

THE FRONTIER

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THE NEBRASKA SCENE

(By The Lowell Service)

Lincoln—Aroused by the re-enactment of an obsolete statute by the 1937 unicameral, in an alleged effort to secretly hamstring the Nebraska primary act, editors in the First congressional district expressed opposition to "party bosslets naming candidates in smoke-filled back rooms."

A. W. Ballenger, Havelock publisher, suggested that the newspapers of the district insert nominating ballots in their columns. Then a committee of editors could make tabulations and file the leading candidates in each party by petition for the short term and in the regular primary for the long term.

Editor Ballenger filed a protest with Governor Cochran against the plan to vote for the short term and regular term candidates on the same day. This might result, he said, in loss of seniority to the congressman elected for the long term because many voters might not feel disposed to vote twice for the same man on the same day. The governor said he was following the opinion of the attorney general; the latter averred the attorney general's office had nothing to do with choosing the date for the election.

Attorneys prepared to file lawsuits to test the legality of the party committee nominations.

Under the caption "Fair-Haired Boys," Editor J. E. Lawrence expressed disapproval in the Lincoln Star. In discussing the personality of the candidate, he said: "Why should the public needlessly exert itself, all for the purpose of wasting its energies? Shortly, next Saturday, in fact, there will be conventions, with members of the state committees of the two political parties participating, and out of these conventions will emerge two candidates, each one appointed with the approval and seal of those who mix the medicine. . . . But those who believe in the primary system should be on guard. At the last two sessions of the legislature, there was strong support within the state committees for substituting the nominating convention system for the primary."

The inside story of the secret assault on the primary act was told in this column soon after Governor Cochran signed the act on May 4, 1937. In fact, the writer suggested a veto, but was ignored.

Senator Harry Gantz introduced LB 165 on February 5, 1937. The measure was supposed to "provide that candidates for the several offices in cities of the second class and members of boards of education may be nominated by caucus or convention held before the fifth Wednesday preceding the municipal election in April." It was referred to the committee on government, consisting of Cady, chairman; E. A. Adams, Ashmore, Knickrehm, Miller, Murphy, Norton, J. B. Petersen, and Voon Seggern.

The party chieftains were in Lincoln, seeking the repeal of the primary act. They got nowhere—in the open.

Governor Cochran's acknowledged spokesman was Senator Dafoe. The executive, Dafoe, and Secretary of State Swanson moved in unison; so much so that Swanson has importuned Editor J. E. Lawrence to support Dafoe for Congress.

No one suspected any designs on the primary act in the first unicameral, redolent with the benediction of Senator Norris.

All the open and above-board acts aimed at the primary law in 1937 were defeated. L. B. 165 has a lousy record in the caverns of legislation. It came up for third reading April 27, 1937. Senator Nuernberger, evidently detecting a subtle odor, tried to have the bill recongnitted to the general file,

"to insert stricken matter in Section 1, Line 42." He was voted down.

The bill was passed by a vote of 29 to 10, 4 not voting. Voters in the affirmative: Adams E. A., Adams J. jr., Armstrong, Brady, Brandt, Brodecky, Cady, Carpenter, Carsten, Comstock, Dafoe, Dunn, Frost, Gantz, Haycock, Howard, Johnson, W. R., Knickrehm, McMahon, Murphy, Norton, Peterson J. B., Pizer, Regan, Slepicka, Tvidrick, Von Seggern, Wells, Worthing—29. Voting in the negative: Hall, Miller, Neubauer, Nuernberger, Peterson C. H., Reynolds, Schultz, Strong, Thomas, Warner—10. Not voting: Ashmore, Carlson, Diers, Johnson R. W.—4.

The stinger in LB 165 is in the second printed line, as it appears on Page 269, Session Laws, 1927. It reads:

"§2-1133. All nominations for candidates of any political party to be filled at a special election, or any other office to be filled by the electors, excepted from the provisions of this article, shall be nominated by a convention or committee of their political party.

Cut out the words "a special," and substitute "any", and the entire primary act is unquestionably repealed. As it stands at present, the Nebraska primary act is befogged by doubt as to its legality.

The present primary act was passed in 1907. Sections 1133 and 1134, according to the records of the 1907 legislative session, were repealed as affecting partisan offices, when the primary act was passed. Certain portions, relating to school and city officers, still remained in force. Clamor went up from the office of the secretary of state in 1937 for "clarification." This was the excuse for the Gantz bill.

In passing the curative act, the enemies of the direct primary evidently imagined they could re-enact the original sections without arousing suspicion. Attorney General Johnson was a member of the 1937 session and voted for the bill. Governor Cochran signed it. There was no delay in interpreting the measure to apply to nominations to fill the Heinke vacancy.

Lawyers may apply two legal remedies to protect the people. One is an attack on the constitutionality of L. B. 165, which purports to amend Sections 1133 and 1134 of the Statutes. Attorneys claim the title is defective because repealed sections cannot be amended.

Others assert that the procedure

of filing nominations was not authorized by the state conventions because possible vacancies could not be anticipated.

Publishers of city dailies registered anger when the truth was discovered. Several editors were "panned" by the brass hats.

"It is not our fault," said a Lincoln editor. "Since the consolidation, reporters have been recruited from the state university. These men are too inexperienced to cover legislative sessions."

Senator A. L. Miller has filed for the republican nomination for the governorship. Dr. Miller stresses his study of good government, irrigation, opposition to new taxes, collective bargaining without coercion, "fewer social workers, less red tape in relief," and legislation to promote the growth of sound insurance companies.

C. E. Alter announced from Hastings that he would also seek the republican nomination, making five contenders, the others being C. J. Warner of Waverly, Dwight Griswold of Gordon, and Ed Baumann of West Point.

Bitter criticism poured into Lincoln over the retention of the lien law for relief clients. The legislature voted to repeal it, but Governor Cochran threatened to veto the bill. The governor had also tied the call for the special session up in abundant red tape.

Douglas county made a valiant effort to tax the burial costs of pauper assistance clients up against the state at large, but the senators made a successful stand against the lobby in this one isolated instance and passed the burial bills on to the counties.

Senator Lambert almost—perhaps has—pulled the roof in on the state administration. He sponsored

a resolution urging Uncle Sam to establish the Stamp act for distributing surplus commodities over the entire state. Warming up to his subject, he described the present system as "wasteful, inefficient, costly, bunglesome, and, in some cases, unsanitary." A telephone call came from Washington. Mr. Lambert was told he would get nothing, if that was the way he felt about it. Several busy young men appeared and began investigating assistance expenditures. The Lambert resolution was hastily reconsidered.

While the hydro magnates underwent panning in Washington, some progress was made in boosting irrigation in Nebraska. J. M. Carmody went before a committee in the national capital and did much to patch up the holes shot through public power projects by his Hastings speech.

Attorney Birginal and the Sargent irrigation boosters made progress in getting water rights settled. A hundred delegates met at Grand Island and formed the Nebraska Pump Irrigation association. At Fremont, about 400 farmers plowed through snow to boost irrigation in the Lower Platte valley. The Ak-Sar-Ben Public Power and

Irrigation district completed plans for the development of the Platte river between Valley and Plattsmouth.

Advocates of a license tax for chain stores are preparing to circulate petitions to put this law on the statute books by initiative. Palmer McGrew, Lincoln attorney, is in charge of the movement. He stated that 5,000 petitions would be distributed within the next ten days. He must secure 34,786 signatures. The schedule of proposed taxes, as submitted to the secretary of state, provides for \$10 per store or filling station per year for operating from two to ten units; for

concerns owning 500 or more stores or filling stations the tax is \$550 per unit. McGrew said he was initiating the law because of "the high pressure put on legislators by the chain store lobby."

Average Lancaster county old age assistance payments in January were \$18.66, which is the highest payment as yet made. Distribution will not begin until after January 25.***Funeral services for the Right Reverend John Henry Tihen, the second bishop of the Lincoln Catholic diocese, were held Tuesday in St. Mary's Cathedral in Wichita; on Thursday, the body was taken to Denver, where fur-

ther services and burial were held. Bishop Tihen was in Lincoln for six years, from 1911 to 1917.***The office of the late Congressman George H. Heinke will remain open in Washington until his successor has been sworn into office. The election of a successor is scheduled for April 9.

LUTHERAN CHURCH

Divine service at the Episcopal church Sunday afternoon at 3:30.
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A letter from home, The Frontier.

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