



## The 1925 Nebraska Legislature: Milestones & Memories

By Elice Hubbert, Research Analyst

As the One Hundred Ninth Nebraska Legislature begins its session, we thought it would be interesting to step back a century, to 1925, and take a brief look at Nebraska's Forty-Third Legislature.

### Expectations

To say the least, the 1925 legislature had a pretty low bar to meet in order to surpass the 1923 legislature (the legislature only met in odd numbered years until the 1970s). Upon adjournment in May, the *Omaha Daily News* called the 1923 legislative session "the longest session in the history of the state. And probably the most fruitless."<sup>1</sup> Even the members had little nice to say. Representative R.C. Regan of Columbus called it "the most worthless in the history of the state."<sup>2</sup>

### Memorable Milestones

No matter what was to come, there would be two memorable milestones for which the session would be remembered. First, it was the year that women made their debut in the body. Three women were part of the incoming house class. Second, it was the last year the legislature would meet in the old state house. Demolition equipment was poised and ready to start knocking down the old building after the legislative session ended.

When the Legislature next met in 1927, the house would have a permanent home in the "fine hall designed for it" in the new state Capitol building.<sup>3</sup> The senate would not have its own chamber for another seven years. The official senate chamber was part of phase three of Capitol construction and not scheduled for completion until 1932.<sup>4</sup>

### And so it begins ....

The Forty-Third Session of the Nebraska Legislature convened at 12:00 o'clock noon on Tuesday, January 6, 1925. In total, 133 legislators, 33 senators and 100 representatives, were gathered to do the business of the state. Still very much party-centered, the house had 61

Republicans, 36 Democrats, and three Progressives. The senate included 26 Republicans and seven Democrats.<sup>5</sup>

### Getting Down to Business

First day business was mostly ceremonial in both the house and senate — examining credentials, taking the oath of office, appointing a Committee on Committees, and selecting leadership.

### Leadership Contests

Unlike today, when a member declares himself or herself a candidate for a leadership position, in 1925, the candidates were put forward by party caucus.

### House Speaker

In the house, for the position of Speaker, the Republican caucus nominated Allen Burke of Cuming County and the Democrats selected Henry Bock of Butler County. Burke was an easy winner by a vote of 62 to 38 (it appears that all of the Republicans and one of the Progressives voted for Burke).



In his short acceptance speech, Speaker Burke told the members: "[W]e have been elected by different interests, but we have all taken absolutely the same oath of office and it is my wish that you may all be guided purely and solely by your oath of office and give to the State of Nebraska the best service that is in you regardless of political affiliation."<sup>6</sup>

### Senate President Pro Tempore

In the senate, the Lieutenant Governor officially presides over legislative proceedings, but in 1925, a president pro tempore was selected to preside over the senate when the Lieutenant Governor was not in the chair. Rather than an election, Senator George Wilkins simply moved that John W. Robbins of Omaha (the Republican nominee), be elected president pro tempore of the senate, and the motion carried. Robbins' election by the Senate went much smoother than his selection by the Republican caucus the night before, where 25 rounds of balloting were required before a winner was declared.



## Words of Welcome

At the close of its business on the first day, a resolution welcoming the women members was made and adopted in the house:

*"WHEREAS it appears from a perusal of the membership of this Body that for the first time in the history of the State there are ladies present as members;*

*THEREFORE, be it resolved that we the male members, extend to them our hearty congratulations and greetings."*

According to the House Journal, "Miss Muir responded on behalf of the lady representatives in a fitting manner."<sup>7</sup>

## Closing out the First Week

On Days 2 and 3, both bodies continued organizing themselves in the morning and met in Joint Session in the afternoon. Unlike today, when action on the budget occurs later in the session, in 1925 the sitting governor presented his budget recommendations on Day 2. Outgoing Governor Charles Bryan's budget called for \$17,223,102 in state spending for the biennium.<sup>8</sup> Incoming Governor, Adam McMullen, would have the opportunity to present his own budget proposal on Day 15.

On Day 3, Governor Bryan gave a lengthy farewell speech, highlighting his administration's accomplishments. Adam McMullen was then sworn in as governor and addressed the gathered members. In his speech he identified what he believed to be the key issues facing the Legislature - heading the list were roads, the gasoline tax, and highway safety.

## Bill Introduction

By the end of bill introduction, 456 bills had been introduced in the house and 273 in the senate. Four more bills would be introduced during the session, the last on March 25, less than a week before adjournment. The final bill count was 733, far short of the 1,003 bills introduced in 1923.

## Controversy

When the house reached its Day 20 bill cutoff, controversy arose when, in the afternoon, it "abruptly" adjourned for the day and a number of representatives had not dropped all their bills as they were expecting an evening session, which was customary. Because the motion to adjourn was made by a Democrat, some saw it as an attempt to prevent

certain bills from being introduced. A headline in the *Lincoln Nebraska State Journal* declared, "House Stops Big Flood of Bills. Adjourns on Twentieth Day Without Word of Warning."<sup>9</sup>

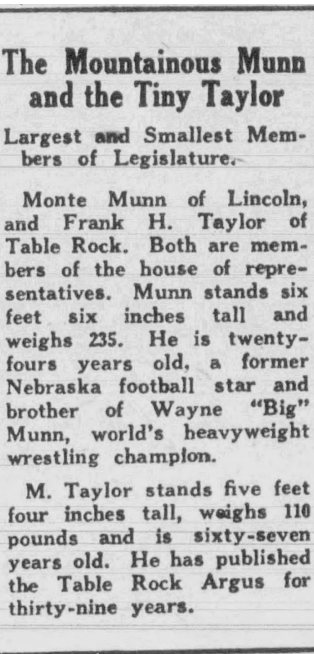
The representatives were not left without options for getting their bills introduced. While a house member could not personally file a bill in the senate, they could have a senator introduce the bill for them, and in this instance the senators were happy to oblige. At the time, the senate was only on Legislative Day 17, so this gave house members an additional three days to make arrangements to get their bills introduced.

## Different Schedules

The house and the senate did not necessarily meet on the same days, or the same number of days. They had the same number of legislative days to use, but could schedule them as they pleased, so it was not unusual for one body to be in session while the other was recessed, or for one body to end up with more session days than the other. In 1925, the senate worked 60 legislative days and the house 65 days.

## Madame Chairman

Having women colleagues was, at times, confusing for their male counterparts and sometimes humorous.



On February 7, on Page 1 of the *Lincoln Star*, a large headline proclaimed "Woman Occupies Speaker's Chair." The woman, Sarah Muir, from Lincoln, was presiding for the first time when the question arose of what salutation members should use in addressing the chair for recognition. According to the story:

"Mr. Reece, employing the words 'Miss Chairman' ventured to inquire what mode of address should be used.

"The chair will rule that 'Madame Chairman' is the proper term was the lady legislator's response.

"After that it was Madame Chairman except when members forgot themselves. Mr. Dick became slightly mixed on one occasion and said, "Mrs. Speaker."<sup>10</sup>

Speaker Burke, however, handled the situation well. Sarah Muir observed as the session came to an end: "To the usual perplexities of the position were added the presence for the first time of women as members of the house. If this troubled him, he had not shown it."<sup>11</sup>



## A Camel with Two Humps

In its January 18 issue, the *Nebraska State Journal* provided a colorful explanation of the operation of a two house legislature:

"The awkwardness of a bicameral legislature, which liberally interpreted means a camel with two humps, was never so apparent as last week when the house passed its first bill, one to pay the salaries of its own members, only to find that the honorable members could not draw a cent of cash from the state treasury without the consent of the little body in the west end of the old capitol known as the honorable senate. The little senate did not happen to be in just at that time. It had adjourned for the weekend, its members all being rated highly by financial agencies and not needing any ready money just then.

... The double humped camel must hump its two humps in concert, in unison as it were, or more precisely in rotation, in numerical order, one after the other like the ground swell of an earthquake, to accomplish anything. When a bill gets over hump No. 1, it must climb the grade at hump No. 2, or fall back helplessly into the great maw of the valley of sleeping or indefinitely postponed bills. Even if the bill makes the two humps it must be sent to the governor who might, if he desired, be termed the head camel driver, to see if the bill has been internally injured by humping the humps."

Legislative grind is on. (Jan. 18, 1925). *Nebraska State Journal*.



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## Major Legislation

While much of the session was spent on fairly routine bills, three bills stand out as major legislative achievements: instituting a tax on gasoline, creating a commission to assist the Supreme Court, and a passing a banking bill to empower the Guaranty Fund Commission established in 1923 to help failing banks.

### Gasoline Tax

By far the biggest legislative accomplishment of 1925 was passing the gas tax (H.R. 214). It was widely recognized that Nebraska's roads were in terrible shape and that they needed to be expanded if the state was going to be part of the nation's growing interstate road system. An ongoing source of revenue was needed to support road improvement and expansion.

The legislature ended up adopting a two-cent per gallon tax on gasoline. It was estimated that the new tax would bring in \$4.5 million per year. The amount would be matched by the federal government for two years.

One of the selling points of the gas tax was that much of it would be borne by tourists.

Representative Harrington of LD 33 (Lancaster County) said that with a two-cent gas tax, tourists would pay large sums because it usually took each car two and a half days to cross the state, and with thousands of tourists passing through during the tourist season, much gasoline would be purchased.<sup>12</sup>

An April 3 headline in the *Omaha Mediator* announced, "Good Roads Program Will Take Nebraska Out of the Mud."<sup>13</sup>

### Supreme Court Commission

H.R. 243 created a new commission to help the Supreme Court clear its docket of over 1,200 back cases. The wait time to have a case heard by the court was over two years.

The six members of the commission were appointed by the governor and approved by the court. The commission was scheduled to last two years.

### Guaranty Commission Powers

S.F. 201 changed the banking laws to increase the powers of the Guaranty Fund Commission. The bill also enabled banks in small communities to safeguard themselves from robbery by reducing the amount of cash reserve required to be held in their own vaults.

## Other Legislation Enacted by the Legislature

S.F. 60 reduced the interest rate on deposits in state banks from five percent to four percent. It made it unlawful for any person connected with a bank to pay more, and to put such person as well as the one who received or solicited a greater rate in the penitentiary.

S.F. 165 provided that the last federal census should be the guide when questions of population arose.

S.F. 218 increased teacher's pensions in Omaha from \$500 a year to \$900.

H.R. 62 authorized the creation of a state banner (i.e. state flag) by the Secretary of State. The statute mandated that the banner never be used as a "business advertisement" and forbade any "insult" to the banner. A guilty verdict could result in a fine from \$50 to \$500 dollars or imprisonment in the county jail for up to three months, or both.

H.R. 91 removed responsibility for feeding prisoners in the Douglas County Jail from the Douglas County sheriff and gave it to a special county board. The sheriff was paid 50 cents per day for feeding each prisoner, and proponents claimed, each Douglas County sheriff "made a fortune" out of his profits from feeding county jail prisoners.<sup>14</sup> This was one of the most hotly contested bills of the session.

H.R. 136 prohibited fraternal societies from issuing insurance to persons over 60 years of age.

H.R. 177 made carrying or transporting of more than one pint of liquor prima facie evidence of bootlegging.





## Bills that Did Not Pass

Looking at what did not pass provides an interesting look at the other topics that were on legislator's minds. Here are just a few:

*S.F. 34* prohibited moving picture shows charging admission if advertising reels were shown. It also provided a two-cent tax on movie tickets payable to the state treasury and prohibited theater owners from selling tickets when all seats had been sold thus prohibiting selling of standing room tickets.

*S.F. 123* made alienation of affections of a husband or wife a felony punishable by a fine or prison sentence.

*S.F. 263* abolished all grounds for divorce except adultery.

*H.R. 101* required that animals driven on public roads between one hour after sunset and one hour before sunrise, be preceded by someone carrying a light and followed by someone carrying a light. An *Omaha World Herald* headline announced, "Brown's Bill Calls for Head and Tail Lights for Cattle."<sup>15</sup>

*H.R. 421* permitted an annulment of marriage if no children had been born within three years after the wedding. The public welfare department would be required to keep a record of all marriages and investigate. This story was picked up by the *Chicago Tribune* who had a field day making fun of it.

## Time Outside the Legislature

So, what did the members of the Legislature do in the evening when they were not in session? According to the *Omaha Daily News*, they went to the movies. With tongue in cheek, they reported that since "the days when a man could share a bottle with a friend without breaking the law" were no more, the only other options for occupying a legislator's free time were sitting in their rooms reading, hanging out in hotel lobbies talking to other lawmakers, going to bed, or going to the movies. "But on week nights if a constituent seeks his senator or representative, he must find him, as a rule, before 7 or after 9<sup>o</sup> or he would be otherwise occupied.

Just as today, a Legislator might get tickets to a Husker game. On January 17, "Senator Monte Munn, former Cornhusker grid player and brother of Wayne (Big) Munn, wrestling champion" distributed free tickets to the night's University of Nebraska vs. Drake basketball game. He also announced he would have tickets for every future "Nebraska cage contest" for any member who wanted them. "The state representatives were not slow to accept the offer."<sup>16</sup>

<sup>15</sup>This Legislature movie-going. There's little else for solons to do in Lincoln. January 17, 1925. *Omaha Daily News*.

<sup>16</sup>Legislators given free tickets to Husker game. January 17, 1925. *York Daily News-Times*.

## The Final Day

As the Legislature completed its business on April 1, "April fool jokes were the order of the day." The *Evening World Herald* reported that "jesters" had spread a secret tip that the state house lunch room was serving 8% beer as a farewell remembrance, only to be disappointed to find that only "near-beer, ginger ale, and pop were being served."<sup>16</sup>

## Farewell from the Governor

In what was described as a "field of ruin" (the desks and chairs had been carried away<sup>17</sup> and masses of waste paper were strewn about on the floor) Governor McMullen broke legislative precedent and delivered a short farewell address to the members of the house.

"While it is not customary to speak to the legislature on adjournment, I am compelled to appear before this body and pay my respects to the greatest legislature in the history of Nebraska. Personally, I think the Forty-Third session will stand without parallel in the state's history.

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"To me the outstanding feature of the session was the fact that there was little or no politics. There were no obstructive political tactics – no personal animosities were created. Politics should not be prominent in bodies transacting the business of the state.

"I regret to see you go. Most governors rejoice in the fact that they are rid of a legislature. It is the opposite sentiment with me. With all sincerity and honesty, I express my regret at the adjournment of the body. I feel a sense of pride and honor to have been associated with you."<sup>18,19</sup>

With their business done in the shortest session in 40 years, the Forty-Third Nebraska Legislature adjourned sine die at 2:30 p.m. on April 1. In reality it was 3:45 p.m., but both the house and senate stopped their clocks at 2:30, the agreed upon time for adjournment.<sup>20</sup>

## The Greatest Legislature in the History of the State or ... Oh, What a Difference Two Years Can Make

The legislature as a whole also fared well in public opinion. While one would be hard pressed to find anybody who had something good to say about the Forty-Second Legislature, praise was abundant for the Forty-Third.

"The general opinion expressed by members, and most people seem to agree with them, is that this has been a good session. Aside from the gas tax no "specially" big stuff was handled except routine affairs. In fact, most of the work of the session has been of a routine nature. No session ever passed off more smoothly or showed a better disposition to operate." *Sidney Telegraph*, April 10, 1925.

"The Forty-Third assembly has set itself apart from other legislatures in the annals of the state's lawmaking history. Retiring legislators praised by McMullen." *Evening World-Herald*. April 2, 1925.



"It has been far above the normal in intellect, leadership, and in the capacity to accomplish results without long-drawn-out and protracted debate."<sup>21</sup> *Grand Island Independent*, April 9, 1925.

The legislators "used their good judgements to keep away from freak legislation confining themselves for the most part to bills of vital interest to the state and to the individual. And they kept away from petty politics. This in itself is an accomplishment which calls for high compliments and resulted in a constructive program the like of which has never been before written in Nebraska's statutes."<sup>22</sup> *The Mediator*, April 3, 1925.

### Closing Thoughts

In stark contrast to the 1923 legislature, from all accounts the Forty-Third Nebraska Legislature was a success, and one to be remembered in its own right, not just for the milestones it set. It came, did its work efficiently, passed good legislation, and went home without much fanfare.

We hope you have enjoyed this glimpse at the Forty-Third Legislature, and we look forward to working with you in this, the One Hundred Ninth Legislature.

### An Avalanche of Paper

Trying to keep up with the printing needs of the legislature, especially the house, before the advent of the photocopier, must have been a gargantuan task. House rules specified that a printed copy of every bill and concurrent resolution be provided to each of the 100 members, plus, an additional 200 copies had to be printed. Then, if a bill advanced to third reading, 250 copies of any amendments had to be printed or the house might order the amended bill printed in its entirety.

In 1925, a mere 459 bills were introduced in the house, so if every bill was only one page (which even then was rarely the case) that would make 137,700 copies just for bills that were introduced, not taking into account any amendments or resolutions. The senate did not have a similar requirement in its rules.



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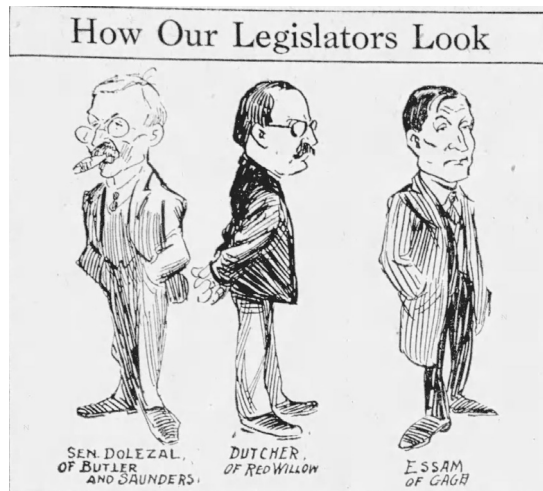
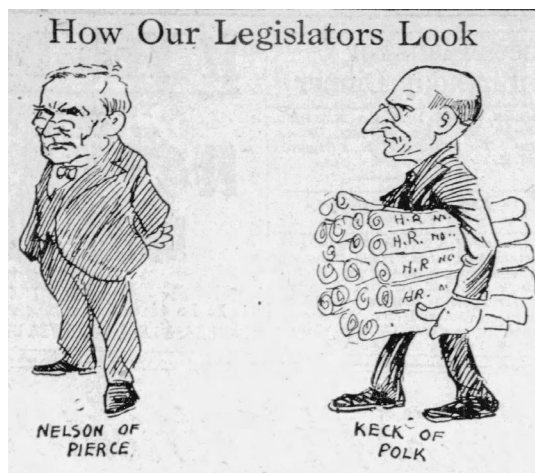
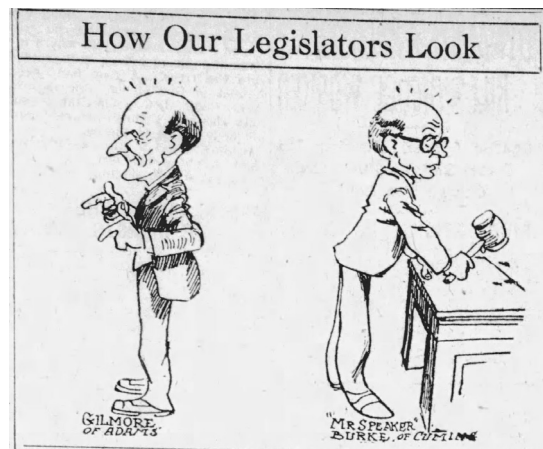
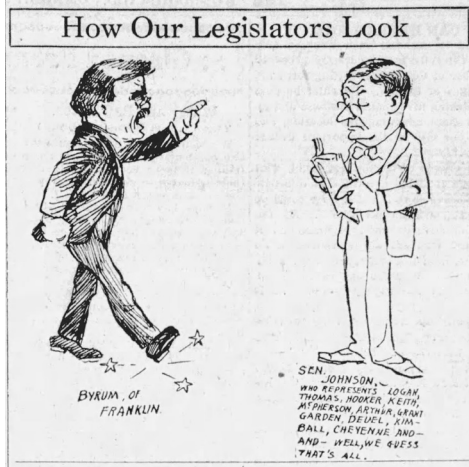


Image credits: Evening World-Herald & Omaha World-Herald via Newspapers.com



## Reference List

<sup>1</sup> More simplicity in government. May 6, 1923. *Omaha Daily News*.

<sup>2</sup> No harm. No good. May 3, 1923. *Columbus Telegram*.

<sup>3</sup> State legislators leave for homes, good record. April 2, 1925. *Crete Vidette*.

<sup>4</sup> Almost immediately it became apparent that the chamber designed for the house (the east chamber, today known as the Warner Chamber) was too small to accommodate the representatives, so plans for the yet to be built senate chamber were altered to enlarge the design with the intention that it be used by the house. In 1932 the Capitol Commission reassigned the east chamber to the senate.

<sup>5</sup> An initiative appeared on the ballot in the 1924 general election to amend the Nebraska constitution by adding language that the nomination of candidates for United States Senator, member of Congress, member of the State Legislature and for state and county elective offices shall be by direct primary and the ballots used in the election should not contain any party name or designation. The initiative was soundly defeated 163,932 for and 228,485 against.

<sup>6</sup> House Journal for the Legislature of the State of Nebraska, Forty-Third Session. 1925. p. 8.

<sup>7</sup> *Ibid.* p.11.

<sup>8</sup> Incoming Governor McMullen would introduce his own budget on January 27.

<sup>9</sup> House stops big flood of bills. Adjourns on twentieth day without word of warning. February 3, 1925. *Lincoln Nebraska State Journal*.

<sup>10</sup> *The Lincoln Star*, February 7, 1925.

<sup>11</sup> Mr. Speaker given watch. March 30, 1925. *Lincoln Journal Star*.

<sup>12</sup> Gas tax bill favored in principle by solons. January 16, 1925. *Omaha World-Herald*.

<sup>13</sup> Nebraska joins sisterhood of states in road program. April 3, 1925. *Omaha Mediator*.

<sup>14</sup> County feeding bill goes to third reading. March 26, 1925. *The Stockman's Journal*.

<sup>15</sup> Brown's bill calls for head and tail lights for cattle. January 20, 1925. *Omaha World-Herald*.

<sup>16</sup> Retiring legislators praised by McMullen. April 2, 1925. *Evening World Herald*.

<sup>17</sup> Since they would no longer be needed after the move to the new state Capitol, house members were given the opportunity to take their desks as souvenirs.

<sup>18</sup> Retiring legislators praised by McMullen. April 2, 1925. *Evening World-Herald*.

<sup>19</sup> State legislators home or near home. April 2, 1925. *Lincoln Nebraska State Journal*.

<sup>20</sup> Retiring legislators praised by McMullen. April 2, 1925. *Evening World Herald*.

<sup>21</sup> *Grand Island Independent*. April 9, 1925.

<sup>22</sup> Nebraska joins sisterhood of states in road program. April 3, 1925. *The Mediator*.