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Article Summary: The idea of a unicameral legislature was a latent passion for Norris throughout the 1920s. He sought to keep his idea alive by writing newspaper and magazine articles emphasizing the advantages of the one-house system, understanding that the realization of his unicameral reform awaited a resurgence of liberalism. The unicameral amendment was approved in 1934 and went into effect in 1936.

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GEORGE W. NORRIS: THE UNICAMERAL LEGISLATURE AND THE PROGRESSIVE IDEAL

ROBERT F. WESSER

RECENTLY, historians have undertaken a re-evaluation of the decade of the 1920's in America. They have sought to emphasize the period's relationship to the progressive movement, on the one hand, and the New Deal, on the other hand, thus shifting the historical focus of the "Jazz Age" from its bizarre qualities to its continuities with past and future developments. Often cited as illustrating the bridge between early twentieth-century progressivism and New Deal liberalism is the career of Nebraska's renowned United State Senator George W. Norris, and specifically Norris's lonely fight to "save" federal government properties at Muscle Shoals, Alabama, from the outstretched hands of private power companies.¹ Within this context, the Muscle Shoals controversy resolved itself into a debate over public water power policy, conservation, and federal-state relationships, and throughout the decade, served as a haunting reminder of the languishing spirit of progressivism. There

¹ Perhaps the best statement of Norris' role as a representative of the Progressive tradition in the 1920's is Arthur S. Link, *The American Epoch: A History of the United States Since the 1890's* (New York, 1955), Ch. 12, especially pp. 268-272. See also Arthur M. Schlesinger, Jr., *The Age of Roosevelt: The Crisis of the Old Order, 1919-1933* (Boston, 1957), pp. 117-124; William E. Leuchtenberg, *The Perils of Prosperity: 1914-1932* (Chicago, 1958), pp. 130, 138.

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was another phase of Norris' work in these years — his efforts in behalf of establishing a unicameral legislature in Nebraska — which harked back to earlier twentieth-century reformism, its political and governmental ideals.

To the progressive mind, one of the chief wrongs in American life was the growth, in the latter nineteenth century, of the large corporation and the inevitable, if regrettable, consequences of the vast accumulations of capital. Men of wealth could and often did ally themselves with politicians in order to secure for their businesses legislative favors and preferred treatment. The progressive response to this phenomenon was simple and direct, calling for some form of societal control and regulation, particularly of private utilities engaged in the public service, and, simultaneously, for the re-establishment of political responsibility among governmental officials. In various ways, such responsibility was to be restored, each in turn rendering local, state and even federal officeholders more directly accountable to the people whom they presumably served. So there were the direct primary; the initiative, referendum, and recall; the short ballot; the direct election of senators; and others. Also in these years the idea of a unicameral legislature took hold in a number of states, though in no single instance was the change effected during the progressive era.

Senator Norris' own interest in reforming what to him was the "illogical" bicameral system went back well beyond the progressive period — to the 1880's, when as a young lawyer in Beaver City he had several opportunities to run for the Nebraska state legislature. However, the low pay of the lawmaker and the fact that legislative sessions coincided with his busiest legal season — both characteristic weaknesses of the conventional system he later argued — compelled him to refuse nominations.² It was not until 1923 that Norris, now with twenty years of Congressional experience behind him, publicly confessed his determina-

² George W. Norris, *Fighting Liberal: The Autobiography of George W. Norris* (New York, 1945), p. 345.

tion to reform "the machinery of government", as well as the law.³ Specifically, he mentioned the Nebraska legislature, and even expressed a desire to retire from national politics the next year in order to devote most of his time to the "great fight" that lay ahead. When, indeed, his avid supporters virtually compelled him to seek re-election to the Senate, Norris grieved over his inability, as he put it, "to follow my own inclinations in this matter."⁴ Often frustrated and despondent in these conservative years, the sensitive liberal resolved that before he died he would perform one outstanding service for his home state — "the replacement of the unwieldy and inefficient two-chamber Legislature by one compact body."⁵

With Norris the idea of a unicameral legislature became a passion, albeit a latent passion through the 1920's. Too busy with his determined battle to save Muscle Shoals, he scarcely had time for this, his other pet project. Strangely enough, the history of these two significant aspects of his career has striking parallels. In principle, they reflected different features of the progressive ideal. Moreover, just as Norris learned early in the Muscle Shoals imbroglio that the fruition of his dream for the Tennessee River Valley lay in the future, so he came to understand that the realization of his unicameral reform awaited a resurgence of liberalism. In the meantime, he sought to keep his idea alive by writing newspaper and magazine articles emphasizing the advantages of the one-house system over that "anachronism" — the bicameral system.

Norris' first literary endeavor in behalf of his reform, entitled "A Model State Legislature", appeared in 1923 in the *New York Times*.⁶ This article contained all of the basic arguments that were used over and over again right

³ *New York Times*, May 24, 1934.

⁴ Norris to Otto Mutz, February 10, 1924, George W. Norris MSS., Library of Congress.

⁵ *Newsweek*, IV (November 17, 1934), 10.

⁶ January 28, 1923, VIII, 12. For a later discussion, see Norris' "The One-House Legislature," *Annals of the American Academy of Political and Social Science*, CLXXXI (September, 1935), 50-58.

up to the successful conclusion of his campaign in 1934. Taking as his point of departure the progressive notion of re-establishing political responsibility among public servants, Norris candidly put forth the case for the unicameral legislature — proposing a small lawmaking body elected on a non-partisan basis in place of the large, unwieldy, often violently partisan conventional arrangement.

The Nebraska Senator in typical fashion began his discussion by citing criticism after criticism of the existing framework. He concentrated his attack upon the “undemocratic” conference committee which meets when bills passed in both houses vary in content. This process, Norris maintained, grants arbitrary power to the few men who are chosen to put legislation in final form. Making matters worse, he added, is the fact that this “third house”, often meeting behind closed doors, is a haven for lobbyists who usually need to influence only two or three legislators. When, finally, the conference report reaches the separate houses, Norris went on, individual lawmakers find it difficult to express opposition to any specific provision that the bill in revised form contains. In turn, the conscientious citizen cannot properly evaluate the efforts of his representative. The end result is a travesty of the democratic process.⁷

The unicameral legislature, small in size, Norris continued, would be free of the evils characteristic of the two-house system. Conceding that in theory a larger body is supposed to be more representative of the citizenry, he argued that in practice each man loses his individual rights. Committees must determine procedure; by special rules there is a deprivation of the right to offer amendments; and there is less time for deliberation. Writing much later on the same thought, Norris asserted that professional lobbyists had told him that the easiest situation to handle was the large legislative body. Here only two or three leaders need be controlled, while in a small body “every

⁷ *New York Times*, January 28, 1923.

member has all the rights of every other member . . . and is much more difficult to control."⁸

The Senator's final proposal, and the one nearest his heart, was the election of representatives on a non-partisan basis. Since his later years as a Congressman, Norris had himself been free of blind party loyalty. To him, the Republican party was subject to the same influences that dominated the Democratic party; both "were machine controlled, and the Democratic and Republican machines [the Muscle Shoals fight had taught him] . . . worked in perfect harmony and brotherly love."⁹ The removal of this stumbling block to good legislation Norris thus attached to his unicameral reform.

Hollow as these proposals may have sounded in the Harding-Coolidge era, the unicameral idea was an old one in America. The first constitutions of Pennsylvania, Vermont and Georgia provided for single-house legislatures, although in each case a board of censors was established and in effect operated as a second house. Of these states, Vermont kept the arrangement longest — until 1836. Approximately seventy years elapsed before the idea again took hold, when during the progressive period, Governors of six different states recommended to constitutional conventions revision along unicameral lines. In New York and Ohio the reform was considered but not acted upon; in Oregon, Oklahoma and Arizona the people themselves turned down efforts to institute the single deliberative assembly. A joint legislative committee of Nebraska studied the possibility and filed a favorable report, but little was done until six years later, in 1919, when a motion before the constitutional convention providing for a unicameral body was defeated by a close vote.¹⁰

While one feature of the composite Norris plan had thus become familiar to Nebraskans, the foundation had been

⁸ Norris to John M. Paul, February 3, 1934, Norris MSS.

⁹ *Fighting Liberal*, p. 96.

¹⁰ *Time*, XXIX (January 11, 1937), 16-18; *Congressional Digest*, XVI (August-September, 1937), 197-224.

laid for another. Back in 1909, partisanship had been abolished in elections all the way from local boards of education to State Superintendent and in the judiciary from the lower courts to the supreme bench. Yet these moves were insignificant next to Norris' proposed governmental change, and the very radical nature of his program contributed to the ten-year delay in his campaign.

There were, of course, compelling reasons why to Senator Norris and to others 1933 loomed as a good year in which to launch the fight in Nebraska for the unicameral legislature. The depression itself bred much discontent with existing institutions, and once again Americans appeared willing to implement new and challenging ideas. Furthermore, the Democratic landslide of 1932 brought in its wake a Nebraska legislature sporting inexperienced lawmakers whose first efforts proved unimaginative and fruitless.¹¹ Finally, there was Senator Norris himself, now a towering figure not only in his home state but across the nation as well. The "fighting liberal's" brilliant record in Washington and the promise of further achievement gave him a measure of prestige and influence which few politicians can boast in their lifetime. Indeed, by the time the unicameral campaign was begun, Norris had lived down his reputation as a member of that "little group of willful men" who attempted to sabotage President Wilson's preparedness efforts in 1917. People had come to know the Senator as the man who had labored incessantly for the "farm bloc" throughout the 1920's and had been remarkably successful in securing a national labor anti-injunction law in 1930, acceptance by Congress of his proposed "lame-duck" amendment to the United States Constitution in 1932, and, finally, enactment of his Tennessee River Valley plan in 1933. He was rapidly on his way to gaining the reputation later described by the once-critical *New York Times* as "a contemporary Founding Father . . . always remote from the scramble of politics . . . a thinker and a philosopher."¹²

¹¹ *New York Times*, January 7, 1934; John P. Senning, *The One-House Legislature* (New York, 1937), p. 51.

¹² January 6, 1937.

Busy as Norris was in Washington in 1933, he never lost sight of his earlier declarations on the unicameral experiment. To be sure he was no longer interested in retiring from national politics to devote all of his time to the one-house campaign, but he was willing more than ever to plunge himself into such a movement. To a friend he optimistically announced that his reform "could be brought about if we would organize and make the right kind of a fight."¹³ Hard on the heels of this—and other similar statements—came letters of support and encouragement from people all over Nebraska. So enthusiastic was this response that Colonel John G. Maher, long one of the Senator's close associates and a pillar in the single-house movement, called a public meeting in Lincoln on February 22, 1934. Appropriately, Norris was invited to deliver the main address in behalf of the unicameral reform, and the campaign was under way.

Senator Norris took full advantage of his appearance in Lincoln, Nebraska to tie his reform proposal to his long-held progressive philosophy.¹⁴ He traced the origins of the democratic ideal in America, asserting that the history of our civilization has been basically a contest between the rulers and the ruled. The Constitution, he insisted, was designed in accordance with the theory that the "common people . . . were not sufficiently civilized and sufficiently educated to govern themselves." But, he continued, history has seen inevitable advances toward the achievement of democracy. Already, we have repudiated at least one of the old conservative features—the election of Senators by state legislatures. Others will follow in due course, Norris added, implying that the success of his unicameral plan in Nebraska would spur other states to adopt it.

Following Norris' impassioned speech, the enthusiastic throng of eight hundred adopted a resolution commissioning Colonel Maher to organize a committee to circulate petitions in compliance with the state constitution. Since

¹³ Norris to Dan Horrigan, November 13, 1933, Norris MSS.

¹⁴ *Congressional Record*, 73 Cong., 2 sess., 3276-3280.

preliminary details had been ironed out well before the Lincoln meeting, it was announced that 57,000 signatures were necessary to submit the question to a referendum in the November elections. Already, a careful observer, confident of the Nebraska Senator's widespread influence, had predicted that this task would be an easy one for such "an organization as the friends of Norris are prepared to perfect. . . ."¹⁵

Yet the early stages of the unicameral campaign transpired less smoothly than was anticipated. The Model Legislative Committee itself ran into difficulty when it attempted to revise the Senator's tentative proposals. Individual members were especially reluctant to include the non-partisanship feature, which, although acceptable in principle, would, they believed, endanger the rest of the amendment. Trouble had been foreshadowed when Arthur F. Mullen, leader of the Democratic party in Nebraska, was refused a compromise by Norris in which the controversial provision was to be dropped in return for Democratic support.¹⁶ Furthermore, the determined Norris refused even to listen to another committee criticism that the election of a Governor on a partisan ballot would lead to complications.¹⁷ Only on one matter—the number of representatives in the new single-house deliberative body—would the Senator compromise. Here, the issue was pure and simple. Nebraska's farmers, long the core of Norris' strength, apparently felt that fewer legislators would result in city domination of the state government, a condition which they naturally feared and abhorred. So he capitulated and acquiesced in an increase of membership to from thirty to fifty representatives, the final number to be determined by the 1935-1937 Legislature.¹⁸ With these difficulties thus ironed out, the committee drew up a set of proposals calling for: a unicameral body with members elected in single districts on a non-partisan basis; the right of a lawmaker to

¹⁵ *New York Times*, January 7, 1934.

¹⁶ *Fighting Liberal*, pp. 346, 348.

¹⁷ Senning, *The One-House Legislature*, p. 55.

¹⁸ Norris to Dan V. Stephens, November 30, 1934, Norris MSS.; *New York Times*, September 23, 1934.

introduce bills at any time during a legislative session, the only reservation being that no bill could become a law in less than five days; and, finally, salaries of \$1774 per member for two years' work together with transportation expenses to Lincoln once each session.¹⁹ In essence, the details of the unicameral plan followed closely Norris' general principles.

In the meantime, petitioners busied themselves throughout the state in an effort to obtain the required number of signatures. Here, too, obstacles were met. The chief difficulty stemmed from a provision of the state constitution stipulating that each petition could offer only twenty names and had to contain an affidavit verifying that the circulator personally witnessed every signature. Furthermore, the names had to be distributed among at least sixty-two of the ninety-three counties, burdening the unicameral organization with the task of finding petitioners in each locality. At first, volunteers were not readily available, and the committee sought funds with which to pay circulators. This effort proved futile, however, as the proposed reform engendered little enthusiasm among substantial citizens. So desperate did the situation become at one point that campaign chairman Donald Gallagher wrote discouragingly to Senator Norris in Washington suggesting the possibility of postponing the campaign for two years.²⁰ Alarmed over the drop in morale of his group, Norris generously enclosed a personal check to Gallagher for one thousand dollars to help defray mounting expenses.²¹ Fortunately, as the unicameral movement gained impetus, more and more volunteers poured into the Lincoln headquarters, and little additional money was needed.

The final and most crucial stage of the unicameral campaign came in the fall of 1934, with Senator Norris himself assuming the greatest burden. Already in September, his

¹⁹ *Congressional Digest*, XVI (August-September, 1937), 203-204; Roscoe Fleming, "Senator Norris's Legislature," *Nation*, CXLIV (January 9, 1937), 43-44.

²⁰ *Fighting Liberal*, p. 347.

²¹ *Ibid.*, p. 348.

secretary had set up quarters in the state capital, and he followed along the next month. Norris knew that the task ahead was still a difficult one, for, in spite of the work of his cohorts, the amendment had not had the advantage of being proposed in any recent session of the legislature, or recommended in a Gubernatorial message, or, for that matter, even intelligently discussed in the state press.²² Yet the determined Senator despaired not, and instead, plunged wholeheartedly into the campaign.

Senator Norris commenced his whirlwind state tour in Hastings where he humbly confessed his irritation at statements impugning his motives. People often asked, he admitted: "What does Norris get out of it?" To him, public service, not personal gain, had always been his chief inspiration.²³ In subsequent speeches he used all of the arguments at his disposal against the inefficiency and corruptibility of the traditional two-house system. Norris often cited the case in the Nebraska legislature where a majority favored a bill permitting certain municipal plants to extend lines outside the municipality just as private utilities had done.²⁴ However, as a result of clever manipulation of the conference committee, the private interests not only blocked the legislation but caused so much confusion in the process that the electorate remained totally ignorant of the issues at stake. When the air finally cleared, he added, a referendum was held and the measure received overwhelming popular support. To this illustration, Norris usually appended a quip directed at his opponents. "In every two-house Legislature," he once remarked sardonically, "if we post the checks and the balances after the end of the session we shall find that the politicians have the checks and the interests have the balances."²⁵

²² Senning, *The One-House Legislature*, p. 51; Bernice S. Engle, "Nebraska's New Unicameral Legislature," *Scholastic*, XXV (January 5, 1935), 15-16; Claudius O. Johnson, "George William Norris," in J. T. Salter (ed.), *The American Politician* (Chapel Hill, 1938), p. 100.

²³ Alfred Lief, *Democracy's Norris: The Biography of a Lonely Crusade* (New York, 1939), p. 443.

²⁴ *Literary Digest*, CXVIII (October 13, 1934), 8.

²⁵ *Time*, XXIX (January 11, 1937), 17.

Needless to say, Norris' opposition — composed largely of newspaper editors, the leaders of both parties, and a vast majority of present and past legislators—was not silent.²⁶ They literally cringed at such an irreverent attack upon the time-honored system, and cited the great authorities—Alexander Hamilton, James Kent, and Joseph Story—whose arguments in behalf of the bicameral legislature rested on a defense of property rights. As if to modernize this old version, several anti-unicameral speakers and writers emphasized the importance of maintaining two houses for checking sectional interests. It is still true, wrote Walter Dodd, "that one house does check the other to some extent."²⁷ Anticipating this objection, Norris could only reply in terms of his own experience as a member of the House of Representatives and the United States Senate. "With very few exceptions," he said, "it makes . . . little difference whether a representative lives in a rural community, or whether he comes from the heart of a large city. . . ."²⁸ He himself had always been sympathetic to labor's plight though his particular community and state were essentially rural. Norris did concede, however, that states with large urban centers should strive to attain sectional balance in an experimental unicameral legislature.

As the unicameral campaign drew to a close in early November, the Norris organization was confident that their reform would "receive a larger vote than people expected."²⁹ Certainly, its fate captured national attention in the period immediately before and shortly after its enactment. *Collier's* had early come out strongly against the idea on the ground that a one-house legislature of so few members "is a plea for authority more centralized."³⁰ The Representative Government Association concurred, and in a pamphlet added that the proposed "un-American change

²⁶ John P. Robertson to William J. Froelich, November 21, 1934, Norris MSS.; Roscoe Fleming, "Senator Norris's Legislature," *Nation*, CXLIV (January 9, 1937), 43-44; Senning, *The One-House Legislature*, pp. 58-59.

²⁷ *Congressional Digest*, XVI (August-September, 1937), 221.

²⁸ Norris to Andrew R. Shottky, March 30, 1934, Norris MSS.

²⁹ *Fighting Liberal*, p. 350.

³⁰ "One Man Can Do It," *Collier's* XCI (March 25, 1933), 50.

. . . would break down the hold which the people had over their representatives."³¹ Even the *Christian Science Monitor* cited the desire for "centralization and authority", but looked at the proposal in a more favorable light,³² while the *Saturday Evening Post* insisted that there was no justification whatever for a state bicameral legislature. Originally, they added, senators "were expected to be of superior wealth and social standing", and property qualifications were required of electors of the upper house. In recent times, however, aside from manner and size of apportionment, the only difference in the two houses has been that senators serve longer terms.³³ Finally, the American Legislators' Association conducted a survey of segments of the population and concluded that fifty-nine percent of those polled opposed the Nebraska experiment.³⁴ Significantly, state and federal legislators rejected it by a vote of approximately three to one, while professors of government and others engaged in research along these lines favored it four to one.

The result of the Nebraska unicameral campaign in November, 1934 was, indeed, decisive. The proposed amendment carried the state by a plurality of over ninety thousand votes. Only eight counties out of ninety-three, Norris happily noted, turned down his idea.³⁵ For him, the triumph was a rich reward following a more vigorous campaign than he had ever waged as a candidate for an elective office. But in his customarily modest way, the Senator took little personal credit for the victory, applauding, instead, the stellar efforts of his organization and the enlightened state of the Nebraska electorate.³⁶

³¹ Senning, *The One-House Legislature*, p. 58.

³² November 14, 1934.

³³ "A More Perfect Democracy," *Saturday Evening Post*, CCVII (August 4, 1934), 22.

³⁴ "Two Houses — Or One?" *State Government*, VII (October, 1934), 207-208.

³⁵ *Fighting Liberal*, p. 350.

³⁶ John P. Robertson to Charles M. Kearney, November 27, 1934; Robertson to William J. Froelich, November 21, 1934; Norris to William Jurgensen, November 30, 1934, Norris MSS.; *Fighting Liberal*, p. 350.

It was another two years before the unicameral reform actually went into effect in Nebraska, and in the meantime, Norris returned to his desk in Washington.³⁷ His work, however, was not forgotten. When in January, 1937, the one-house legislature commenced its deliberations, the aging Senator was invited to deliver the first message. Proudly standing before his peers, he took this momentous occasion to appeal once again in behalf of the progressive cause. Sensitive to the role that unicameralism might play in improving democratic government, Norris asked for the cooperation of all, and warned that lobbyists, politicians "and every representative of greed and monopoly. . . [are] hoping and praying your work will be a failure."³⁸ Upon completing his remarks, Norris received a standing ovation and was escorted from the platform by several prominent Nebraska leaders.

Undoubtedly, Senator Norris' victory in his home state, in 1934, resulted from a renewed spirit of liberalism and experimentalism which swept across the nation in the depression years together with his own personal dedication and determination. The "gentle knight of American progressive ideals", as President Franklin D. Roosevelt so aptly called him, had again succeeded in achieving a specific objective within a tradition of reform which had guided his political career for over a quarter of a century. If today the Norris formula for the perfection of representative government and the realization of the democratic ideal appears too simple and perhaps somewhat naive, it is because simplicity and perhaps even naivete were characteristics of the progressive impulse as it sprang out of nineteenth-century America. George Norris was a product of that America, and her inherent belief in the perfectibility of human institutions.

³⁷ There were again rumors that Norris would retire from the Senate and run for Governor of Nebraska, thus to help initiate the new system. See *New York Times*, November 9, 1934.

³⁸ *Ibid.*, January 6, 1937.