office. A member of the Legislature ought to be paid a sufficient salary so that he could devote his time to the duties of his office. This would not only attract better men for the position but it would enable good men to perform better service. He ought to be paid a salary that would command all of his time, and he should, in my judgment, be elected for a term of four years. This term, with the right of the people to recall their Representative, would not, in my opinion, be too long.

The plan I have outlined would not only result in better legislation, but it would save money for the taxpayer. If members of such a Legislature were paid a salary equal to the salary of other State officials whose entire time is required in the performance of the duties of their offices, there would still be in most cases, a large saving of money on the salary item alone. We would not only get better legislators, and not only have the benefit of their entire time, but we would do it all with a less cost than under present conditions. Better results for less money would be the outcome.

### Partisanship Would Be Eliminated.

The members of the Legislature should be elected by districts upon a non-partisan ballot. The business of the Legislature of a State is in no sense partisan. The evils that creep into State management and State legislation on account of such positions being coupled up with national questions of politics, are exceedingly great. Men are often elected to the State Legislature because they happen to be candidates on some particular party ticket, while the duties they are to perform when elected have nothing to do with the National Administration or with the welfare or success of any political party. If politics were eliminated, members would be elected according to their qualifications for the State Legislature. The State would be similar to a gigantic corporation, and the members of the Legislature would be members of the Board of Directors.

Without being handicapped on account of any partisanship matters, they would be able to give the best that was in them for the welfare of the State. Their duties would be mainly of a business nature. How illogical it is to elect a man to the Legislature because he believes in a tariff for protection, or because he is a free-trader, or because he believes in a Federal subsidy to the national merchant marine, or is opposed to such subsidy, or because of his ideas on the League of Nations, or what is more probable, because he belongs to some political party and will follow that party regardless of what course it takes, when, as a matter of fact, the duties of the office for which he is a candidate have nothing whatever to do either directly or indirectly with any of these partisan questions.

### Elimination of Corruption in Legislative Proceedings.

A Legislature like I have outlined would be much more free from corrupt influences than would a two-branch Legislature or a Legislature composed of a very large number. I know that many people at first blush do not realize the truth of this statement, but I am sure that the candid student, especially one who has had experience with two-branch Legislatures, will agree that this is true. The corrupt legislator, or the one who in reality represents some special interest, is always looking for a place and an opportunity to cover up his tracks. The two-branch Legislature gives him many opportunities to ply his trade without being found out.

The lobbyist not only deals with corrupt men—he often deceives honest men. In fact, the actual cases of honest men being misled are far, more numerous than the purchase of dishonest men. With the increased salary we would get men to begin with that on the average would be high class and more difficult to deceive than we do now. The opportunities for deception or corruption would be greatly lessened. The men, therefore, to be deceived would be much less, and the man who would try to practice the deception would be almost powerless, and we would have a Legislature that would be untrammelled and to a great extent untempted. A Legislature that is known to be uncorruptible would be practically free from attempts at corruption.

It is said, I know, that a small Legislature could be purchased easier than a large one, and that one branch could be more easily deceived than two branches. If the opportunities for deception and the calibre of the membership were the same in both instances, then this statement would be true; but when the possibility of covering up the tracks of those who want to deceive is practically wiped out, and when the morale of the membership is raised to the highest possible point of the citizenship of the State, then this argument falls to the ground. Who would say, for instance, that the Judges of our various States are corrupt, and argue that therefore, we should have five or six Judges instead of one presiding at a trial? And yet, if we had the kind of Legislature I have outlined, the members would stand as high as the members of our Judiciary. They would become as expert in their line as the Judges are expert in the construction of laws. Perfection, it is true, would not be attained, but the morale and the standing of our State Legislatures would be on the same high plane as our Judiciary.