**For Release Wednesday, February 17, 2021**

**Capitol View
*Commentary by J.L. Schmidt***

**Statehouse Correspondent**

**The Nebraska Press Association**

**Transparency or Punishment? You Decide.**

The Nebraska Legislature has decided to keep secret ballot elections for officers and committee chairs in spite of the protestations of some lawmakers who said it’s all about transparency. I am glad.

Now that the dust has settled on the rules vote weeks ago and a number of op-ed pieces have appeared across the state, I’d like to call this what it is. Arguments for transparency are a red herring. It’s all about vindictiveness.

Listen to the speeches, the divisive rhetoric, the plaintiff cry from Republicans who didn’t get their way in the great nonpartisan experience we call the Nebraska Unicameral. Remember, Republicans outnumber Democrats 32 to 17 in the legislative body which is supposed to operate free of partisan restraints.

Want to talk about transparency? Ask former state Senator Jerry Johnson of Wahoo or Les Seiler of Hastings. Both men are Republicans. Johnson chaired the Agriculture Committee and Seiler was chair of Judiciary. Both men were defeated in their re-election bids in 2016 by candidates who were backed by funds from Governor Deep Pockets. To his credit, the Governor admitted he couldn’t support the incumbents because of their key votes against a couple measures he supported.

Transparency made those votes well known. I’m not against Nebraskans knowing who voted for or against what. I am against partisan politicians using those vote results to derail the careers of a couple potentially great policy makers. That type of partisan meddling, party politics if you will, drags Nebraska down to the level of nastiness heretofore seen only in Congress. Yes, THAT swamp.

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Fortunately, committee chairs and officers will, for now, be elected with secret ballots. Given the proven vindictiveness of the Governor and his party, Republicans would be afraid to step out of line and vote for the person, not the party.

One of the senators complaining the loudest is Steve Halloran of Hastings, the guy who the Governor supported to beat Seiler in 2016. He has written that George Norris, the father of the Unicameral, would likely be upset because his principle of openness is being violated in the Unicameral by secret votes for officers and chairpersons. He also says the secret ballot is unconstitutional.

Further, a handful of senators distracted the debate on this rule change by intimating that the proposed rule change was somehow a conspiracy to “dismantle this Unicameral." They avoided the Constitutional question by suggesting that this was somehow going to destroy our “officially nonpartisan structure," Halloran said. All duly elected senators to the Nebraska Legislature are required to take an oath to uphold our U.S. Constitution and to uphold our Nebraska State Constitution.

During floor debate on the rule change, Sen. Steve Lathrop of Omaha, who's currently Chairman of the Judiciary Committee even though he's a Democrat, addressed the issues later raised by Halloran. He said don’t think you're kidding me or anybody else in this room. It isn't about transparency. It certainly isn’t about what my obligation is to the constitution.

That, he emphasized, is just to cover up that we want to get down and find out who the scoundrels are in the Republican Party who would vote for a Democrat.

Sen. Mike Groene of North Platte, who lost chairmanship of the Education Committee to Democrat Sen. Lynn Walz of Fremont, said he’s a Republican who is a conservative populist. He criticized members of his own party as “the country club ones” who are always the swing vote between the liberals and the conservatives.

Former Speaker of the Legislature Sen. Mike Flood of Norfolk, back this year from being term-limited, cautioned his colleagues not to be misled. Let's be clear that this session has to be better than last. You want to run your mouth about dividing people, that's what we'll get here,

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he said in reference to last year’s pandemic delayed session, which ended, on a highly contentious note. At one point, then Speaker Sen. Jim Scheer called a recess for several days to cool things down.

Sen. Megan Hunt of Omaha has said almost everyone running for a chairmanship lobbied her for her vote, and she told them how she would vote. "That's where the transparency is," she said. "It's between us. It's family business. It's not on TV for party leaders to see, and party leaders to punish us for, or reward us for."

 Great. Let’s keep this in the family.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for 21 years.*